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COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, APRIL 13, 1937. No. 42.

SENATE

TUESDAY, April 13, 1937.

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D., offered the following prayer.

It is a good thing to give thanks unto the Lord, and to sing praises unto thy Name, O most High: To shew forth Thy loving kindness in the morning, and Thy faithfulness every night. In memory we trace the annals of Thy guiding hand; in outlook, we behold the multitude of Thy mercies; in all is well; for Thou art good, that God is in His Heaven, and all is right with the world!

Help us our Father, to answer Thy goodness with all that we have and are. Purify our hearts, that we may see with clear vision. Rectify our conversation to the language of Heaven, that we may feel at home in Thy company. Broaden our provincial lives to the larger fellowship of universal need and longing. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KAHLE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared its table and laid before the Senate the following communications:

OPPOSING PASSAGE OF THE FULL CREW BILL

Senator RANKIN, presented petitions opposing the passage of the "Full Crew Bill and the Train Limit Bill."

Which were referred to the Committee on Labor and Industry.

OPPOSING THE CHAIN STORE TAX

Senator RANKIN also presented petitions from the citizens of Lebanon, Pa., opposing the Chain Store Tax Bill, No. 228.

Which were referred to the Committee on Finance.

FAVORING THE ENACTMENT OF SENATE BILL NO. 341 AND OPPOSING ENACTMENT OF SENATE BILL NO. 343

Communications from The Community Betterment Association of Wilkinsburg, Pa., favoring the enactment of the McGinnis Bill Senate Bill No. 341 and opposing passage of Senate Bill No. 343.

Which were referred to the Committee on State Boards.

ENDORSING CHAIN STORE TAX BILL

Communication from J. Seidel, of Meadville, Pa., favoring the passage of the Chain Store Tax Bill.

Which was referred to the Committee on Finance.

OPPOSING HOUSE BILLS NO. 639, NO. 657, NO. 1189 AND NO. 1200 AND ENDORSING HOUSE BILL NO. 896, SENATE BILL NO. 402

Petitions received from the following: Peach Bottom Township Supervision; Supervisors of Upper Providence Township, Montgomery County, Pa.; Richland Road Supervisors; Exeter Township Road Board; Supervisors and Auditors Association; Jackson Township Road Board; Oxford Township Road Board; Hartley Township Supervisors; and Brown Township Supervisors, opposing House Bills No. 639, No. 657, No. 1189 and No. 1200 and endorsing House Bill No. 896, Senate Bill No. 402.

Which were referred to the Committee on Highways.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Jeannette E. Barton, Koppers Bldg., Pittsburgh

ALLEGHENY COUNTY

J. Roy Patrick, 239-4th Ave., Pittsburgh.

BERKS COUNTY

Miss Edna M. Mull, Reading.

CHESTER COUNTY

F. L. Clark, West Goshen Twp., West Chester.

JEFFERSON COUNTY

S. H. Smyers, Sykesville.

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LACKAWANNA COUNTY

Frank M. Clemens, Dunmore.

LYCOMING COUNTY

J. Robert Brelsford, Montoursville.

MONTGOMERY COUNTY

James A. Lynch, Conshohocken.

PHILADELPHIA COUNTY

Gordon B. Rhoads, 4639 Hazel Ave., Philadelphia.
Wm. A. Waterman, 1420 Chestnut St., Philadelphia.
G. L. Winneberger, 5873 Ridge Ave., Philadelphia.

WASHINGTON COUNTY

B. M. Kelso, Cannonsburg.

WESTMORELAND COUNTY

B. C. Bell, Scottdale.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Floyd Bixler, 107-6th St., Pittsburgh, April 14, 1937.
C. C. Lee, 450-4th Ave., Pittsburgh, April 17, 1937.

CLEARFIELD COUNTY

Miss Estelle DeViney, Clearfield, April 16, 1937.

PHILADELPHIA COUNTY

J. Raymond Rossiter, 134 S. 3rd St., Philadelphia, April 19, 1937.

CENTRE COUNTY

Miss Margaret Garey, State College, May 4, 1937.

GEORGE H. EARLE.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives which was twice read, considered and agreed to:

Pennsylvania Legislative Correspondents' Association
A PLAGUE ON BOTH YOUR HOUSES
(Also the Executive, Judicial and Lobby Branches)

RESOLUTION No. 2-time Binge of 1937

TO BE INTRODUCED BY THE PLCA, APRIL 21, 1937.
PLACE, PENN HARRIS HOTEL, 6:30 p. m.

In a Daze, Any Day, 1937.

Whereas, Members of the so-called Legislature, the so-called Administration, the so-called courts, the so-called Democratic Party, the so-called Republican Party, the vested interests, the sugar-coated interests, the shoeless interests and all other non-interest-bearing interests have been raising hell hereabouts for more than three months; and

Whereas, This hell-raising has included so-called investigations of everybody, risings to personal privilege, mandates of certain people, caucuses, rumors, so-called politics, statements by unanimous consent, committees of the whole, reconsiderations and other horseplay at the expense of the taxpayer according to his inability to pay; and

Whereas, All this hell-raising has disrupted, interferred with, postponed, annoyed and otherwise inexcusably invaded the civil, human and property rights of newspaper correspondents to an abundant life of poker games, social engagements, slumber, meals, refreshments and other matters essential to welfare, health, recreation and good living; Therefore

Be It Resolved, and it already is resolved (the House of Representatives and the Senate notwithstanding), that a committee be appointed, and already has been appointed, to arrange, promote, concoct and otherwise cook up a dinner, show and debauchery to be facetiously known as The Sizzling Skillet, to be greased at the Penn-Harris Hotel, April 21, 1937, at 6:30 p. m., and

Be It Further Resolved, and it is so resolved, that this Committee be empowered to issue credentials under the sign and seal of damnfoolishness, commanding all legislators, bosses, lobbyists, politicos, office-holders and sundry others who have five dollars in cash to appear at said Sizzling Skillet on said date to view an investigation of legislative and administrative hell-raising for purposes of additional ripping; and

Be It Further Resolved, and it is so resolved that all persons entitled to said credentials (all persons with $5 are so entitled) be required to pay said $5 in advance and in legal tender to Walter D. Roos, secretary-treasurer of The Sizzling Skillet Committee, who may be addressed at Postoffice Box 221, Harrisburg, or to any newspaper correspondent, all of whom may be found in or about the Capitol Newsroom No. 524, E Floor, Capitol Building, Harrisburg.

Ordered, That the Clerk inform the House of Representative accordingly.

REPORTS FROM COMMITTEES

Mr. WOLFENDEN, from the Committee on Welfare reported as committed, Senate Bill No. 685, entitled:

An Act to amend section one of the act, approved the eighteenth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-two), entitled, "An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions; regulating future commitments by the courts of counties having unsuitable institutions, and imposing the cost of maintenance and transfer of such prisoners upon the county from which committed," by permitting the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and corectional institutions without the consent of the court by which the prisoners were committed.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 858, entitled:

An Act to amend subsections h and m of Section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred forty-one) entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the counties, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to their counties for certain fees and commissions collected; and repealing inconsistent laws, general, special or local," reducing the mileage chargeable by sheriffs for their official acts and the services of their deputies.

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Mr. EROE, from the Committee on State Government, reported as committed, Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand forty-six), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fourteen), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 676, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey certain land located in the City of Allentown, Lehigh County, Pennsylvania.

Mr. BUCKMAN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 853, entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

Mr. SCARLETT, from the Committee on County Government, reported as committed, Senate Bill No. 920, entitled:

An Act requiring corporations incorporated under the laws of this Commonwealth (other than non-profit corporations) to designate the Secretary of the Commonwealth as their agent for the service of process; and regulating the issuance, manner of service and effect of such process.

Also, from the Committee on County Government reported as committed, Senate Bill No. 584, entitled:

An Act requiring counties of the fourth class to establish a retirement fund for the employes of such counties and the poor districts thereof; and providing for the administration of such fund and the payment of retirement allowances therefrom.

Mr. JACOBS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 817, entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries, the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

Mr. FREY, from the Committee on State Government, reported as committed, Senate Bill No. 830, entitled:

An Act authorizing political sub-divisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 887, entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (Pamphlet Laws, one hundred fifty-one), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 886, entitled:

An Act to amend the title and certain sections of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 784, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, one thousand three hundred fourteen), entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon

the Pennsylvania State Police; and making an appropriation", by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined", by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provision for the number, selection, qualifications, promotion, training and discipline of the members of such force.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 780, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook, Pennsylvania, Quaratine Station property, and ceding to the United States jurisdiction over said land.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 773, entitled:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth, including information pertaining to civil rights and constitutional guarantees, and conferring powers and duties with respect thereto upon the Department of State.

With the recommendation that it be re-referred to the Committee on Appropriations.

The PRESIDENT. The bill is re-referred to the Committee on Appropriations.

Mr. McCREESH, from the Committee on City Government, reported as committed, Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act,approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdicton therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Mr. GILSON, from the Committee on State Government, reported as committed, Senate Bill No. 325, (House Bill No. 528), entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 438, entitled:

An Act to amend section fifty-three of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six, (P. L. 568), entitled "An act relating to the commencement of actions," as amended , fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 439, entitled:

An Act to amend Section four of the act, approved the seventeenth day of March, one thousand eight hundred and sixty-nine, (P. L. 8), entitled "An act relative to fraudulent debtors," fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service, residence or appearance.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 435, entitled:

An Act to amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88), entitled "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued," as amended; fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

Also, from the Committee on City Government, reported as amended, Senate Bill No. 806, entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 147), entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors.

Mr. SIPE, from the Committee on State Government, reported as committed:

The following resolution:

Also, from the Committee on State Government, reported as committed, Senate Bill No. 679, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville, Lebanon County.

Also, from the Committee on State Government reported as committed, Senate Bill No. 621, (House Bill No. 1239), entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such pronthonotaries.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 796, (House Bill No. 917), entitled:

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An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

Also, from the Committee on State Government, reported as committed, Senate Bill No. 320, (House Bill No. 85), entitled:

An Act relieving certain lands acquired by counties, cities, boroughs, towns or townships from leins in favor of the Commonwealth for corporation taxes in certain cases.

Also, from the Committee on Judiciary General, re-reported as committed, Senate Bill No. 274, entitled:

An Act relating to statutory laws; prescribing an enacting clause for statutes; fixing the effective date and time of statutes hereafter enacted; providing for notice of application for local and special legislation, for the correction of errors in statutes, and for the printing and publication of statutes; prescribing rules for the interpretation of statutes; defining certain words and phrases when used in statutes; and prescribing rules for the construction and operation of amendments, re-enactments and repeals of statutes.

Also, from the Committee on City Government, reported as committed, Senate Bill No. 916, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

Mr. BUCKMAN. Mr. President, on behalf of and at the request of the Senator of Philadelphia, Dr. Woodward, who at this minute is at the Maternity Hospital looking after the twins of which he spoke last night, I have been requested by the Committee on State Government to report as committed, Senate Bill No. 618, House Bill No. 713, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania system of coordinates.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 677, entitled:

An Act to amend section two thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; and amending, revising, consolidating, and changing the law relating thereto," providing that townships of the first class shall have the power to develop their own water supply.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 678, entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing that townships of the second class shall have the power to develop their own water supply.

Also, from the Committee on State Government, reported as committed, Senate Bill No. 485, entitled:

An Act to re-enact and amend the act, approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365), entitled "An act to encourage and authorize the formation of cooperative associations, productive and distributive by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof; imposing an annual fee on such associations; and exempting them from State taxation.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 359, entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car, incorporated under the law of this Commonwealth, to acquire the corporate powers, franchises, property, rights, and credits of such company.

BILLS INTRODUCED

Mr. KUNKEL read in his place and presented to the Chair, Senate Bill No. 929, entitled:

An Act prohibiting State and local governmental officers, agents and agencies from accepting, filing or approving certain plans and specifications for buildings, works and improvements, and from issuing or granting permits pursuant thereto.

Which was committed to the Committee on State Government.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 930, entitled:

An Act to repeal the laws relating to the Lancaster County Prison, and relating to the election of a board of inspectors to manage said prison.

Which was committed to the Committee on County Government.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 931, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claim, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Which was committed to the Committee on Municipal Government.

RESOLUTION

RELATIVE TO SIT-DOWN STRIKES

Mr. OWLETT offered the following resolution, which was twice read,

Whereas, Sit-down strikes have become increasingly prevalent throughout the country, and the Commonwealth of Pennsylvania has not been immune from this form of lawlessness as is evidenced by occurrences in Hershey, Reading, and elsewhere; and

Whereas, Such unlawful seizures of property, unopposed and unresisted by those vested by law with the duty of preserving the peace and protecting property, may lead to conditions of anarchy, which in the end will destroy those organizations who are responsible for it and be injurious to the cause of labor; and

Whereas, The recent affair at Hershey is an evidence of the old truth that violence breeds violence; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania condemns the sit-down strike as an unlawful technique, injurious to the cause of labor, to the employer, and to the general public, and calls upon those responsible for such conditions to desist from employing such means in the future, and calls upon those vested with authority to employ all lawful means to protect private property and the public interest whenever or wherever such unlawful tactics are hereafter resorted to in this Commonwealth.

Mr. OWLETT. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. CAVALCANTE. Mr. President, I object to immediate consideration.

Mr. THOMPSON. Mr. President, I would like to speak in oposition to the immediate consideration of this resolution. We know in the State, presumably, what the laws of the State are. We presume that there are officials who deal with the enforcement of the law and know what the laws of this State are, and what the necessities of any particular situation may be which call for the enforcement in one manner or another of any of the laws respecting private property. I think action, such as the Senate is now being requested to take, only irritates the situation which, in the opinion of everybody, is to some extent deplorable, and yet probably not unwise, nor so much in this State as the proponents of this resolution would have us believe. Sit-down strikes in this country have been more or less favored. It has been a good deal, in my mind, like "yes, we have no bananas," and will probably die the same sort of a natural death as some of other of these periodic abortions that we have in this country. I think we are to the highest degree ridiculous when we try to to pass a resolution about a matter of this kind. If there is any legislation that we need in this State to deal with this situation, that is what we are here for. Last night we talked about memorializing committees. This resolution is only to memorialize civil officers to do what they are already sworn to do under the Constitution of this State. Why is it necessary for us to do anything of that sort? Mr. President, I say if we have the need of additional legislation to protect property rights where they need to legislation to protect property rights where they need to be protected, let the Senator from Tioga introduce that legislation and let us act on that. We are stepping entirely out of the field of our position as legislators to take up every whim and pass resolutions about it on the floor of this Senate. A matter of this kind is not a matter which is really in the functions of the Senate as a legislative body. It certainly is not the sort of thing that we should be stampeded into doing, any more than strikes should be stampeded into sit-down strikes in any particular industry, and I say, when we try to pass off-hand a resolution such as this, that we are giving countenance to the whole psychology of sit-down strikes rather than trying to do something to prevent it, and we are putting ourselves upon the same level of the situation that the Senator from Tioga compalins about in his resolution.

Mr. President, therefore, I protest against immediate action on this resolution, and ask that the same be referred to an appropriate committee.

Mr. CAVALCANTE. Mr. President, the reason for my objecting to the immediate consideration of this resolution is that the conditions complained of in the resolution were brought about or generally brought about by the employers' refusal to obey the dictates of the American people wherein they have approved the idea of collctive bargaining on the part of the employee throughout these whole United States, of which this Commonwealth is a part. These sit-down strikes have been solely due to the refusal of the operators to heed the progress of the times, and yield to the idea of collective bargaining. We have noted that last Monday the Supreme Court of the United States held valid the Wagner Labor Relations Bill, which is a step forward in coercing the employer to tolerate the idea of colective bargaining, and I feel sure that hereafter this wide-spread fever of sit-down strikes will not be as wide-spread as it has been, because the employer is now under a law required to recognize the idea of collective bargaining and sit-down strikes will be fewer. This resolution ought to be considered in committee before it is acted upon.

Mr. RODGERS. Mr. President, the subject introduced in the resolution is one that I do not believe should be considered by the Senate at this time. It is the purpose in connection with all labor relations bills to have a public hearing, and I believe it is not the time for this Senate to express itself on any of the provisions in our present Labor Relations bill. I would suggest, therefore, that the Senators do not express their views at this time in relation to the subject of the resolution.

MOTION TO LAY ON THE TABLE

Mr. HUFFMAN. Mr. President, I move that this resolution and the motion be laid on the table.

Mr. THOMPSON. Mr. President, I second the motion.

Mr. BUCKMAN. Mr. President, the resolution is before the Senate and there is nothing in order but a roll call.

Mr. HUFFMAN. Mr. President, a motion to lay on the table is always in order, and I ask for a roll call on the motion to table the resolution.

Mr. FREY. Mr. President, I second the motion.

The PRESIDENT. A motion is made by the Senator from Monroe, Mr. Huffman, and seconded by the Senator from Allegheny, Mr. Frey, that the resolution and the motion to suspend Rule 39 for its immediate consideration be laid on the table.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I would like to rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, before the question is put on the motion, I would like to raise the point that the motion is out of order. I make that point of order for your decision.

The PRESIDENT. The Chair rules that the motion to lay on the table is in order.

Mr. BUCKMAN. Mr. President, and my point of order is not well taken? Then I renew my request for a roll call to table the motion to suspend the rule.

POINT OF INFORMATION

Mr. CAVALCANTE. Mr. President, I rise to a point of information.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of information.

Mr. CAVALCANTE. Mr. President, it appears here that under the rules of the Senate when objection is made to immediate consideration of a resolution, it goes to Committee. Now then, a motion was made to suspend the rules so that immediate action could be had, and now, while that motion is pending, another motion to table the resolution, which would, have the effect, if passed, prevent the resolution from being referred to a committee under the rules of the Senate. Do I understand then that the motion to table must be carried by a two-third vote?

The PRESIDENT. No, the Chair does not so understand. The motion is to table the motion to suspend, and it carries with it the tabling of the resolution. The Chair understands that is the purpose of the motion.

On the question,

Will the Senate agree to the motion?

POINT OF ORDER

Mr. BUCKMAN. Mr. President, before the vote is announced, I desire to make a point of order for your decision.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, this being in effect a motion to suspend the rules, I submit a two-thirds vote is required to carry this motion.

The PRESIDENT. The point of order is not well taken. The Chair rules that a bare majority is all that is necessary to lay on the table.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. OWLETT, and were as follows, viz:

YEAS—30

Cavalcante,	Huffman,	McGinnis,	Rodgers,
Dando,	Jacobs,	Mundy,	Rupp,
DiSilvestro,	Jaspan,	Pytko,	Ruth,
Erce,	Kahle,	Rankin,	Sipe,
Frey,	Kilgallen,	Reed,	Sones,
Gilson,	Kunkel,	Rice,	Stiefel,
Haluska,	Lanius,	Roberts,	Thompson,
Henney,	McCreesh,		

NAYS—17

Bean,	Gelder,	Mallery,	Scarlett,
Buckman,	Heyburn,	Owlett,	Shapiro,
Chapman,	Homsher,	Stearn,	Snyder,
Deitrick,	Howell,	Salus,	Wolfenden,
Ealy,			

So the question was determined in the affirmative.

EXPLANATION OF VOTE.

Mr. SHAPIRO. Mr. President, I should like to explain my vote. I do not believe that this Senate should table a matter of this kind at this time, and I say that we are in a position now to act on this resolution and that it should not lie on the table. This is a resolution, as I heard it read, which asks us to request the law enforcement officers to do certain things. The question involved is whether certain people who are acting in a manner which has come to public notice are taking possession of property, and I have seen the law of this Commonwealth change so radically, and our opinion of what is private property so rapidly that I do not think this Senate should determine whether or not the acts are interference with property. I recall that picketing, not so many years ago, was declared illegal; I recall that mass picketing, after picketing in individual instances was permitted, was declared illegal. I recall now that picketing is legal and has been made so by law, and that law has followed the trend of thought and the development of the ideas of what are the rights of the individual, and under those circumstances I still say the question is, what is private property? I do not think that those people who do what is called "sit down", do it with the same intent as trespassers in your back yard, and because what they do may not be an interference with private property, and because there may be some justification in their attitude on the subject, and there may be some reason in what they say, that they have a property interest in doing what they are doing, I do not think this legislature should determine that question. The only thing that I am glad about is that I see in the whole picture that there is not that serious attempt to take possession of property which we find in a criminal mind. After all a crime always is a matter of intent, and as long as the person lacks an intent to commit a crime, he cannot be convicted of a crime, and the fortunate thing about this whole affair is that the people acting in the manner in which they are acting, do it not with a criminal intent, and it is therefore my belief that this Senate should have acted on this resolution and should have voted it down, because it is none of our business at this time to settle once and for all a question about which we know nothing. We do not know why these people did what they did, and we do do not know, except through newspapers, what they are doing, and the efforts on the part of some members of this Senate to place on record the attitude of mind of individual Senators for the purpose of embarrassing them, does not help a very delicate and a very troublesome problem, not at least to the extent of solving it. The way to handle this situation, was to vote on the resolution and vote it down, and allow these contending factions, in an orderly manner, to find out first who is right in the matter, find out who are the bosses, and whether in doing these things the people are committing a crime. So far the local authorities have been able to handle the situation, and therefore it is not necessary for us to further agitate the conditions by passing resolutions. In my opinion this Senate should have voted the resolution down, and it was because of that I voted "no" to table the resolution.

RESOLUTION

COMMITTEE OF GENERAL ASSEMBLY TO WRITE CHAPTERS IN COMMEMORATION OF THE 300th ANNIVERSARY OF THE LANDING OF THE SHIPS KALMAR NYCKEL AND FOGEL GRIP ON THE DELAWARE IN MARCH 1638 AND THE ESTABLISHMENT OF THE COLONY OF NEW SWEDEN AND IN CONNECTION WITH THE NATIONAL CELEBRATION OF THE 150th ANNIVERSARY OF THE FRAMING, THE SIGNING, THE RATIFICATION BY PENNSYLVANIA AND THE FINAL ADOPTION AND ESTABLISHMENT OF THE CONSTITUTION OF THE UNITED STATES. TO BE PRINTED IN THE 1937-38 PENNSYLVANIA MANUAL.

Mr. STIEFEL offered the following resolution, which was twice read:

In the Senate, April 13, 1937.

Whereas the General Assembly by the Act approved July 22, 1936 Pamphlet Laws 70 authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction for and on behalf of the Commonwealth of Pennsylvania to arrange for the participation of the Commonwealth in a national celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States and

Whereas The Honorable George H. Earle Governor of the Commonwealth did on the first day of August 1936 issue a proclamation to the Citizens of Pennsylvania calling their attention to the 150th Anniversary of the Constitution proclaiming the years 1937-38-39 a period of State wide commemoration reminding them of the important and significant role of the Pennsylvania delegation in the Constitutional Convention of 1787 and of the vigorous steps taken by Pennsylvania to secure the ratification and establishment of the Constitution of the Government of the United States of America offering to the entire nation the whole hearted hospitality of this Commonwealth and calling upon all Citizens of Pennsylvania to give their loyal interest and support to local demonstrations throughout the Commonwealth to the end that from this period of commemoration may come renewed confidence in the vital strength of our Republic and a firm faith in its continuing greatness and enlightment and

Whereas the General Assembly by the Act approved July 28, 1936 Pamphlet Laws 79 authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to set for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the 300th Anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March 1638 and the establishment of the colony of New Sweden as well as the coming of the first Dutch English German Welsh Irish and other settlers by whom were established the earliest settlements the first courts of law and the first capital within what is now Pennsylvania and

Whereas this General Assembly being mindful of the character and qualities of our founders and forefathers and of their achievement in establishing the colony of New Sweden and of maintaining and preserving peaceful and harmonious relations with the Indians and the neighboring colonies thereby laying the foundations for the subsequent Colony and of the Commonwealth of Pennsylvania and enabling it to develop quickly into the greatest richest and most populous province among the Original Thirteen Colonies and making possible Philadelphia's rise as the greatest city of colonial America and the establishment of the Commonwealth of Pennsylvania as the Keystone in the great arch of states and this General Assembly being mindful also that such character qualities pioneering efforts and achievements were the foundations upon which our Pennsylvania civilization is based and being mindful of the honorable pride and great interest of our citizens therein desires to make said Tercentenary Celebration an occasion of State National and world-wide reunion to commemorate those inspiring and momentous events and

Whereas the said Tercentenary Anniversary Celebration will arouse stimulate and encourage the interest of all of our citizens and the citizens of other states and countries young and old in a knowledge and study of the inspiring history of the founding establishing and development of this Commonwealth and will interpret and emphasize the spiritual and educational forces of the past and

Whereas adequate commemorations of these immortal events will enhance and further increase the interest of our Nation and the people of our Commonwealth in the glorious and inspiring past of Pennsylvania and

Whereas a thoughtfully planned and well-directed distribution of succinct summaries of these epoch making events that molded modern civilization and left their indellible marks upon the development of the Western Hemisphere, would be of great historical, cultural and educational value to the people of the United States and the inhabitants of our Commonwealth and

Whereas, "The Pennsylvania Manual" published by the Commonwealth of Pennsylvania and compiled under direction of the Bureau of Publications of the Department of Property and Supplies is the official primary-source-book of information pertaining to our Commonwealth, its government and institutions, and

Whereas, thousands of exemplars of said "Pennsylvania Manual" are being annually distributed throughout the nation and our Commonwealth, thus providing a channel for the dissemination of valuable information, and

Whereas, preparations are now being made for the publication of the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium, and

Whereas, the inclusion of chapters dedicated to the 150th Anniversary Celebration of the Constitution of the United States and 300th Anniversary of the establishment of New Sweden will supply a glorious phase of the historical background of our Commonwealth, the ample description whereof, was heretofore not included in the "Pennsyylvania Manual" and

Whereas, the inclusion of such chapters in the forthcoming 1937-1938 issue of "The Pennsylvania Manual" will vitalize its contents and enhance its value as the primary source-book of the Commonwealth of Pennsylvania, therefore be it

Resolved (if the House of Representatives concur) That the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium shall contain in addition to its usual material also new chapters dedicated to the 150th Anniversary Celebration of the Constitution of the United States and 300th Anniversary of the establishment of New Sweden, and be it further

Resolved That the President Pro Tem of the Senate appoint three (3) Senators and the Speaker of the House appoint (3) Representatives, who together shall form a Committee to write and to edit said chapters and be it further

Resolved that a copy of this resolution be sent to His Excellency the Governor of Pennsylvania, the Secretary of Property and Supplies, and the Pennsylvania Historical Commission of the Department of Public Instruction.

Respectfully submitted,

Israel Stiefel.

C. Hale Sipe.

Mr. STIEFEL. Mr. President, I move that Rule 39, which requires concurrence resolutions to be referred to an appropriation committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

Mr. STIEFEL. Mr. President, the resolution which I have offered is being sponsored jointly by Senator C. Hale

Sipe, of Armstrong County, and myself. So sacred and important is the subject matter of this resolution from an historical viewpoint, that I would prefer to have my colleague, Senator C. Hale Sipe, who is one of the outstanding historians on early Pennsylvania, and a leading authority on the early Indian Wars, to state the introductory remarks on this resolution.

Mr. SIPE. Mr. President, I will take a few minutes of the Senate's time to say a few words on the resolution introduced by Senator Stiefel and myself, calling for the insertion in the Pennsylvania Manual of a chapter on the first settlements, the first courts and the first State House in Pennsylvania—in other words, a short chapter on the history of New Sweden, founded here on Pennsylvania soil before William Penn was born.

This subject, like all other matters relating to early Pennsylvania history, is very dear to my heart. Naturally so. My ancestral roots run back in Pennsylvania soil to New Sweden and to a time twenty-eight years before William Penn set foot upon the shores of the Delaware; and in my veins runs the blood of every racial stock that contributed to the making of Pennsylvania.

I take a little pardonable pride in the fact that my forebears, paternal and maternal, were in the very van of that great migration which, almost two hundred years ago, crossed the waters of the winding Susquehanna, thence came up the waters of the blue Juniata, thence over the Allegheny Mountains to the waters of the scenic Allegheny and the broad Ohio. In the course of this migration, (for it lasted a generation or two), many of them sank into their graves on their forest farms with the rocks of the forest to guard their rest, with the murmuring winds among the trees to sound their dirge and with the wild flowers of our Pennsylvania woodlands to utter their eulogy in the oratory of perfumed silence.

Yesterday I received a letter from the Pennsylvania Historical Commission in which was the following paragraph which gives me a text for the major part of my remarks:

"Somehow we seem to be creating more interest throughout the State historically in this 300th Anniversary than in anything else. I suppose it is because the facts are unknown to the Public—and how under Heaven can they know since they are not in our school text books."

The Colony of New Sweden was conceived in the fertile mind of the most illustrious king that Sweden ever had—Gustavus Adolphus—who, as early as 1624, planned to establish on the shores of the Delaware a Swedish settlement in which the laborers should enjoy the fruit of his toil and which should be an asylum for the persecuted of all Christendom. At that time the awful thirty years war was raging in Europe, and so amid its fire and blood and desolation and devastation the great king dreamed this noble dream, planned this noble plan, which, in the providence of Almighty God he was not destined to carry into execution, as he laid down his life on one of the battlefields of Germany in 1632. But his daughter, Christina, who succeeded to the Swedish throne, carried out the plans of her more than illustrious father, and in the autumn of 1637 sent two ships, the Kalmar Nyckel and the Fogel Grip, carrying Swedes and Finns to the western world. These ships arived on the banks of the Delaware in the latter part of March 1638, and thus the Colony of New Sweden was founded.

Here on Pennsylvania soil this ignored and forgotten colony made the first settlements in the Keystone State, and the able Swedish Governor, John Printz, one of the most admirable characters in early American history, established the first permanent seat of government in Pennsylvania, erecting, before William Penn was born, a state house that stood for one hundred and sixty years.

We have a shameful situation here in Pennsylvania. By this statement I mean that every school child, ten years of age, in Pennsylvania can tell you right off hand the name of the ship that brought the first setlers to Massachusetts, hundreds of miles from Pennsylvania; but not one school teacher in a hundred in Pennsylvania can tell you the names of the ships that brought the first settlers to their own Keystone State. Every school child, ten years of age, in Pennsylvania can tell you right off hand a great deal about Miles Standish, the leading figure in the first settlements in Massachusetts; but not one school teacher in a hundred in Pennsylvania can tell you the name of the able Swedish Governor who, one year before William Penn was born, established the first permanent seat of government in the Keystone State and erected a state house which stood for one hundred and sixty years. Of course, our Pennsylvania school teachers are not to blame. They did not write the history texts that are used in our schools.

The Colony of New Sweden had many excellencies which, in the language of Shakespeare, "plead like angels, trumpet tongued, against the deep damnation" of ignoring the high spots of the history of this Colony in any history texts used in the public schools of the great Keystone State.

I do not have time to enumerate all of these excellencies but let me call your attention to three of them as follows:

(1) There was no slavery in the Colony of New Sweden. Hence it is not strange that at a later day there was issued in Pennsylvania the first protest against slavery on the American continent, although many so-called educated Pennsylvanians seem to think that the agitation against slavery began in New England among the templed hills of the puritans.

(2) In the Colony of New Sweden was established the first just Indian policy in Pennsylvania—a policy of treating the Indian like a human being instead of like a wild beast, a policy of purchasing land from the Indian, and not taking it from the Aborigines by trickery, intimidation and force. This was the same Indian policy for which William Penn became renowned at a later day. I do not intend to be understood as attempting to detract one iota from the fame and renown of William Penn in the eternal pages of history; but the great truth of history is that the same Indian policy that he followed and for which he was famed, was established here in Pennsylvania by the Swedes before the great Quaker was born.

(3) But the third and greatest excellency of the Colony of New Sweden, an excellency that pleads with angel voice against the infamy of ignoring the high spots of its history in the text books used in Pennsylvania schools—is the fact that the Swede planted in this Colony the precious principle of religious liberty. You will note that I say the "principle of religious liberty," for full religious liberty as it exists in the United States of America in 1937, did not exist anywhere as early as 1638. But I reiterate that the Swedes planted this precious principle in this Colony

on Pennsylvania soil,in a place where, in the providence of Almighty God, it was not strangled to death as it was in many other places in early America, but enjoyed an uninterrupted growth from the time of its planting. This principle, I repeat, flourished on Pennsylvania soil before William Penn was born. By the time the great Quaker was ten years old, there had been eleven expeditions from the homeland to New Sweden; and when he came sailing up the majestic Delaware to found his province, he passed five Swedish Lutheran Churches on the way—a God fearing population that had all the virtues of the Puritans without their bigotry and intolerance.

Willim Penn gave this principle of religious liberty, planted here before he was born, such a majestic impetus that Pennsylvania soon became an asylum for the persecuted of every sect and of every creed. Wave upon wave of English immigration, of Irish immigration, of Scotch-Irish immigration, of German immigration, of French Hugenot immigration, of Welsh immigration, broke upon the shores of the Delaware. Religious liberty was the magnet that drew these racial stocks with their different creeds to Pennsylvania, thanks to the Swedes and William Penn.

I do not mean to say that Pennsylvania was the only place where the principle of religious liberty was planted in early America. There was a great deal of religious liberty in the Colony of Rhode Island, founded by Roger Williams after he had denounced the theocratic form of government of the Puritans, after he had denounced their doctrine of the union of church and state and was thrown out because his ideas were in advance of theirs. And thanks be to God, the principle of religious liberty was not strangled to death in Rhode Island. It flourished there from the begining; but Rhode Island was small. There was not a large migration from that Colony carrying this principle into the rapidly developing country as there was from Pennsylvania.

There was considerable religious liberty in New Jersey, founded along liberal lines by English Quakers, but this principle met an unhappy fate at the hands of those of Puritan sentiments. There was a great deal of religious liberty in Maryland, founded by the great English Catholic, Lord Baltimore; but the same thing happened in Maryland that happened in New Jersey, at the hands of those of Puritan sentiments. In other words, the noble plans of Lord Baltimore was wrecked. Alas for his noble dreams!

Then, as time went on the established church of England was set up in many of the Colonies.

In order that you may see how largely religious liberty in the United States came out of Pennsylvania, let me call your attention to the fact that at as late a date as the close of the Revolutionary War, there were only three of the thirteen states that did not abridge religious liberty to the exten of having a state church. One of the three was little Rhode Island where the principle of religious liberty was planted at the beginning and was not strangled to death. A second was little Delaware; but keep in mind that little Delaware, up until the Revolutionary War, was part of Pennsylvania. The third was great, big Pennsylvania.

Keep in mind, also, that at as late a date as the time of the adoption of the Constitution of the United States, there were still five of the thirteen states that abridged religious liberty to the extent of having a state church. I think you will agree with me that the Constitution of the United States does not forbid the States to establish state churches if they see fit.

But this principle of religious liberty, planted in Pennsylvania by the Swedes and given a majestic impetus by William Penn, was working all the time; and so it was not long after the adoption of the Constitution of the United States until all of the States got rid of their state churches except one—Massachusetts—. It took Massachusetts, cradle of religious bigotry and intolerance in America, more than a generation after the adoption of the Constitution of the United States to get rid of its state church.

Keep the above facts of American history in mind and then you can see how largely this most beautiful jewel in American's crown, this most precious gem, in America's diadem of beauty, religious liberty, is a Pennsylvania contribution having its source in the ignored, forgotten Colony of New Sweden.

For the above reasons, therefore, I urge and plead that there may be included in the Pennsylvania Manual a chapter on the Colony of New Sweden. If such a chapter is included in this Pennsylvania publication, it will set a good example to the public school system and the public school heads of Pennsylvania. Rip Van Winkle slept for twenty years. He was a New Yorker. But we can beat his record here in Pennsylvania; because in the matter of according recognition to the historical claims of New Sweden and in the matter of demanding recognition of the high spots of its glorious history in the text books used in the public schools of the Keystone State, the Pennsylvania public school system and the Pennsylvania public school heads have been asleep, not for twenty years only, but for one hundred years.

If there ever was a Superintendent of Public Instruction of Pennsylvania who ever made a protest against the ignoring of the high spots of the history of New Sweden in the history texts used in Pennsylvania schools, I never heard of him.

One autumn, at considerable expense to myself, I lectured at teachers' institutes from Mercer and Erie counties on the Ohio line to Monroe County on the Delaware, on the history of the Colony of New Sweden; but, generally speaking, I had a hard time to get a hearing. It is true that a number of school heads received me gladly; but many others in the over-abundance of their superapostolic and dignity, solemnly informed me that I could not lecture to their teachers on early Pennsylvania history for the reason that I was not "engaged in professional education."

Sad to say, some of the gentlemen "engaged in professional education" in the public schools of Pennsylvania have stupidly defended history textbooks that ignore the beginning in Pennsylvania, as one public school educator connected with the Pittsburgh schools did a few years ago in the columns of the Pittsburgh Post-Gazette.

Let this chapter of highly important but shamefully ignored Pennsylvania history be included in the Pennsylvania Manual. Such inclusion will hasten the dawning of the day when the boys and girls in Pennsylvania's schools will know as much about the beginnings in their own Keystone State as they know about the beginnings of Massachusetts—it will hasten the dawning of the day when the boys and girls in Pennsylvania's schools will not be obliged to confine their historical travels so much to the

"old, old trail awinding" around among the templed hills of the Puritans amid the fog of their religious bigotry and intollerence, but may travel, a little at least, on this other trail that leads to this mountain top of early Pennsylvania history where eternal glories linger like fires on mystic altars.

And the question recurring

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILLS SIGNED

The PRESIDENT [Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 553, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "Department of Banking Code," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

House Bill No. 554, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employees of such corporations and persons.

House Bill No. 1053, entitled:

An Act to amend section one as re-enacted, sections two and three as amended, sections four and five, and section six as amended, of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies, and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

House Bill No. 1054, entitled:

An Act to amend section seven as amended, sections nine and thirteen, section fourteen and eighteen as amended, section nineteen, and sections twenty-one and twenty-two as amended, of the act, approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900), entitled "Vital Statistics Law," by further regulating the contents and registration of birth certificates and death certificates, and the giving of certified copies thereof; providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children, and fixing fees for certified copies thereof; imposing additional duties upon the local registrars and providing compensation therefor, payable by the Commonwealth; authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class; and increasing existing penalties and imposing new penalties.

Whereupon, The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 13. as follows:

An Act to amend section fifteen of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws thirty-seven) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers Assistance Funds of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in cases Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" by removing certain liability of beneficiaries and their estates for repayment of assistance received

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifteen of the act approved the twenty-fifth day of June one thousand nine hundred and thirty-six (Pamphlet Laws thirty-seven) entitled "An act providing for and regulating assistance to and the burial of certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers Assistance Fund of the several counties authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons authorizing the appointment of trustees for certain persons providing for the recovery of moneys expended for assistance in certain cases prohibiting political activity by employes of the board providing substitute provisions in case Federal grants for old age assistance shall fail for any reason providing penalties and repealing inconsistent acts" is hereby amended to read as follows

Section 15 "Liability of Beneficiary and Estates The [real and] personal property of any beneficiary shall be liable for the repayment of assistance received under this act or the act repealed by this act whether such property was owned at the time such assistance was granted or acquired thereafter Claims for assistance furnished shall have the same force and effect against the [real and] personal property of a deceased beneficiary as other debts of a decedent and shall be recoverable in the same manner One-half of the net amount recovered from any beneficiary or from his or her estate by the Commonwealth or any political subdivision shall be promptly paid to the United States and the remainder shall be paid into the State Treasury and shall be credited to the current appropriation for old age assistance"

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. JACOBS. Mr. President, I desire to interrogate the Senator from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska, permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. JACOBS. Mr. President, I would like to have some information as to the purpose of this bill.

Mr. HALUSKA. Mr. President and members of the Senate, Senate Bill No. 13 has been upon the calendar for some three or four weeks. About two weeks ago the bill came up for final passage and was then placed on the postponed list because there had been some objection. Since that date I have conferred with a number of Senators and have tried to put the bill in proper form in order to meet objections. As it is now amended there is taken out of it the most objectionable feature, Section 5. Section 5 has been taken out in its entirety.

Section 15 has been added to the bill, and it reads as follows:

"Liability of Beneficiary and Estates. The personal property of any beneficiary shall be liable for the repayment of assistance received under this act or the act repealed by this act, whether such property was owned at the time such assistance was granted or acquired thereafter. Claims for assistance furnished shall have the same force and effect against the personal property of a deceased beneficiary as other debts of a decedent, and shall be recoverable in the same manner. One-half of the net amount recovered from any beneficiary or from his or her estate by the Commonwealth or any political subdivision shall be promptly paid to the United States, and the remainder shall be paid into the State Treasury and shall be credited to the current appropriation for old age assistance."

What I am trying to omit is the part of the provision which would make real estate subject to escheat after the death of the owner. I would like to have the Senators look at the amendment. It is very, very important. I conferred with Dr. De Schweinitz yesterday, and he informed me that under their rulings they do not ask or expect anyone to assign his real estate by reason of any benefit he may receive. However, the fact still remains that back in my county those who are asking for assistance must assign their property, which passes into the hands of the Old Age Assistance administrators, in order to receive a pension. Dr. De Schweinitz stated this was contrary to their rule. Under the old Act they could go back and attach both the real and personal property; under this amendment I have taken out the words "real and", so, to be very explicit, under the present amendment real property can be attached at the time of the death of any beneficiary, but no real estate can be attached.

Mr. JACOBS. Mr. President, is it not true that Section 5 would remain as it is in the present law; in other words, would be just exactly the way it is in the original Act passed in 1936? Is there any change in Section 5 from the Act of 1936?

Mr. HALUSKA. Mr. President, Section 5 remains the same as in the Act of 1936.

Mr. JACOBS. Mr. President, as I understand it, no other changes were made?

Mr. HALUSKA. Mr. President, that is correct.

Mr. SHAPIRO. Mr. President, Section 5 of the present law provides that persons entitled to assistance shall be persons who are indigent, and who have no relatives, or others, responsible for their support. The proposed amendment is inconsistent with the definition of "indigent", in Section 5, and certainly with the definition set forth in Section 15 of the law as it exists today.

Under the proposed amendment a man might have hundreds of thousands of dollars' worth of real property and could walk into a welfare department and claim assistance! he could die possessed of a fortune in real estate and his heirs could relieve themselves of any responsibility. His relatives might be possessed of real property, and could sell it, but would not be liable to return to the Commonwealth the moneys paid out by the Commonwealth on behalf of the deceased.

It seems to me that we are striking at the very root of the purpose of the Act, and we are creating a class in Pennsylvania who will stay in their homes, with mortgaged real estate, and look to the Commonwealth for their support rather than to the security of their real estate. Now, I think the time has come when we should stop pampering, and proceed to legislate on intelligent lines. I intend to vote against this bill in its present form. There may be two or three persons who might require an amendment to the existing law, but "Hard cases always make bad law."

Last year this Senate voted in favor of a bill which provided that no man could be refused assistance because he received a bonus; and now we have the anomalous situation of people walking into the Welfare Department and asking for assistance, and at the same time having checks for as much as $1,500 in their pockets. I think this Senate should stand up and have the courage of their convictions, and not create classes of this kind. People who have means, who are possessed of money, and yet will walk into the State Welfare Department and ask for assistance are not the type of people for whom this Senate should be concerned.

If you have not had experience in the administration of relief or assistance, I will tell you that this bill strikes at the root of the theory of assistance; and it is for that reason I believe this amendment has not corrected that situation, but has created one that we will all be ashamed of and sorry for, if this bill should be passed. For that reason I intend to vote against the bill.

Mr. HALUSKA. Mr. President, as I stated a moment ago, Section 5 provides that the applicant shall be of a certain age, shall be a citizen of the United States, and a resident of this Commonwealth, is not an inmate of a reform or correctional institution or public mental hospital, or a professional tramp or beggar. And it says further that such an applicant shall be "indigent" and "has no relative responsible under the law of this Commonwealth, and financially able to support him or her."

Now, that is very plain. The Senator from Philadelphia says such an applicant may be possessed of real property the value of which would amount to thousands and thousands of dollars; but let us look back and observe the type of people who do apply for this assistance. I know of hundreds of cases of aged heroes who have had homesteads, which have been handed down from generation to generation, and their only ambition in life is to pass on those homesteads. They have no income whatsoever; they have been found to be indigent; they have no relatives. And when they apply for this pension it might mean fifteen dollars a month for their subsistance. I will say that ninety-five per cent. of the people who apply for

assistance are those in dire need; and we have in our Commonwealth today people who deprive themselves of this pension because they fear that this Government will levy upon their porperty after they are gone. I have heard of no one applying for a pension who was well to do, or who had a home that was worth thirty, forty or fifty thousand dollars.

I would ask the Senator from Philadelphia, Mr. Shapiro, if he knows of one case—only one case—in the Commonwealth of anyone applying for a pension and at the same time having title to property worth any considerable sum of money.

Mr. SHAPIRO. Mr. President, I am very glad to answer the Senator from Cambria. My experience impels me to voice my objection to this bill. I happen to be a member of the Board of Trustees of a hospital in Philadelphia which furnishes service free, and is compensated by the Commonwealth of Pennsylvania. After I took office I inaugurated a system of having the office of the Register of Wills furnish information as to the estates of persons who had received such free service from our hospital; and I suggest that the Senator from Cambria come to my office, and I will give him a list of eighteen cases from the estates of whom we were able to collect—in one case $800. Others had bank accounts of from eight to fifteen thousand dollars.

It is because of that experience I say we ought to call a halt to the giving of assistance to all those who have property or money; but this bill would simply give encouragement to them to continue this practice. I shall be glad to give the Senator the names and addresses of these cases, if he wants them.

Mr. HALUSKA. Mr. President, let us strike out Old Age Assistance, then. We have thousands upon thousands of people in our State who have received relief when they were not entitled to receive it. What was done to correct that situation? Nothing at all. Young men thirty and thirty-five years old have received the dole.

It has been stated that all these people of seventy years and upward, people who are absolutely indigent and have no way of making a living, but who have a little homestead—that may be worth from $500 to $700—must assign their property to the Government, whereas a man who has nothing, a man who has been a drone throughout his entire life, who has never been a builder—has nothing at all to build—can walk up and receive a pension, assigning nothing. In contrast to this, to make the poor man or woman, who has worked hard all his or her life, assign whatever little property he or she may possess, in order to receive a pension,—if that is not discriminatory, what could be?

Mr. President, I ask the Senators to support this bill. It is a very important bill, in my opinion; it means a lot to the aged of our State, who have only a few short years to live. Surely they are entitled to have the legal right to pass on their property to their loved ones.

Mr. BUCKMAN. Mr. President, this bill has some merit; and, as I consider it is a very dangerous bill in its present form, I shall not vote for it. I suggest to the Senator from Cambria that he let it go over in its order, and prepare another amendment limiting the amount of real estate which a beneficiary may own and have exempt from payment, or repayment, of old age pensions. I believe that can be done properly by means of an exemption.

Mr. HALUSKA. Mr. President, I ask the Senator from Bucks, Mr. Buckman, if I did not on several occasions ask him for advice. In fact, I made the same request of most of the Senators who objected to this bill. I have tried to amend it so that there would be a limitation set forth; but I have been informed, by Mr. Fertig and others, that it would be unconstitutional. Therefore, I would like to ask the Senator from Bucks if he thinks such an amendment as he suggests would be unconstitutional.

Mr. BUCKMAN. Mr. President, I have not, personally, looked into it; and, off hand, I should say I would not think it constitutional; but it could be worded in such a way that I believe it would avoid that obstacle, just as we have an exemption to the extent of $300 as to personal property of any person against levy and execution.

I cannot see why an exemption of $1,500 or $2,000 or $2,500 could not be provided in the case of this kind, just as it is provided with regard to personal property to protect from levy.

Mr. HALUSKA. Mr. President, I would like to ask the Senator from Bucks, Mr. Buckman, whether he would be willing to try to help me prepare such an amendment.

Mr. BUCKMAN. Mr. President, I would be very glad to do so.

Mr. SHAPIRO. Mr. President, I would like to call the attention of the Senator from Bucks, and of the Senator from Cambria, to the present law, in Section 15 thereof, which by this bill would be repealed, where it provides such an exemption as the Senator from Bucks suggests; it limits the amount of real estate to $500.

Mr. DENT. Mr. President, I want to state that it is not necessary to limit the amount of real estate that can be owned. After all, if you own real estate you must pay taxes on it; and I would like to know just how much real estate you could own and pay taxes on if you are dependent on a pension given by the State of Pennsylvania in the amount of from seven to thirty dollars a month.

This only stops the State from levying on a homestead which is the private home of an individual, the home in which that individual has lived all his life, perhaps, and which constitutes the only inheritance he has to leave to his children.

We have had judges in this State who have paid into the Retirement Fund only a small amount, and who have received a pension, for the rest of their lives, in the thousands of dollars. They have in many instances had large estates to leave to their heirs, and yet no one suggests that those heirs pay back, out of the real estate left them, any part of the thousands of dollars a year these judges have received as pensions, after having paid only a few paltry hundred dollars into the Fund.

I think this bill should go over in its present form without any amendment whatsoever.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39.

Bean,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Dando,	Howell,	Owlett,	Scarlett,
Deitrick,	Huffman,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,

Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Woodward,
Haluska,	Mallery,	Rodgers,	

NAYS—9.

Buckman,	Eroe,	Jacobs,	Rupp,
Chapman,	Homsher,	Law,	Shapiro,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 526, (House Bill No. 1027), as follows:

An Act regulating the recording of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no assignment of any mortgage shall be entered of record in any county of the second class unless such assignment shall be in writing and acknowledged by the assignor or assignors before an officer or person duly authorized to take such acknowledgments

Section 2 Every such instrument in writing shall certify the precise residence of the assignee or assignees named therein

Section 3 It shall be the duty of the recorder of deeds when such instrument is filed for recording to index and transcribe the same and note the recording of such assignment on the margin of the record of the original mortgage

Section 4 The fee for recording any such assignment shall be governed by the fee bill in effect in the county in which such assignment is recorded

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick	Howell,	Owlett,	Shapiro,
Dent,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Roberts,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumes the consideration of Senate Bill No. 732, (House Bill No. 1344), as follows:

An Act to amend sections five hundred and fifty-one six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet laws One thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty-one of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) and cited as "The General County Law" be amended to read as follows

Section 551 Title to Real Estate Vested in County The title to all court houses jails prisons and workhouses together with the lots of land thereunto belonging or appertaining and all other real property acquired or that may hereafter be acquired by or for the use of the county shall be and they are hereby vested in the county for the use of the people thereof and for no other use except such as may be authorized in accordance with the provisions of section six hundred and seventy-five and six hundred and seventy-six hereof

Section 2 That section six hundred and seventy-five of said act be amended to read as follows

Section 675 Authority to Sell or Lease Real Property The board of commissioners may sell or lease any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold or leased and the reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation once a week for three consecutive weeks In the case of any lease of county property hereunder such property with any and all improvements or additions thereon or thereto shall in the hands of the lessee be subject to taxation by such county and any other municipal or political subdivision therein in the same manner as all other real estate located in such county all of which taxes shall be levied and assessed against and paid by the lessee After hearing the court shall make such an order and decree as shall seem right and proper Such sale or lease shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales or leases as it may deem best for the interests of the county

Section 3 That section six hundred and seventy-six of the said act be amended to read as follows

Section 676 Conveyance and Lease of Real Estate The board of commissioners shall make a deed or lease of any real estate belonging to the county which they are authorized to sell or lease under their hands and seals as commissioners with the seal of the county attached and the same shall be a good and lawful conveyance in fee simple or lease

Section 4 This act shall become effective immediately upon final enactment

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Owlett,	Shapiro,
Deitrick,	Howell,	Pierson,	Sipe,

Dent,	Huffman,	Pytko,	Sones,
DiSilvestro,	Jacobs,	Rankin,	Stiefel,
Ealy,	Jaspan,	Reed,	Thompson,
Eroe,	Kahle,	Rice,	Wolfenden,
Frey.	Kilgallen,	Roberts,	Woodward.
Gelder	Kunkel,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. LAW. Mr. Prsident, I ask unanimous consent that Senate Bill No. 181, (House Bill No. 232), on third reading, entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 182, (House Bill No. 233), on third reading, entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made

Go over in its order.

The PRESIDENT. Is there obection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 188, entitled:

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Owlett,	Scarlett,
Deitrick,	Howell,	Pierson,	Shapiro,
Dent,	Huffman,	Pytko,	Sipe,
DiSilvestro,	Jacobs,	Rankin,	Sones,
Ealy,	Jaspan,	Reed,	Stiefel,
Eroe,	Kahle,	Rice,	Thompson,
Frey,	Kilgallen,	Roberts,	Wolfenden,
Gelder,	Kunkel,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 260, (House Bill No. 556), entitled:

An Act to amend section three of the act, approved the twentieth day of April one thousand nine hundred and twenty-seven (P. L. 322), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships" exempting credit unions from the provisions of this act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Haluska	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Owlett,	Scarlett,
Deitrick,	Howell,	Pierson,	Shapiro,
Dent,	Huffman,	Pytko,	Sipe,
DiSilvestro,	Jacobs,	Rankin,	Sones,
Ealy,	Jaspan,	Reed,	Stiefel,
Eroe,	Kahle,	Rice,	Thompson.
Frey,	Kilgallen,	Roberts,	Wolfenden,
Gelder.	Kunkel,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 352, (House Bill No. 542), entitled:

An Act to amend sections five, nine and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "An act providing for the organization, government, discipline, maintenance and regulation of the armed land forces of this Commonwealth," providing for the use of of the National Guard in case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice, regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Owlett,	Scarlett,
Deitrick,	Howell,	Pierson,	Shapiro,
Dent,	Huffman,	Pytko,	Sipe,
DiSilvestro,	Jacobs,	Rankin,	Sones,
Ealy,	Jaspan,	Reed,	Stiefel,
Eroe,	Kahle,	Rice,	Thompson,
Frey,	Kilgallen,	Roberts,	Wolfenden,
Gelder,	Kunkel,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 356, (House Bill No. 750), entitled:

An Act conferring on the Department of highways power to enter upon private property for the purposes of making surveys of proposed highway improvements providing for the payment of damages and providing penalty for interference.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45.

Bean,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Howell,	Owlett,	Shapiro,
Dent,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,
Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,	Roberts,	Wolfenden,
Gilson,			

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. JASPAN. Mr. President, I ask unanimous consent that Senate Bill No. 388, on third reading, entitled:

An Act to further amend sections two three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (P. L. 470), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drug"; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 461 (House Bill No. 6), entitled:

An Act to amend section two hundred sixty-five of the act, approved the second day of May, one thousand nine hundred and twenty-five. (P. L. 448) entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," making Sunday fishing with rods and lines lawful under certain circumstances.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Buckman,	Haluska,	McGinnis,	Rodgers,
Cavalcante,	Henney,	Owlett,	Rupp,
Dando,	Heyburn,	Pierson,	Ruth,
Dent,	Howell,	Pytko,	Scarlett,
DiSilvestro,	Jaspan,	Rankin,	Shapiro,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Woodward,
Gilson,	McCreesh,	Roberts,	

NAYS—16

Bean,	Gelder,	Kahle,	Sipe,
Chapman,	Homsher,	Law,	Sones,
Deitrick,	Huffman,	Mallery,	Thompson,
Ealy,	Jacobs,	Salus,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 576, (House Bill No. 855), entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Bean,	Henney,	McCreesh,	Rupp,
Cavalcante,	Heyburn,	McGinnis,	Ruth,
Dando,	Huffman,	Mundy,	Salus,
Deitrick,	Jacobs,	Owlett,	Scarlett,

Dent,	Jaspan,	Pytko,	Shapiro,
DiSilvestro,	Kahle,	Rankin,	Sipe,
Eroe,	Kilgallen,	Reed,	Sones,
Frey,	Kunkel,	Rice,	Stiefel,
Gilson,	Law,	Roberts,	Thompson,
Haluska,	Mallery,	Rodgers,	Woodward,

NAYS—8

Buckman,	Ealy,	Homsher,	Pierson,
Chapman,	Gelder,	Howell,	Wolfenden,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 597, (House Bill No. 1167), entitled:

An Act to further amend sections nine and eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred ninety-five), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the re-imbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended; making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways; providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds; further providing for the payment of the cost of acquiring such bridges; further regulating the collection of tolls, and reimbursing the Commonwealth for the cost of acquiring such bridges; further providing when such bridges shall be free of tolls; and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like to ask if any Senator on the floor can explain this bill, if not, I will ask that it go over in its order.

Mr. OWLETT. Mr. President, I was in the Committee on Highways when this bill came out, and it was explained that this was merely to take care of a technical situation with reference to the condemnation of toll bridges and the payment for them out of the bond issues authorized by the people, that the companies owning these toll bridges take the position that they cannot condemn without the actual money being appropriated, and they do not want to sell the bonds until the condemnation proceedings are complete. This bill merely provides for the use of motor license funds temporarily, until after the condemnation proceedings have been closed and until the bonds have been sold and the Highway Fund reimbursed. I think the bill is all right.

And the question recurring

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows viz:

YEAS—48

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Howell,	Mundy,	Scarlett,
Dent,	Huffman,	Owlett,	Shapiro,
DiSilvestro,	Jacobs,	Pierson,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Roberts,	Woodward,

NAYS—1

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded the third reading and consideration of Senate Bill 639 entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board, conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government and courts, providing for the right of employes to organize and bargain collectively, declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes, authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining; empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board of petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

And said bill having been read at length the third time and agreed to

On the question,

Shall the bill pass finally?

Mr. RODGERS. Mr. President, it is the understanding that Senate Bills Nos. 639 and 640 shall be sent to the House and there to be held pending a joint public hearing, and the so-called Rodgers bill shall be put on the postponed calendar. There are some amendments to the McGinnis bill which will be introduced to Senate Bills 639 and 640 when the bills are in the House.

Mr. GELDER. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. GELDER. Mr. President, I would like to ask the Senator from Allegheny, Mr. Rodgers, whether or not

after the hearing in the House, the Senate will be able to vote on the bill.

Mr. RODGERS. Mr. President, it is a joint hearing—

Mr. GELDER. Mr. President, I would like the Senator from Allegheny, Mr. Rodgers, to tell us whether or not if in the joint hearing we find particular matters in the bill that we do not like, whether the Senate will have any authority over the bill?

Mr. RODGERS. Mr. President, it is a fact that after the joint hearing has been held I presume a new bill will be introduced which will embody some of the features of not only the so-called Rogers bill, but the McGinnis and the Shapiro bills as well, so that I have the idea in my mind that the public hearing will bring about a new bill; whether it is true or not, of course, remains to be seen.

Mr. GELDER. I would like to ask the Senator from Allegheny, Mr. Rodgers, whether he does not think the bill should remain in the control of the Senate until the joint hearing has been held?

Mr. RODGERS. Mr. President, whether it is true to form or not, I understand that it is necessary for the bill to be in the House in order to jointly consider both bills.

Mr. GELDER. Mr. President, I would like to ask the Senator from Allegheny whether or not the hearing can be held in the Senate rather than in the House?

Mr. RODGERS. Mr. President, and possibly inviting the House members to the Senate, that is correct, but as I understand it, the House should be given the privilege of considering the McGinnis bill and at the same time still holding the so-called Rodgers bill on the calendar, and both bills will be considered at a public hearing.

Mr. HALUSKA. Mr. President, it is my understanding —there seems to be a feud between Senator McGinnis and Senator Rodgers,—I am for the bill, but not as it stands now. I think this body should have control over its own bills. When this bill passes the Senate and goes into the House, we have no control whatsoever over the action of the House, and if the House does not care to pass the bill and not give us an opportunity to amend it in any form whatsoever for the actions of the House. I think this body is intelligent enough to amend its own bills without 'passing the buck' over to the House. I would like to have this bill recommitted or postponed until such time as a hearing can be given it right in this Senate Chamber.

Mr. McGINNIS. Mr. President, I do not think there is any feud between Senator Rodgers and myself over this bill nor any other bill. This bill has been in the Senate for some time, in fact I think it has been here too long. We have to get through with this session somehow or other. This bill has been drafted by the representatives of labor, capital and the Labor Department. It has been revised several times, and I feel it is in proper form today without any amendments. However, I am not averse to the House, or any other body, if they feel it should be amended in any respect that is their prerogative, no matter what bill we send over there. If you look back, you will remember that we passed a Federal Labor Relations Act which worked very satisfactorily for a number of years, and it has worked satisfactorily because the railroad employees are thoroughly organized, and the railroads know exactly with whom they can talk. In other words, there is no dispute in the railroads as to who shall do the talking on either side, and on account of that, and on account of the Federal Railroad Labor Relations Act, we have not had a strike on the railroads for a good many years. Now, this is copied after that bill. It is also copied after the Wagner bill. We compared it in conference yesterday. I have a statement here that the General Motors strike lasted 44 days and cost the employes a million dollars a day; it cost the employers perhaps that much or more. We have these strikes appearing around us daily, very close to us here, and I feel sure that there would never have been a General Motors strike if they would have had a bill like this in Michigan, because the trouble there was that the employer claimed the parties who were negotiating did not represent the employes and therefore, they could not sit down, they could not agree, and, according to the provisions of this bill, it merely defines who shall be the spokesmen for the employees. This bill is set up for that and no other purpose, to make it very clear and very definite just exactly who are spokesmen for the employes. If they have a majority organization and this board says that it is the proper organization, they can speak. If anybody complains, the board can call an election and find out very quickly by a majority vote just who shall represent those employes, and when that is decided they are the sole representatives of the employees and can talk with the employer. The Federal Act, the Wagner Act, which was declared constitutional yesterday, applies to manufacturing and transportation. As I read the newspaper report, it hinted that there were industries that perhaps did not have such far-flung ramifications of business that would not come under the Wagner Act. Therefore, it seems to me that this act, that is copied after the Wagner Act, is needed for industries that do not come within the Interstate Commerce clause.

Therefore, Mr. President, I feel that in view of the turmoil, in view of the troubled situation in many localities all around us, and as many of those troubles will probably continue, we want to pass this bill without delay.

Mr. SALUS. Mr. President, insofar as these two bills are concerned, I think that both of them are very important bills at this time, and with the trend of conditions, such legislation is necessary. I am arising to try to find out where is the Senate of Pennsylvania going to? Are we that body that has been heralded throughout these great United States as being one of the greatest law-making bodies in the nation, or are we getting down to the low level of being cowards and not having the manhood to stand up and do our full duty? Do we have to hide behind the skirts of the members of the House because we do not have the courage to perform the duties for which we are sent to this Legislature? I think it is a poor commentary on the honor and dignity of this Senate for any man to get on this floor and say, "let us pass the buck" to the House. It is a disgrace, not only to your membership, but to the entire State of Pennsylvania. We are either men or we are monkeys, nothing more and nothing less. Let us solve this trouble here, let us have the manhood and the courage to do the right thing, and let us not hide behind the skirts of the members of the lower House. Have they more intelligence than we? If they have that greater intelligence, then let us admit it and say that we do not have the brains to pass on an important piece of legislation; but if we have the brains, let us have courage and do not disgrace your membership in this body, and in this great State of Pennsylvania. Let

us be men, or let us be monkeys, the choice is here with us now.

I think this is important legislation; it is that important that it needs the best judgment of every man here; either it is right or it is wrong. I do not know, I do not believe either one of them is wrong, I believe they are both right, and the best solution of the problem will be for the benefit of all the people of Pennsylvania. Let us be Senator, let us not fail in our duties, and let us be men of courage, in order that the boys on the street may not laugh at us as they ought to do if we proceed along these lines.

Mr. DENT. Mr. President, and members of the Senate: I am not a party to any agreement or scheme to send this over to the House, and then let the House do anything that they want to do with the bill. I am firmly convinced that the joint McGinnis bill is the proper Labor Relations Act for the State of Pennsylvania. I oppose strenuously the Rodgers bill because of certain features in it, that instead of settling labor disputes, it would only tend to cause labor disputes. Anyone who has read either of the bills knows full well that the McGinnis bills are based upon good sound judgment. I would like you to take the time to read certain sections of the opinions handed down yesterday by the Supreme Court. Not being an attorney I have selected the sections that I thought would apply to the members of this Senate. For instance, in the Steel Labor case,

> "Experience has abundantly demonstrated that the recognition of the right of employes to self-organization and to have representatives of their own choosing for the purpose of collective bargaining is often an essential condition of industrial peace. Refusal to confer and negotiate has been one of the most prolific causes of strife. This is such an outstanding fact in the history of labor disturbances that it is a proper subject, of judicial notice and requires no citation of instances."

With regard to the right of organization, this opinion reads:

> "That is a fundamental right. Employes have as clear a right to organize and select their representatives for lawful purposes as the respondent has to organize its business and select its own officers and agents. Discrimination and coercion to prevent the free exercise of the right of employes to self-organization and representation is a proper subject for condemnation by competent legislative authority."

In another part of the opinion, the relation of interstate commerce to intrastate commerce is considered. From the following it will be seen that while the present opinion gives to interstate commerce a very large field of activity, there, nevertheless, remains the restricted field of intrastate commerce. The McGinnis bill, No. 639, following the purpose of the Federal Wagner Relations Act, covers this restricted field of labor relations entirely within the jurisdiction of our Commonwealth of Pennsylvania. The quotations from the opinion in this respect are:

> "Although activities may be intrastate in character when separately considered, if they have such a close and substantial relation to interstate commerce that their control is essential or appropriate to protect that commerce from burdens and obstructions. Congress cannot be denied the power the exercise that control."

"The grant of authority to the board does not purport to extend to the relationship between all industrial employes and employers. Its terms do not impose collective bargaining upon all industry regardless of effects upon interstate or foreign commerce."

The author of the bill, just declared constitutional, Senator Wagner, has the following comment to make regarding the majority opinion of the court:

"The Supreme Court upholds majority rule as logical and democratic; it answers the argument that the act is 'one-sided' by emphasizing that the rights afforded workers under the act are merely correlative 'to the employer's right to conduct its business in an orderly manner'; it refutes the argument that the act compels employers but not workers to make and keep their contracts, by showing clearly that the act does not compel contracts of any kind but merely provides an orderly method of approach to the problem of negotiating contracts."

"The whole tenor of the decisions is that the national labor relations act embodies those underlying principles of democracy and fair dealing under which industry and labor can settle their other difficulties without further supervision by the Government."

These observations of Senator Wagner clearly indicates that the Labor Relations Act is sufficient to cover the entire problem of providing the way for agreements to be made and to be helped by refraining form restrictive measures to force the making of such agreements which undoubtedly would defeat the end of securing amicable adjustments of labor problems.

The McGinnis Bill No. 640, now before us in the Senate, offers the voluntary way of carrying out the intention meant to be served by Senator Wagner's Federal Labor Relations Act in that Bill No. 640 points the way for the making and maintaining of agreements in the only manner in which Senator Wagner says: "That is the pathway to industrial peace and economic progress."

Now, gentlemen, we have heard that the Rodgers Bill was drafted by Richberg. Richberg in drafting that bill presented entirely the side of picture that came out in the McGinnis bill from the conferences in which the employers, the employees and the State Administration sat down and argued the merits and demerits of the Labor Relations Act. I have studied the three bills.

The Shapiro bill is sort of a compromise between the Rodgers and the McGinnis bills; however, it still maintains and keeps within it those obnoxious features, the only difference being that they are in a lesser degree. This bill is entirely in line with the Wagner Labor Relations Act. Your Supreme Court has declared that act valid and constitutional. I feel that it is the duty of the Pennsylvania State Senate at this time, as Senator Salus has said, to stand up and take the responsibility for that vote. If you feel that it is not the right bill, then vote against it, but if you feel that it is the right bill, do not take the attitude of sending it over to the House, as a camoflouge to hide it. I shall vote for this bill with the full intention that it shall become a law.

Mr. HALUSKA. Mr. President, I would like to interrogate the sponsor of the bill, the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr.McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. HALUSKA. Mr. President, I would like to ask the Senator from Allegheny, Mr. McGinnis, whether he believes the bill is in proper form if passed by this body and also the House, and whether he agrees with Senator Rodgers that this bill should pass this body and have a public hearing in the House of Representatives.

Mr. McGINNIS. Mr. President, I am thoroughly convinced that this bill at the present time is in its proper form; it has come before us in regular order, it has passed two readings, it is open here for debate, and if anybody has any objection to this bill, I would like to hear it stated on the floor. When the bill goes over to the House and a hearing held, afterwards I have no control over that, I have no desire for a hearing. However, I have no control over the House, and if this bill reaches the House and the House decides upon a hearing, it is entirely in their hands without any suggestion from me.

Mr. HALUSKA. Mr. President, I am glad to hear the remarks of the sponsor of the bill. This is a very important bill, as we all know. If the bill should pass, because even if the sponsor is sincere, and he stated he was, I cannot vote for the bill, but cannot hide behind the skirts of the House members. I was elected by the people of my county to represent labor. I am not voting for this bill because it is a Democratic bill or a Republican bill. I for one, did not have the opportunity of studying this bill. A bill of such importance I believe should be delayed until such time as members who are interested in the measure can note the contents of it, therefore, Mr President, I ask that this bill be postponed for the present for the purpose of further study.

Mr. HUFFMAN. Mr. President, I think this bill should be acted upon at the present time. It has been in the Senate long enough. This Administration promised to put through a Labor Relations bill and they have spent a great deal of time in helping to prepare a proper bill. The labor people in Pennsylvania have been consulted and the employers have been consulted in Pennsylvania, and this bill is the result of the investigation and the information that the Administration has before it, and the Administration is backing this bill and not some other bill. Of course, it is entirely proper to have a hearing in the House if the House members desire it. and it may be necessary to have some amendments to the bill, but I want to say for the assurance of the Republican members that it is not the intention of the Administration to send this bill to the House for a re-making. This bill is complete in itself. We want this bill put through as it is now, not only here but in the House, if the House passes it.

The Senator from Philadelphia reminds me of the lawyer who loses a case and blames his loss upon the court, he does not find anything the matter with this bill, but he makes his argument against the House. My experience in the Senate has been that the House has treated the Senate just as courteously as we have treated the House, and I have no doubt but that they will do that with this bill if they have a hearing. It seems to me that this bill—it may not be a perfect bill, but it is a Labor Relations bill, and it is the best offer of the best people of the State. if you please. If it needs amendments later on, in another session we will be here to take care of it, but we have had to do something at this time, and we want to do it now. I hope that the Senate of Pennsylvania will put this bill over at the present time

Mr. SALUS. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. SALUS. Mr. President, do I understand that the Administration and the various people back of this legislation have decided that this is the bill which is to pass and to be signed by the Governor?

Mr. HUFFMAN. Mr. President, yes.

Mr. SALUS. Mr. President, and everything is set, and do I further understand that the Rodgers bill is to remain in committee so far as it is the general understanding?

Mr. HUFFMAN. Mr. President, the Rodgers bill, as suggested by the author, will be put on the postponed calendar.

Mr. SALUS. Mr. President, I would like to ask the Senator from Monroe, in order that we may be enlightened on this measure, so that if this Senate is to put the stamp of approval on it, we are not depending on getting any instructions from the House. In other words, we have come to the conclusion that we are big enough to pass this bill as it is in its present form.

Mr. HUFFMAN. Mr. President, I think we have always been that way.

Mr. SALUS. Mr. President, and we have come to that conclusion on this particular bill?

PREVIOUS QUESTION

Mr. CAVALCANTE. Mr. President, I call for the previous question.

The PRESIDENT. The previous question has been called for.

Mr. LAW. Mr President—

The PRESIDENT. For what purpose does the Senator from Mercer arise?

Mr. LAW. Mr. President, to discuss the bill.

Mr. LAW. Mr. President, the call has not been seconded.

Mr. CAVALCANTE. Mr. President, there has been a lot of useless discussion here concerning this bill, a lot of discussion that does not pertain to this bill. The bills have been on the calendar, it has been a controversial question here for days and days. The bills have been on the calendar for nearly a week. They have been studied in committee, they have been argued in committee and all of this argument now is absolutely useless, but in order not to antagonize some of my Democratic colleagues, I withdraw my call for the previous question for the moment.

The PRESIDENT. It has not been decided whether the previous question shall be put. (The question was put by the Chair).

The PRESIDENT. The Senate seems to be evenly divided

A division being called for, nine Senators voted in the affirmative and twenty-one in the negative, whereupon, the question was decided in the negative.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his point of order.

Mr. CAVALCANTE. Mr. President, under the rules of this Senate, when the previous question has been called for and four members rise in support of the call for the previous question, the previous question must be put, unless the rules of the Senate are set aside.

The PRESIDENT. The Chair, in a spirit of democracy, put the question to the Senate to determine. The point of order, however, raised by the Senator from Fayette, Mr. Cavalcante, is well taken, four Senators can demand and have put the previous question.

Mr. HUFFMAN. Mr. President, I understand the Senator from Fayette withdrew his request for the previous question.

The PRESIDENT. The Chair so understood, and put it to a vote of the Senate. May the Chair suggest that the vote seems to determine the matter, and the Senate may proceed to discuss the question, but if the point is raised and four Senators demand it, the Chair would be compelled to rule.

Mr. SHAPIRO. Mr. President, when this bill of Senator McGinnis was first introduced, there was a conference held between labor and industry. As a result of that conference, there were only two subject matters at that time which were in dispute, one of them was, the provision in the McGinnis bill which imposed an extremely heavy fine and also a possibility of imprisonment if the industrialist or his employe should violate any of the terms of the bill. The second one was whether or not, after collective bargaining had been established, there should have been a period of peace, so that the parties could negotiate before a strike. Those are the only two provisions that were in dispute at the time. Pending the determination of those questions, neither side desired to give in. A bill was introduced by myself covering one of those two provisions, and making the fine and penalty only in case the decision of the Labor Board was violated, and providing that the Labor Board should give a period of not less than ten nor more than twenty days, during which time negotiations for a settlement could be had. Those are the only two changes that my bill makes in the McGinnis bill.

The Rodgers bill represents the views of the industrialists in the first instance. Now, as I read the McGinnis bill, it has been amended so that in case there is any dispute, no employee can raise a dispute against the employer, but he must raise it to the Board, and then when the Board acts on it, there can be an appeal to the court, and after the Court sustains the appeal, or dismisses it, in either event the action of the court will then become final, and a violation of the act will result in a fine. So far as I am personally concerned, I can say that change should meet the objection of any employer, and eliminates it and takes care of it, and there remains only for discussion the one question, and that is whether or not collective bargaining has been established, where after all discussions have taken place, whether there should be the right in the employee to strike immediately, or whether there should be period of peace during which negotiations should be had. I personally think that we have gone very far and advanced considerably when you have established collective bargaining relations, and that it would be well, before any strike were called, that there should be a period of negotiations, and it should be a limited one, but I am not going to set myself up to determine the problems of labor at the present time; they have too many ramifications and they are too complicated, and too important for me as an individual to say that my view must be the proper view. There is a great deal to be said about the view which says that when collective bargaining has been established, no employee should be deprived of his right to strike, and I recognize the force of the argument. I personally feel that if there is a proper relations board and if the parties would function fairly with each other, there should and ought to be a period of peace, but I contend now that I can very safely vote in good conscience for the Rodgers bill, and so can every other Senator, and if between now and the time this bill comes for final passage, and when it comes before the House, that one question which is still open can be ironed out, such an amendment can be put into the bill. Now I think that Senator Rodgers should understand that the cause which is represented by the bill that he introduced cannot be helped by interfering with the passage of the McGinnis bill at this time, neither can labor be helped, because in making the statement that this bill is going to the House for the purpose of amendment, it is not stating what is actually the fact. This bill may go to the House, and since it will take several days before final passage, the discussions can continue. From my knowledge of the attitude of labor on the bill, I have very little hope that they will agree to a period of mediation, and if they do not, and they take that view, they have the right to ask us to vote in accordance with our views as to whether we agree with them or not.

I would like to see a period of mediation. I think it would be helpful, but I do not feel that the McGinnis bill should stand or fall upon that question. I think that the McGinnis bill is a step in the right direction, the amendment has taken care of the situation, there is a possibility that Senate Bill No. 640 may give that period of peace. The only objection I find to that bill is that it is not compulsory, but, of course, if it were made to be compulsory, it would put the bill in the same position as the provisions in my bill, and so we would be back again where we are now.

I recall in a previous session of this Senate, when I was on the other side, a collective bargaining bill was before the Senate. A Democratic Senator tried to discharge the committee which had the custody and control of the bill dealing with collective bargaining, and the Democratic Senators voted in favor of the discharge of that committee, and I recall that I voted in favor of discharging the committee. However, whether we did nor not, certainly the majority—of the Senate, the Republican and Democratic members of the Senate, were in favor of a collective bargaining bill. This bill has the agreement of all parties except the one which I spoke of, the Rodgers bill, does not have the right to interfere with the passage of the McGinnis bill ,because it represents the view which was discarded by the very people who are now sponsoring it when the discussion in which they participated showed plainly their opposition, and it is not fair for that group now to ask that the original bill for which they contended in its entirety, when many of the provisions which it now contains were disputed by them in the discussion.

If the Rodgers bill had any chance of passing, it would mean that discussion of legislation between interested parties would be of no avail and merely a waste of

time, but under any circumstances, in fairness to all parties concerned, it is not a question now whether we are passing the buck to the House, because we are not; we are passing the bill to the House for final passage. If in the meantime an agreement cannot be reached upon the only subject there is in controversy, that is a matter for the House to take care of. I have no pride of authorship in my bill. This is for the purpose of bringing an end, and possibly and agreeable end, to a situation which would be ended and ended promptly. I think the members of the Senate, at least the Democratic members, are committed through their campaign pledges, to vote for this bill.

Mr. LAW. Mr. President, there are many things about the Rodgers bill that may seem to be desirable. The only point which has been raised most strenuously here is the question of a preliminary period of waiting. There is no question that from the standpoint of labor, possibly that appears fine; however, there is a constitutional question involved in this which neutralizes the whole principle for which we are fighting here, a collective bargaining bill. It is extremely doubtful whether any legislation which requires a man to remain at work when he does not want to, and that is what a compulsory period of waiting means, would be constitutional, either in Pennsylvania or under the national Constitution, and for that reason I think we should avoid that by going ahead and passing the McGinnis bill which adopts in principle all of the good points of the Rodgers bill, because we cannot afford to take the chance of court action, which will delay the operation of this bill, and that is why, I feel that we should go ahead with the McGinnis bill.

Mr. WOLFENDEN. Mr. President, I would like to interrogate the chairman of the committee on Labor and Industry.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent, permit himself to be interrogated?

Mr. DENT. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, does the Senator from Westmoreland, Mr. Dent, consider this bill as important as Senate Bill No. 99?

Mr. DENT. Mr. President, was there not a public hearing on Senate Bill 99? I consider every bill that deals with labor very important. No. 99 is exceptionally important, and this is very important.

Mr. WOLFENDEN. Mr. President, does the Senator from Westmoreland see any reason why there should not be two hearings on this bill?

Mr. DENT. Mr. President, I do.

Mr. WOLFENDEN. Mr. President, will the Senator from Westmoreland state the reason.

Mr. DENT. Mr. President, simply because of the fact that the Chairman of Labor and Industry received hundreds of appeals from employees in the State of Pennsylvania asking for a hearing. I went contrary to the wishes of the sponsor of the bill in giving a hearing at that time. However, to date. I received one petition asking for a hearing on the McGinnis bill.

Mr. WOLFENDEN. Mr. President, is the Senator from Westmoreland adverse to waiting a few days to see whether it gets another request for a hearing?

Mr. DENT. Mr. President, I do not think that question is fair—I am adverse to waiting for a few days—I can easily be called on the telephone if I so desire, and have one of my friends call up and ask for a hearing on this bill. Let us be fair in this matter.

Mr. WOLFENDEN. Mr. President, the Senator from Westmoreland also made a statement that Labor and Industry had been consulted on this bill. What labor and what industry were consulted?

Mr. DENT. Mr. President, industry that employs and labor that works.

Mr. WOLFENDEN. Mr. President, specifically what industry?

Mr. DENT. Mr. President, I want to state here and now, while I am answering the question, that I was not a party to any of the conferences that dealt in any specific things that pertained to the Rodgers bill at any time, and I do not know who was representing industry. I have an idea of some of the men who were there representing labor, and I think their record speaks for itself.

Mr. WOLFENDEN. Mr. President, the Senator cannot tell us?

Mr. DENT. Mr. President. I believe the Pennsylvania Federation of Labor, which is the outstanding organization.

Mr. WOLFENDEN. Mr. President, the Senator apparently does not know the specific parties representing labor and industry?

Mr. DENT. Mr. President, how would I know that if I were not there?

Mr. WOLFENDEN. Mr. President, then the Senator from Westmoreland does not know specifically that labor and industry were specifically consulted on this bill?

Mr. DENT. Mr. President, I have it from the sponsor, and he would not tell me a falsehood in this matter.

Mr. WOLFENDEN. Mr. President, then the Senator from Westmoreland is repeating what the sponsor told him, it is hearsay, he does know that as a fact?

Mr. DENT. Mr. President, yes, I know it to be a fact inasmuch as not only the sponsor told me, but other men who were there also told me.

Mr. WOLFENDEN. Mr. President, I think in fact I think the whole Senate wants to vote for some kind of a bill. I want to take this opportunity to commend Senator McGinnis for giving us an opportunity to discuss it. I was proud of the fact that you stood against the call to shut off debate, but I do not see how we can intelligently vote on this with all these generalities. We are told labor is in favor of it, industry is in favor of it. and then we ask the Chairman of the committee and he does not know whom. Now those are generalities. Mr. President, I am for peace legislation. I am for a type of legislation that is constitutional, and if it is in accord with the Wagner Act, if it is in accord with our customs and it willwork, let us have it but what is the objection to holding it in the Senate and having a hearing on it? Are you afraid some industry will bring up matters that will force you to change your position?

Mr. President, we have ripped out the Municipal Courts, in Philadelphia. The Senator from Philadelphia, Mr. Shapiro, has changed his ground several times, and I am satisfied that was the result of a hearing. Now why cannot we as the Senate of Pennsylvania, have that hearing in this body? I feel we are entitled to it. I do not think I could intelligently vote on this without a public hearing, and I am telling you publicly I believe in the bill in principle.

Mr. RODGERS. Mr. President, may I state briefly, in answer to my good friend from Philadelphia, Mr. Shapiro, if he knows his history, that there have been many a victory won by a temporary retreat. Mr. President, I am sure that we are going to have a public hearing on this bill. I can only state that this comes from such authoritative sources that I believe when I state the fact that out of that hearing we will be able to arrive at a bill which will be satisfactory, at least for the time being. I feel also that in view of the fact that I have been so assured, that amendments will be acceptable afterwards to the McGinnis bill. There seems to be a disposition here to question whether the McGinnis bill can be amended. I am assured that if the amendments are within reason and will bring about an amicable adjustment between the labor group and the industrial group, that amendments will be accepted. So I can see no reason why we should not pass this bill to the House in good faith, with the understanding that a public hearing shall be held.

Mr. DENT. Mr. President, first of all, I want to answer the Senator from Indiana, Mr. Wolfenden, to state that my past record, I believe, demonstrates that nothing has come out of public hearings that would scare me one way or the other, whether it comes from one group or the other. I only want to say here that any member of the Senate Committee on Labor and Industry, I believe, whether he be Republican or Democrat, will admit that during this session of the Legislature I, as Chairman, have tried to deal as fairly as I know how on every matter that has come up. I have taken the attitude that the members of the committee themselves shall act upon the matters. Bills in that committee have remained in that committee for six or eight or nine weeks because it was the wish of the members of the committee. At no time when this committee was asked to report these bills out, was any agreement made whatsoever that this bill would be held over on the calendar, or that this bill would be put back for a public hearing, and I take it from what I hear on the floor that individuals desired these things to happen. I think that the bill is properly drafted, and these features that I call obnoxious would be obnoxious whether we waited one year or ten years, because I know that compulsory employment brings us back to the old traditional story that "you can lead a horse to water but you cannot make him drink"; but when you say to a group of men "you have to work in this plant twenty or thirty days— you have to work at this job," that may all be true, but you cannot make them work, and if you men have ever worked, you know that. I believe the merits of the bill are well-known to the members of the Senate, and incidentally, I will give the Senator from Indiana the information that he desires immediately upon adjournment today. I will give him a list of those who were present at the conference.

The PRESIDENT. May the Chair suggest that he also was one of those present.

Mr. DENT. Mr. President, I understood that, and I believe Mr. Richberg was also present at that conference, and a Mr. Rothschild, from Philadelphia, who represented a group of other employers as attorney, also Mr. Phillips of the Pennsylvania Federation of Labor, and the Secretary of Labor and Industry of the State of Pennsylvania, also certain representatives of the Labor Relations Act, in Washington. I do not know them, but I do know that representatives men sat in that conference.

The citations that I read this morning show beyond a doubt that this act conforms to the Wagner Labor Relations Act, and I understand that particularly the Republican members of this Senate believe in the Supreme Court and its actions, and they had better take the cue from and vote for the bill.

Mr. HALUSKA. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. HALUSKA. Mr. President, I think the Senator from Allegheny, Mr. Rodgers, stated that he had been assured that amendments will be accepted to the McGinnis bill? By whom will the amendments be accepted?

Mr. RODGERS. Mr. President, I am afraid that the Senator from Cambria has misunderstood me. I said that there would be amendments that might be acceptable if they could bring about a compromise or an amicable adjustment of the difference between the industrial group and the labor group.

Mr. HALUSKA. Mr. President, might be acceptable to the House or Senate?

Mr. RODGERS. Mr. President, accepted by the Administration?

Mr. HALUSKA. Mr. President, will they be accepted in the House or in the Senate?

Mr. RODGERS. Mr. President, the opportunity will be afforded both the Senate and the House and particularly the Senate, to concur in any amendments which may originate in the House. You will have full opportunity, as you well know, to concur in any amendments.

Mr. HALUSKA. Mr. President, is this a compromise with Senator McGinnis?

Mr. RODGERS. Mr. President, there has been no compromise.

Mr. McGINNIS. Mr. President, is that question to me? I do not think that Senator Rodgers said there was any compromise, or assumed that there was a compromise. I said to the Senate that this bill is here on its merits, it came on the calendar in proper form, it has been in committee, discussed in committee, and it is here on its merits. However, I will say again, that when a bill goes to the House they have some prerogatives too. I am not going to make the suggestion that they change this bill one iota. However, I do say that they have a right to try to change it, if they so desire.

Mr. HALUSKA. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. McGinnis.

The PRESIDENT. Will the Senator from Allegheny, Mr. McGinnis, permit himself to be interrogated?

Mr. McGINNIS. Mr. President, I will.

Mr. HALUSKA. Mr. President, does the Senator from Allegheny, Mr. McGinnis, have any knowledge whatsoever of any proposed amendments to be made in the House?

Mr. McGINNIS. Mr. President, no.

And the question recurring,

Shall the bill pass finally?

And the question, recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Sordoni,
Frey,	Kilgallen,	Rice,	Stiefel,
Gelder,	Kunkel,	Roberts,	Thompson,
Gilson,	Lanius,	Rodgers,	Wolfenden,
Haluska,	Law,		

NAYS—8

Buckman,	Ealy,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 640, entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration, conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bean,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	McCreesh,	Rupp,
Dando,	Howell,	McGinnis,	Ruth,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Pytko,	Sipe,
DiSilvestro,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gilson,	Kunkel,	Roberts,	Wolfenden,
Haluska,	Lanius,		

NAYS—8

Buckman,	Ealy,	Homsher,	Pierson,
Chapman,	Gelder,	Owlett,	Scarlett,

A majority of all the Senators having been voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

EXPLANATION OF VOTE

Mr. OWLETT. Mr. President, in explanation of my vote of "No" on Senate Bills No. 639 and 640, I desire to record that I am not opposed to a Labor Relations Bill, but am opposed to certain provisions of these Bills and believe that a full hearing on both of these bills as well as on the Rodgers Bill should be held in this Senate. I believe that with the approval of the Wagner Relations Act by the Supreme Court we should not pass at this time an act or acts which go further than that act.

ACTION ON CALENDAR DEFERRED

Mr. ROBERTS. Mr. President, I move that further consideration of the calendar be dispensed with for today.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 22

Mr. LAW. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, offered the following resolution which was twice read considered and agreed to.

In the Senate, April 13, 1937.

Resolved (if the House of Representatives concur), that Senate Bill No. 22, Printer's No. 157, entitled "An act to amend section one of and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities, advantages and attractions of the Commonwealth, to provide for programs of information advertising and publicity, to co-ordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations,

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows, and referred to the Committee on Eexcutive Nominations.

ALDERMAN

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 13, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate B. Gene Bindi, of Monongahela, Washington County, for appointment as Alderman of the First Ward in the City, of Monongahela, Washington County, vice Thomas Ward, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1051

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 13, 1937.

Resolved, (if the Senate concur (That House Bill No. 1051 Printer's No. 502) entitled:

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one

thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof, further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1051

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives

Resolved (if the Senate concur), That the House Bill No. 1051 entitled:

An Act to amend section one, section two and section five of an act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled, "An act providing for the regulation of dams or other structures or obstructions as defined herein in, along, across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof", further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEE

Mr. FREY. Mr. President, I ask unanimous consent to make a report from the committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive nominations reported to be returned to His Excellency, the Governor of the Commonwealth:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 13, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate J. Raymond DeShong, of Todd Township, Fulton County, for appointment as Justice of the Peace in the Township of Todd, Fulton County (to fill a vacancy), until the first Monday in January) 1938.

GEORGE H. EARLE

ALSO from the Committee on Executive Nominations reported with a favorable recommendation, the following nominations made by his Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 10, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment:

ALDERMAN

John H. Jacobsen, of Lebanon, Lebanon County, for appointment as Alderman in the ninth Ward of the City of Lebanon, Lebanon County, (to fill a vacancy), until the first Monday in January, 1938.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Charles R. Hoover, of Harrisburg R. D. 2, Dauphin County, for appointment as Justice of the Peace in the Township of Susquehanna, Dauphin County, vice Clyde M. DeHart, resigned, until the first Monday of January, 1938.

Guy L. Schrope, of Hegins Schuylkill County, for appointment as Justice of the Peace in the Township of Hegins, Schuylkill County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following:

Burton S. Berger, of Shartlesville, Berks County, for appointment as Justice of the Peace in the Township of Upper Bern, Berks County, vice John S. Berger, deceased, until the first Monday of January, 1938.

John Thomas Killen, of Luzerne, Luzerne County, for appointment as Justice of the Peace in the Borough of Luzerne, Luzerne County, vice Joseph Shupnik, resigned, until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 31, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Owen J. Keenan, of Cheltenham, Montgomery County, for appointment as Justice of the Peace in the Township of Cheltenham, Montgomery County, vice William J. Stalker, of Cheltenham, Montgomery County, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments:

Karl B. Barr, of Sheffield, Warren County, for appointment as Justice of the Peace in the Township of Sheffield, Warren County, vice John Peterson, deceased, until the first Monday of January, 1938.

Curvin Miller, of Pocono Pines, Monroe County, for appointment as Justice of the Peace in the Township of Tobyhanna, Monroe County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE.

MEMBERS OF STATE DENTAL COUNCIL AND EXAMINING BOARD AND BOARD OF TRUSTEES ASHLAND, STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 22, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments:

MEMBER OF THE STATE DENTAL COUNCIL AND EXAMINING BOARD

Reuben E. V. Miller, of Easton, Northampton County, vice C. J. Dickie, of Indiana, deceased, for the term of six years.

MEMBER OF THE BOARD OF TRUSTEES OF ASHLAND STATE HOSPITAL

Clarence Steigerwalt, of Schuylkill Haven, Schuylkill County (to fill a vacancy), for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

TRUSTEE COALDALE STATE HOSPITAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, March 24, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Peter Flyzik, of Coaldale, Schuylkill County, for appointment as a member of the Board of Trustees of Coaldale State Hospital, vice Walter Evans, of Coaldale, whose term expired, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the folowing persons for re-appointment as Notaries Public for the term of four years to compute from the date set opposite their names:

LUZERNE COUNTY

Lawrence C. McHugh, Wilkes-Barre, April 13, 1937.

SCHUYLKILL COUNTY

Mrs. Bert F. Burns, Shenandoah, April 16, 1937.

WARREN COUNTY

Joseph H. Goldstein, Warren, April 22, 1937.

ERIE COUNTY

Harry M. Schuwerk, Erie, April 24, 1937.

FAYETTE COUNTY

Joseph C. McGill, Dawson, April 26, 1937.

CENTRE COUNTY

Musser W. Gettig, Bellefonte, May 3, 1937.

ALLEGHENY COUNTY

Henry Romersa, Turtle Creek, May 4, 1937.

JEFFERSON COUNTY

Burt S. Burns, Reynoldsville, May 4, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office(Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Henry S. Carr, 1715 Union Bank Bldg., Pittsburgh.
Harold H. Day, 312 4th Ave., Pittsburgh.
Robert J. Kauffman, 524 Grant Bldg., Pittsburgh.
Miss Florence McKenna, Duquesne.

ARMSTRONG COUNTY

Vincent E. Oswald, Kittanning.

BERKS COUNTY

George W. Gillingham, Reading.

BUTLER COUNTY

Miss Lucille Berlin, Butler.
W. T. Furey, Butler.

CAMBRIA COUNTY

Ray J. Dumm, Spangler.

CARBON COUNTY

Winfred D. Lewis, Lansford.

CHESTER COUNTY

Miss Edna B. Howett, Oxford.

CLARION COUNTY

Chester C. Hulings, Clarion.

DAUPHIN COUNTY

Giovanni Di Santo, Harrisburg.

DELAWARE COUNTY

Edmund B. Lynch, Drexel Hill, Upper Darby Twp.

FAYETTE COUNTY

M. F. Smeach, Brownsville.

JEFFERSON COUNTY

Mrs. Alice E. Carrier, Summerville.

LEHIGH COUNTY

Harry L. Silverman, Allentown.
Pasquale Stravino, Allentown.

McKEAN COUNTY

Miss Florence E. Hokenson, Bradford.

NORTHUMBERLAND COUNTY

Miss Evelyn M. Deibler, Sunbury.

PHILADELPHIA COUNTY

William J. Benham, 5239 Chestnut St. Philadelphia.
Miss Catherine Graham, 12 S. 12th St. Philadelphia.
Isaac K. Johnson, 3160 Kensington Ave., Philadelphia.
Mrs. Jeannette B. Welch, 1328 Chestnut St., Philadelphia.
Miss Marion P. Williams, 123 S. Broad St., Philadelphia.
Samuel Yaffe, 1106 Jefferson Bldg., Philadelphia.

WARREN COUNTY

Chas. A. Hall, Sheffield, Sheffield Twp.

WASHINGTON COUNTY

Miss Martha Jane Fergus Washington, Canton Twp.

YORK COUNTY

H. M. Findley, Delta.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Phillip Jacobson, Pittsburgh, 2438 Carson St.
Edgar C. Schodde, Pittsburgh, 337 Taylor St.

BLAIR COUNTY

Miss Helen E. Fasick, Hollidaysburg.

BUTLER COUNTY

A. L. Findley, Butler.

CLINTON COUNTY

Miss Mary Blake, Lock Haven.

FRANKLIN COUNTY

Miss Charlotte M. Leidig, Chambersburg.
Miss Elinor B. Porterfield, Chambersburg.

LACKAWANNA COUNTY

Zigmunt Strzenewski, Throop.

PHILADELPHIA COUNTY

Mrs. Isabella M. Grant, Philadelphia, Land Title Bldg.
Frederick J. Helbling, Jr., Philadelphia, Tulip and Allegheny Ave.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 6, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

ALLEGHENY COUNTY

Miss Mabel E. Lewis, Pittsburgh, Children's Hospital of Pittsburgh, April 17, 1937.
Mrs. Emily Powell, Pittsburgh, 925 Grant Bldg., April 17, 1937.

PHILADELPHIA COUNTY

Samuel L. Sack, Philadelphia, 1420 Chestnut St., April 15, 1937.
Louis Davis, Philadelphia, 1233 S. Broad St., April 24, 1937.
Harry W. Raff, Philadelphia, 6646 Ogontz Ave., April 27, 1937.

GEORGE H. EARLE

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Estelle Jobst, Farmers Bank Bldg., Pittsburgh.
Mrs. Eleanor L. Ley, 818 E. Ohio St., Pittsburgh.
James Carl Mack, Chamber Commerce Bldg., Pittsburgh

CAMBRIA COUNTY

Miss Dorothy Hoyt, Ebensburg.

INDIANA COUNTY

Miss Julia H. Stuckey, Indiana.

LEHIGH COUNTY

Mrs. Mildred I. Rau, Allentown.

McKEAN COUNTY

Mrs. Hazel H. Thomas, Smethport.

MERCER COUNTY

Mrs. Thelma E. Daywalt, Greenville.

PHILADELPHIA COUNTY

John W. Jackson, 5933 Race St., Philadelphia.
John W. Summers, Room 213 City Hall, Philadelphia.

MONTGOMERY COUNTY

Mrs. Carrie L. Norton, Pottstown.

NORTHAMPTON COUNTY

Delmar Wills, Plainfield Twp., R. D. Bangor.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 7, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

LUZERNE COUNTY

Samuel Sicherman, Wilkes-Barre, April 7, 1937.

PHILADELPHIA COUNTY

Harry Weissman, 504 Van Dam Bldg., Philadelphia, April 8, 1937.

DELAWARE COUNTY

Mrs. Margaret M. Hurley, Upper Darby Twp., Upper Darby, April 10, 1937.

ALLEGHENY COUNTY

Frank F. Ley, 818 E. Ohio St., Pittsburgh, April 11, 1937.

COLUMBIA COUNTY

James Masanotti, Berwick, April 25, 1937.

PHILADELPHIA COUNTY

Joseph F. Marcer, 2133 N. 19th St., Philadelphia, April 27, 1937.

ERIE COUNTY

Arthur F. Southwick, Erie, May 3, 1937.

WASHINGTON COUNTY

Saverio Capano, Donora, May 5, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 7, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination of March 23, 1937, for the appointment of J. Raymond DeShong of Todd Township, Fulton County, as Justice of the Peace in the Township of Todd, Fulton County.

GEORGE H. EARLE

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at to-day's session.

Mr. SONES. Mr. President, I move that the nomination of J. Raymond DeShong as Justice of the Peace, be returned to the His Excellency, the Governor of the Commonwealth.

Mr. RICE. Mr. President, I second the motion.

On the question will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Cavalcante,	Hevburn,	McCreesh,	Rupp,
Chapman,	Homsher,	McGinnis,	Ruth,
Dando,	Howell,	Owlett,	Salus,
Deitrick,	Jacobs,	Pierson,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Eroe,	Kilgallen,	Reed,	Stiefel,
Frey,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Roberts,	Wolfenden,
Henney,	Law,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported, excluding the nomination of J. Raymond DeShong.

On the question.

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Cavalcante,	Henney,	Law,	Roberts,
Chapman,	Homsher,	McCreesh,	Rodgers,
Dando,	Howell,	McGinnis,	Ruth,
Deitrick,	Huffman,	Mundy,	Salus,
Dent,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Eroe,	Kilgallen,	Pytko,	Sones,
Frey,	Kunkel,	Rankin,	Stiefel,
Gelder,	Lanius,	Rice,	Wolfenden,
Haluska,			

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McCREESH. Mr. President, I second the motion

The motion was agreed to.

REPORTS FROM COMMITTEE

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO, from the Committee on Corporations reported as committed, Senate Bill No. 707 entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth, created by special act of assembly prior to January 1, 1874, to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported at to-day's session be read the first time.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 320 (House Bill No. 85), entitled:

An Act relieving certain lands acquired by counties, cities, boroughs, towns or townships from liens in favor of the Commonwealth for corporation taxes in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 325 (House Bill No. 528), entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 359, entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to

transport persons in common carriage by trackless trolley car, incorporated under the law of this Commonwealth, to acquire the corporate powers, franchises, property rights and credits of such company.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 435, entitled:

An Act to amend section five of the act, approved the nineteenth day of April, one thousand nine hundred and one (P. L. 88) entitled, "An act relating to replevin, and regulating the practice in cases where the writ of replevin is issued" as amended; fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 438, entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 568) entitled, "An act relating to the commencement of actions," as amended, fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 439, entitled:

An Act to amend section four of the act approved the seventeenth day of March, one thousand eight hundred and sixty-nine (P. L. 8) entitled, "An act relative to fraudulent debtors," fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service, residence or appearance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 485, entitled:

An Act to re-enact and amend the act approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365) entitled, "An act to encourage and authorize the formation of cooperative associations, productive and distributive, by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof; imposing an annual fee on such associations; and exempting them from State taxation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 584, entitled:

An Act requiring counties of the fourth class to establish a retirement fund for the employes of such counties and the poor districts thereof; and providing for the administration of such fund and the payment of retirement allowances therefrom.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 618 (House Bill No. 713), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled. "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges. abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments. boards and commissions shall be determined," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 621 (House Bill No. 1239), entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 676, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, to sell and convey certain land located in the City of Allentown, Lehigh County, Pennsylvania.

And said bill having been read at length the first tim Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 677, entitled:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206) entitled, "An act concerning townships of the first class law relating thereto;" providing that townships of the first class shall have the power to develop their own water supply.

And said bill having been read at length the first time, Ordered. To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 678, entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing that townships of the second class shall have the power to develop their own water supply.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 679, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville, Lebanon County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 685, entitled:

An Act to amend section one of the act, approved the eighteenth day of April, one thousand nine hundred twenty-nine (P. L. 542) entitled, "An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions; regulating future commitments by the courts of counties having unsuitable institutions, and imposing the cost of maintenance and transfer of such prisoners upon the county from which committed," by permitting the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions without the consent of the court by which the prisoners were committed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 707, entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth, created by special act of assembly prior to January 1, 1874, to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 769, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 414), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 770, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 1046), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 780, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook, Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred twenty-nine, (P. L. 177), entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provisions for the number, selection, qualifications, promotion, training and discipline of the members of such force.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 784, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (P. L. 1314), entitled, "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Com-

monwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police, and making an appropriation," by imposing upon the Pennsylvania Motor Police and duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 796 (House Bill No. 917), entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or on farms; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 806, entitled:

An Act to amend section one of the act approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 147) entitled, "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth," increasing the compensation of coroner's jurors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 817, entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcrips to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 830, entitled:

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 853, entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably, to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 858, entitled:

An Act to amend subsections h and m of section one of the act approved the first day of June, one thousand nine hundred thirty-three (P. L. 1141) entitled "An act fixing and regulating the fees, commission, mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the counties, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaries sheriffs to account to their counties for certain fees and commissions collected and repealing inconsistent laws, general, special or local," reducing the mileage chargeable by sheriffs for their official acts and the services of their deputies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 886, entitled:

An Act to amend the title and certain sections of the act approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450) entitled, "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointments of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal of change of certain buildings; imposing duties on school authorities, and on certain corporations associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by imposing upon the Pennsylvania Motor Police the duty of administering; and enforcing the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 887 entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (P. L. 151) entitled, "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 916, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 920, entitled:

An Act requiring corporations incorporated under the laws of this Commonwealth (other than nonprofit corporations) to designate the Secretary of the Commonwealth as their agent for the service of process; and regulating the issuance, manner of service and effect of such process.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Public Health is now holding a public hearing in the Senate Caucus Room.

There will be meeeting of the Committee on Elections at 5:00 p. m. today in the Senate Caucus Room, where the Borough and Township permanent registration Act will be discussed.

There will be a public hearing at 8:00 o'clock tonight in the Senate Chambers, before the Committee on County Government on Senate Bill No. 760, taxing the real estate of public service companies.

Immediately upon adjournment today, there will be a meeting of the Committee on Labor and Industry in Room 402.

At 10:00 tomorrow morning, the Committee on Appropriations will meet in Room 400.

The Committee on Mines and Mining will meet at 11:00 a. m. tomorrow in Room 302.

The Committee on Municipal Government will meet on Wednesday, at 10:30 a. m. in Room 402.

The Committee on Banking will meet tomorrow at 11:30 a. m. in Room 265.

The Committee on State Government will meet Tuesday April 20, at 10:00 a. m., in Room 402.

The Committee on Insurance will meet on Wednesday, April 21, at 10:00 a. m. in Room 402.

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn, until twelve o'clock noon tomorrow.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:25 p. m. until twelve o'clock noon, tomorrow, Wednesday April 14th, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, April 13, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Reverend EPHRAIM Z. GALLAHER offered the following prayer:

Let us Pray.

Jehovah giveth and Jehovah taketh away. Blessed be the name of Jehovah. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesteday, when, on motion of Mr. STACKPOLE the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

ROADS

A resolution from the Hartley Township Supervisors of Union County opposing passage of House Bills Nos. 639, 657, 1189, 1200, and endorsing passage of House Bill No. 896 and Senate Bill No. 402.

Referred to the Committee on Highways.

CHIROPRACTORS

A Resolution from the West Shore Post No. 1462, Veterans of Foreign Wars, Lemoyne, urging passage of chiropractic legislation.

Referred to the Committee on State Boards.

REQUEST TO ADDRESS LEGISLATURE

A petition from citizens of Hazleton, requesting permission to address the General Assembly on depression.

Referred to the Committee on Welfare.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Represenatives, as follows:

In the House of Representatives, April 12, 1937.

Resolved (if the Senate concur), that House Bill No. 1183, Printer's No. 494, entitled "An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in ceratin cases and appropriating money in the Motor License Fund for the purposes of this act," be recalled from the Governor for the purpose of amendment.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 553.

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 565), entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over, and taking possession of and conducting or liquidating the business and property of, corporations, associations, and persons receiving deposits or otherwise transacting a banking business, corporations acting as fiduciaries, and building and loan associations; providing for the payment of the expenses of the Department of Banking by supervised corporations, associations, or persons, and appropriating the Banking Department Fund; authorizing the Department of Banking, under certain circumstances, to examine corporations, associations, or persons affiliated, or having business transactions with supervised corporations, associations or persons, authorizing appeals to the Supreme Court, and prescribing and limiting the powers and duties of certain other courts and their prothonotaries, registers of wills, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services rendered under this act; providing penalties: and repealing certain acts and parts of acts," as amended, by providing for the creation of the Building and Loan Board, the appointment of its members, the payment of its expenses, and defining its powers and duties; and by modifying the powers and duties of the Department of Banking, and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision; and by making inapplicable said act to certain corporations.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY THE SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 554.

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both and of affiliates of such corporations or persons and of officers directors trustees and employes of such corporations and persons.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1053.

An Act to amend section one as re-enacted, sections two and three as amended, sections four and five, and section six as amended, of the act, approved the thirteenth day of June, one thousand eight hundred and eighty-three (P. L. 119), entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies," by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania; providing further for the distribution and

use of unclaimed human bodies; fixing the time for the claiming and distribution of bodies, and the duties of carriers of bodies; requiring those receiving bodies to give bond; and providing penalties.

HOUSE BILL No. 1054.

An Act to amend section seven as amended sections nine and thirteen sections fourteen and eighteen as amended section nineteen and sections twenty-one and twenty-two as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 969) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof providing for the registration of birth certificates of children of citizens born beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof imposing additional duties upon the local registrars and providing compensation therefor payable by the Commonwealth authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties.

With the information that the Senate has passed the same without amendment.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 316.

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters exempting cities of the first class and school districts in such cities from the provisions of this act.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 316.

An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political subdivisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters exempting cities of the first class and school districts in such cities from the provisions of this act.

HOUSE BILL No. 553.

An Act to amend the act, approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision making further provisions with regard to appeals in certain proceedings and by making inapplicable said act to certain corporations.

HOUSE BILL No. 554.

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

HOUSE BILL No. 1053.

An Act to amend section one as re-enacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties

of carriers of bodies requiring those receiving bodies to give bond and providing penalties.

HOUSE BILL No. 1054.

An Act to amend section seven as amended section nine and thirteen sections fourteen and eighteen as amended section nineteen and sections twenty-one and twenty-two as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of birth and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics and required to be established by the Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof providing for the registration of birth certificates of children of citizens borns beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof imposing additional duties upon the local registrars and providing compensation therefor payable by the Comonwealth authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. BROWN, from the committee on Judiciary General, reported as committed, House Bill No. 1325, entitled:

An Act to add section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the apportionment of estate taxes in certain cases.

Mr. ELPERN, from the Committee on Pensions and Gratuities, reported as committed, House Bill No. 1575, entitled:

An Act to amend section eighteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "An act establishing a public school employes' retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing employes; defining the uses and purposes thereof, and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon boards having the employment of public school employes; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial process; and providing penalities," as amended, authorizing the assignment of retirement rights in certain cases.

Mr. PERSHING, from the Committee on Military Affairs, reported as committed, House Bill No. 1977, entitled:

An Act to amend sections three, seven, eight, fifteen, twenty-four and twenty-eight, sections fourteen, thirty-four and thirty-eight as amended, sections eighteen and sixty-one as amended, sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws 869), entitled "An act providing for the organization, government, discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division, changing the designation Staff Corps and Departments to State Staff and Detachment, defining the powers of the division commander, providing for the vacation of commissions upon transfer to the Inactive National Guard, making the period of enlistment and qualifications conform to the National Guard Bureau requirements, defining the duties of the Adjutant General, providing for the elimination of officers or warrant officers by courts of inquiry, changing the basic annual allowance for mounted troops and increasing the minimum allowance, providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains, providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms, providing that any sheriff or constable may receive and confine military offenders, providing that any division commander may appoint a general court-martial, providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding obsolete provisions referring to staff officers.

Mr. HOLSTROM, from the Committee on State Boards, reported as amended, House Bill No. 1028, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws" by limiting the scope of practice as a dental hygienist; providing additional causes for the revocation and suspension of licenses and registrations; making appeals from actions of the board a supersedeas in the discretion of the court; making additional penal provisions; and further regulating the practice of dentistry and as dental hygienists.

Mr. POWERS, from the Committee on Banking, reported as committed, House Bill No. 1216, entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions, insured under the Federal Savings and Loan Insurance Corporation, shall be legal investments for certain corporations and certain funds.

Mr. REUBEN E. COHEN, from the Committee on Cities, reported as committed, House Bill 2073, entitled:

An Act limiting the duration of any franchise given or granted by any city of the first class.

Mr. REUBEN E. COHEN, from the Committee on Cities, reported as committed, House Bill No. 1477, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

Mr. VAN ALLSBURG, from the Committee on Agriculture reported as amended, House Bill No. 563, entitled:

An Act to amend the act, approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale, and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties;" requiring licenses for all bakeries; further regulating bakeries and the importation of bakery products; providing for injunction in certain cases; and changing the penalties prescribed.

Mr. JIROLANIO, from the Committee on Cities, reported as amended, House Bill No. 1921, entitled:

An Act to amend sections four and five of the act, approved the twenty-fifth day of June one thousand nine hundred and thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date, giving the taxpayers option of payment of taxes in quarterly installments.

Mr. TUMELTY, from the Committee on Military Affairs, reported as committed, House Bill No. 1567, entitled:

An Act to amend sections two, and section nine as amended, of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties;" further regulating the making of payments to representatives of persons who cannot personally receive compensation.

Mr. FINNERTY, from the Committee on Municipal corporations, reported as committed, House Bill No. 1113, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five, and validating the liens of such taxes.

Mr. SPROUL, from the Committee on Cities, reported as committed, House Bill No. 2147, (Senate Bill No. 626), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (P. L. 38) entitled as amended "An act regulating the removal of dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

Mr. MURRIN, from the Committee, on Military Affairs, reported as committed, House Bill No. 2133 (Senate Bill No. 573), entitled:

An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (P. L. 223 1933-1934) entitled, "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the War between the United State and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation.

Mr. MELCHIORRE, from the Committee on Cities, reported as committed, House Bill No. 2144 (Senate Bill No. 651) entitled:

An Act to amend sections one, two and three of article seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581) entitled, "An act for the better government of cities of the first class of this Commonwealth," advancing the dates for the submission of budget estimates, the adoption of financial program and the fixing of the tax rate, and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

Mr. SHOEMAKER, from the Committee on Agriculture, re-reported as committed, House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties.

Mr. McDEVITT, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 1603, entitled:

An Act to amend further section one of the act, approved the twentieth day of July one thousand nine hundred

seventeen (P. L. 1153, No. 401) entitled "An act, to fix, regulate, and establish the fees to be charged and received by constables in this Commonwealth," reducing the mileage chargeable to constables.

Miss BRANCATO, from the Committee on State Boards, re-reported as amended, House Bill No. 1119, entitled:

An Act to amend to section one, and sections two and eleven as amended, of, and to add section five and one-tenth to the act, approved the thirteenth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith;" by further regulating the practice of optometry; and providing for the licensing of optometric eye specialists having the right to treat the human eye.

Mr. SCHOR, from the Committee on Banking, reported as committed House Resolution No. 65.

BILL RE-REFERRED

Mr. SCHOR, returned from the Committee on Pensions and Gratuities with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 567, entitled:

An Act creating a Municipal Employes Retirement Commission to study and report on systems of municipal pensions and retirement, their effectiveness and cost and means of reducing such cost, and the consolidation and extension of such systems; and making an appropriation.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. SHAW. Mr. Speaker, I move that House Bill No. 1128, together with the message from the Governor which was laid upon the table be taken from the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1128

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 8, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to infrom you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1128, Printer's No. 260, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE

RECONSIDERATION OF VOTE

Mr. SHAW. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. RUSH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Shaw vote on the final passage of this bill?

Mr. SHAW. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Delaware, Mr. Rush vote on the finall passage if this bill?

Mr. RUSH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. SHAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. SHAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by inserting after the word "orders" and before the word "to" the following: "issued by the State Veterans' Commission".

Amend page 1, line 5 of the title, by inserting after the word "appropriation" and before the word "for" the following: "to such commission".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1000, entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2154, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1705, entitled:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" are hereby re-enacted and amended to read as follows

An Act relating to the grading and sale of grapes and potatoes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture

Section 1 Be it enacted etc That the term "closed package" wherever used in this act shall mean a basket box or other container the contents of which cannot be adequately inspected without opening it The terms "shipment" or "ship for sale" wherever used in this act shall mean movement to market in a railroad car motor truck or other medium of transportation but shall not be construed to include process of delivery to a local warehouse or shipping station

Section 2 The Secretary of Agriculture of the Department of Agriculture of this Commonwealth is hereby authorized and empowered after investigation to establish and promulgate official standards of quality for grading classifying and packing grapes and potatoes packed or repacked within the State and to change any of them from time to time In establishing such standards he shall in the case of grapes take into account among other things the factors of maturity color firmness of attachment to capstems compactness of bunches and in all cases damages caused by freezing or by disease or insects The official standards so established and promulgated shall be the same in their requirements as the requirements of the official standards for corresponding grades of grapes or potatoes as promulgated from time to time by the Secretary of Agriculture of the United States which standards are commonly known as "United States Grades"

From and after the establishment of specific grades or standards of quality as hereinbefore provided grapes and potatoes in closed packages shall not be shipped for sale or thereafter sold or exposed for sale except by the grades or standards so established Provided however That grapes and potatoes not graded and classified as to quality may be shipped for sale or sold exposed for sale as "unclassified" if so marked in a conspicuous manner in accordance with rules to be adopted by the Secretary of Agriculture of the Department of Agriculture of this Commonwealth as hereinafter provided

Section 3 Grapes and potatoes in closed packages if not definitely marked as unclassified as hereinbefore provided shall prior to shipment be marked in a plain and conspicuous manner with a statement of (1) the grade (2) the net quantity for weight of contents (3) the name and address of the person or association under whose authority the grapes or potatoes are packed

In case the marking is changed the person making the same shall cancel the name and address included in the original marking and substitute therefor his own name and address

Section 4 (a) No person shall sell expose for sale or transport for sale grapes or potatoes in closed packages if the package containing them the label on them or any advertising accompanying them shall bear any statement design or device regarding the grapes or potatoes which shall be false or misleading in any particular

(b) No person shall sell expose for sale or transport for sale in closed packages grapes or potatoes packed in such manner that the face or shown surface shall not be an average of the contents of the package

(c) When grapes or potatoes in closed packages are delivered to a common carrier for shipment such delivery shall be presumptive evidence that the grapes or potatoes are intended for sale

Section 5 Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense All penalties costs and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth or his agent and by him shall be paid into the State Treasury for the use of the Commonwealth

Section 6 The enforcement of this act shall be vested in the State Department of Agriculture and its officers employes and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of grapes or potatoes and securing evidence of violation of this act and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions

Section 7 This act as amended shall take effect June first one thousand nine hundred and [twenty-nine] thirty-seven

Section 8 All acts and parts of acts inconsistent with this act are repealed

On the question,

Will the House agree to the section?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 1), page 2, line 7, by inserting after the word "box" the following: "bag"

Amend sec. 1 (sec. 2) page 2, line 21, by inserting a light-faced bracket before the word "In" thus "["

Amend sec. 1 (sec. 2), page 2, line 24, by inserting a light-faced bracket after the word "insects" thus "]"

Amend sec. 1 (sec. 3), page 3, line 18, by inserting a light-faced bracket before the word "the" where it first appears in said line, thus "["

Amend sec. 1 (sec. 3), page 3, line 18, by inserting a light-faced bracket after the word "contents" thus "]"

Amend sec. 1 (sec. 3), page 3, line 18, by inserting before the figure "(3)" the following: "the contents in cubic measure or weight"

Amend sec. 1 (sec. 5), page 4, line 12, by inserting a light-faced bracket before the word "be" thus "["

Amend sec. 1 (sec. 5), page 4, line 17, by inserting a light-faced bracket after the word "offense" thus "]"

Amend sec. 1 (sec. 5), page 4, line 17, by inserting before the word "All" the following: "upon summary conviction thereof for the first offense be sentenced to pay a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution, and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and the costs of prosecution, or, in default of such fine and costs, be imprisoned in the county jail for not less than ten days nor more than thirty days."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (P. L. 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes

On the question,

Will the House agree to the title?

Mr. NAGEL. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting after the word "potatoes" the following: "and changing the penalties prescribed"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 732, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities boroughs towns and townships maintaining a uniform police force creating a civil service commission in each county city borough town and township defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Appointees in Police Departments in all Counties Cities Boroughs Towns and Townships Placed Under Civil Service Hereafter all appointments to and promotions in the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police protection work in any county city borough town or township except county detectives and policemen and police women who do not devote their full time as policemen and police women for the political subdivision but who receive salaries for such services provided for in the annual budgets of such political subdivisions and shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies except superintendent or chief of police which position shall be filled by a member of the police bureau or police force who has at least ten years experience in the police department unless the police bureau or police force has not been so long organized or has no one in employ with ten years of service but in all such excepted cases the superintendent or chief of police shall at all times be a member of the police force after it is once organized

No person shall hereafter be appointed reinstated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1565 entitled:

An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws 520) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof' as amended further regulating the adulteration and misbranding of food providing for injunctions against the sale of food in certain cases and changing penalties

The first to the fourth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws 520) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing the sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted etc That it shall be unlawful for any person firm copartnership limited partnership joint-stock company or corporate body by himself herself itself or themselves or by his her its or their agents servants or employes to manufacture sell offer for sale expose for sale or have in possession with intent to sell any article of food which is adulterated or misbanded within the meaning of this act

The possession of any adulterated or misbranded article

of food shall be deemed prima facie evidence of an intent to sell such article of food

Section 2 That section three of said act as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 899) is hereby further amended to read as follows

Section 3 (a) That for the purpose of this act an article of food shall be deemed to be adulterated

First If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality strength or purity

Second If any substance has been substituted wholly or in part for the article

Third If any valuable constituent of the article has been wholly or in part abstracted

Fourth If it be mixed colored or changed in color coated polished powdered stained or bleached whereby damage or inferiority is concealed or so as to deceive or mislead the purchaser or if by any means it is made to appear better or of greater value than it is

Fifth If it contains any added sulphurous acid sulphur dioxide or sulphites benzoic acid or benzoates or other preservatives except as hereafter provided or if it contains any added boric acid or borates salicylic acid or salicylates formaldehyde hydrofluoric acid or fluorides fluoborates fluosilicates or other fluorine compounds [dulcin glucin] saccharin [alum compounds of copper] or other artificial sweetening agents except as hereafter provided metallic salts betanapthol hydronapthol abrastol asaprol pyroligeneous acid or other [added] ingredients deleterious to health or if in the case of confectionery it contains any of the substances mentioned in this paragraph or any mineral substance or injurious color or flavor alcoholic liquor or any other ingredients not herein mentioned deleterious to health Providing That this act shall not be construed to prohibit the use of harmless colors of any kind in confectionery or in fruits used in fruit cake when used for coloring and not for any fraudulent purpose And provided further That nothing in this act shall be construed to prohibit the use of common salt sugar pure corn syrup pure glucose wine vinegar cider vinegar malt vinegar sugar vinegar glucose vinegar distilled vinegar spices or their essential oils alcohol (except in confectionery) edible oils edible fats wood smoke applied directly as generated or proper refrigeration And provided further That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only and as a solvent for glazes and that oil of sweet birch or methylsalicylic ester may be used as a substitute for oil of wintergreen as a flavor And provided further That in the preparation of dried fruits and molasses sulphur dioxide either free or in simple combination may be used in the proportion of not in excess of twenty-five hundred (2500) parts a million and that when any dried friuts and molasses are used in any foods or food products or contain as a part of or as an ingredient in any food the sulphur dioxide in such dried fruits and molasses shall not exceed the proportion of fifty (50) parts a million and that sodium benzoate may be used in the preparation of those articles of food in which it has heretofore been generally used in quantities not exceeding one-tenth (1-10) of one per centum or benzoic acid equivalent thereto And provided further That when any quantity of sulphur dioxide or sodium benzoate is used in any article of food the fact that sulphur dioxide or sodium benzoate has been used in the preparation thereof shall be plainly stated on each package of such food And provided further That any article of food containing saccharin or any artificial sweetening agent may be manufactured transported or sold if it contains no added sugar honey or other natural sweetening agent and the name of the artificial sweetening agent followed by the word "sweetened" is placed upon the label each time the name of the article of food is mentioned in type no smaller than the largest type on said label Said label shall also contain such appropriate warning statement as shall be prescribed by the Department of Agriculture

Sixth If it consists of or is manufactured in whole or in part from a diseased contaminated filthy or decomposed substance either animal or vegeable or an animal or vegetables substance produced stored transported exposed or kept in a way or manner that [would] might tend to render the article diseased contaminated or unwholesame or if it is any part of the product of a diseased animal or the product of an animal that has died otherwise than by slaughter

(b) It shall be unlawful for any person manufacturing articles of food or selling articles of food whether at wholesale or retail to have in his possession or to transport any article of food which is adulterated unless the same has been completely denatured and rendered unfit for food by kerosene or other suitable denaturant prescribed by the Department of Agriculture

Section 4 That clause two of section four of said act is hereby amended to read as follows

Second If it be labeled or branded so that it may deceive or mislead the purchaser or purport to be a foreign product when not so or if the contents of the package as originally put up shall have been removed in whole or in part and other [inferior] contents shall have been placed in such package

The fifth section was read as follows:

Section 5 That section four of said act is hereby amended by adding thereto clause five to read as follows

Fifth If the package containing it or its label shall not bear the name and address of its manufacturer followed by the word "manufacturer" or preceded by the words "manufactured by"

On the question.

Will the House agree to the section?

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec, 5 , page 6, line 8, by striking out the words "clause five" and inserting in lieu thereof: "clauses five, six and seven".

Amend sec. 5, page 6, line 9 to 12, both inclusive, by striking out all of said lines, and inserting in lieu thereof: "Fifth. If the package or container containing the article of food or the label thereon shall not bear the name and address of the manufacturer or packer of the contents thereof, or the name and address of the wholesale dealer or distributor, preceded by the words "manufactured by" or "packed by" or "distributed by" or packed for", as the case may be, or followed by the word 'manufacturer" or "packer" or "wholesale dealer" or 'distributor", as the case my be.

Sixth. When the package or container, containing the article of food or the label thereon shall not bear the name and address of the manufacturer or packer of the contents thereof, preceded by the words 'manufactured by" or "packed by" or followed by the word "manufacturer" or "packer", as the case may be, unless the wholesale dealer or distributor in such cases shall keep true and correct records of the name and address of the manufacturer or packer of the contents thereof, which records shall be open at all reasonable times to inspection by the Department of Agriculture or its agents. Such records shall be kept by the wholesale dealer or distributor for a period of five years from the date of the sale of said articles of food by said wholesale dealer or distributor.

Seventh. When the package or container shall not bear the name and address of the manufacturer or packer of the contents thereof, preceded by the words 'manufactured by" or "packed by" or followed by the word "manufacturer" or "packed", as the case may be, unless such package or container shall bear a code marking identifying to the wholesale dealer or distributor the name and address of the manufacturer or packer of the contents thereof. Such information shall be kept as part of the records of the wholesale dealer or distributor for a period of five years

from the date of the sale of said articles of food by said wholesale dealer or distributor, and such records shall be open at all reasonable times to inspection by the Department of Agriculture or its agents."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the ninth sections inclusive and title were separately read and agreed to as follows:

Section 6 That sections five and seven of said act are hereby amended to read as follows

Section 5 When the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent shall obtain an article of food or a sample or portion thereof from any person for the purpose of determning whether the same is adulterated or misbranded within the meaning of this act and it shall be found that the said article of food is adulterated or misbranded within the meaning of this act then the [Dairy and Food Commissioner] Department of Agriculture shall proceed against the said person from whose store warehouse or other place of business said article sample or portion thereof shall have been obtained for a violation of the provisions of this act

But no prosecution shall be sustained under the provisions of this act against a retail dealer for the selling offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded article of food as defined herein if the retail dealer from whom the said articles of food sample or portion thereof was obtained by the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent can establish a guaranty signed by the manufacturer or wholesale dealer or jobber or distributor residing in the United States from whom such article of food was purchased or procured to the effect that the same is not adulterated or misbranded within the meaning of this act designating it unless such article of food shall have been adulterated or misbranded while in the possession of such retail dealer

Said guaranty to afford protection shall contain the name and address of the manufacturer or wholesale dealer or jobber or distributor making the sale of such article of food to such retailer and in such case the said manufacturer or wholesale dealer or jobber or distributor so as aforesaid giving such guaranty shall be amendable to the prosecution fines and other penalties which would attach in due course to the retailer holding such guaranty under the provisions of this act for a violation hereof and every manufacturer or wholesale dealer or jobber or distributor giving a guaranty under the provisions of this act shall be held responsible and shall be proceeded against for the adulteration or misbranding of any article of food sold under said guaranty and shall be subject to the penalties for the violation of the provisions of this act No such guaranty shall operate as a defense to prosecution for a violation of the provisions of this act if the retailer holding such guaranty shall continue to sell the same article of food after written or printed notice from the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent that such article is adulterated or misbranded within the meaning of this act

But if said person shall violate the provisions of paragraph six section three of this act by having stored [or] transported exposed or kept said article in said paragraph mentioned in a way or manner to render it diseased contaminated or unwholesome said person shall be proceeded against for a violation of the provisions of this act and it shall not be necessary for conviction that any article sample or portion thereof shall be obtained by the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent as a condition precedent to prosecution

Section 7 Any person who shall violate any of the provisions of this act or any rule regulation or order made pursuant to this act shall [be guilty of a misdemeanor] for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than sixty dollars nor more than one hundred dollars and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 7 That said act is hereby amended by adding thereto after section seven a new section to read as follows

Section 7A The Attorney General at the request of the Department of Agriculture may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from selling articles of food in this Commonwealth and for such purpose jurisdiction is hereby conferred upon said court In such cases the Attorney General shall not be required to give bond

Section 8 That sections eight and nine of said act are hereby amended to read as follows

Section 8 The [Dairy and Food Commissioner] Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulations setting up definitions and standards of articles of food and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same

Section 9 All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid [to the Dairy and Food Commissioner or his agent and by the Dairy and Food Commissioner be paid] into the State Treasury [for the use of the Commonwealth] through the Department of Revenue and credited to the General Fund

An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (P. L. 520) entitled 'An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" as amended further regulating the adulteration and misbranding of food for injunction against the sale of food in certain cases and changing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2080 (Senate Bill No. 586), as follows:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows

One of the two members required to be attorneys-at-law

the one member required to be a construction engineer and the one member required to be a real estate appraiser shall be appointed by the county treasurer of the county

One of the two members required to be attorneys-at-law the one member required to be a civil engineer and the one member required to be a real estate broker shall be appointed by the county controller

The one member required to be a business man shall be appointed by the county treasurer and the county controller acting jointly

All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled

Section 2 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 3 This act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2031 (Senate Bill No. 587) as follows:

An Act to further amend section five to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" as amended by section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 866) is hereby further amended to read as follows

Section 5 Whenever hereafter a petition shall be presented to any court judge or judges of this Commonwealth praying the appointment of viewers reviewers or re-reviewers or of a jury of view or of a road jury or of commissioners of view or of any person or body under any designation for the purpose of viewing laying out opening grading altering widening vacating or constructing of roads streets highways sewers or bridges or for the assessment of damages and benefits occasioned by such laying out opening grading altering widening vacating and constructing of roads streets highways sewers or bridges or occasioned by any appropriation of land by municipalities and of other corporations having the power of eminent domain the court shall appoint a board of view of three members one of whom may be learned in the law from among the board of viewers of the county as such viewers reviewers re-reviewers or jury of view or road jury or commissioners of view Provided That in counties of the first class such board of view shall be appointed from among the members of the board of revision of taxes of such county

The records filed by such board of view when concurred in by two out of these three members thereof shall have the same force and effect as records filed under existing laws by viewers reviewers re-reviewers or juries of view or road juries or commissioners of view

Appeals from the action of any board of view and exceptions thereto shall be taken and filed in the same manner and with like force and effect as under existing laws

In case of vacancies in a board of view appointed in any case and before its final action the court which appointed the board may fill such vacancies in the board by the appointment of other members of the board of viewers

Section 2 The board of viewers of counties of the first class is hereby abolished

Sections one two three and four of said act and their amendments are hereby repealed in so far as they apply to counties of the first class

Section 3 The provisions of this act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2082 (Senate Bill No. 588), as follows

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Comonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of articles three of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by section one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1189) is hereby further amended to read as follows

Section 1 There shall be the following executive departments

1 Department of Public Safety
2 Department of Public Works
3 Department of Public Health
4 Department of Public Welfare
5 Department of Wharves Docks and F
6 Department of City Transit
7 Department of City Treasurer
8 Department of City Controller
9 Department of Law
10 Civil Service Commission
11 Department of Receiver of Taxes
12 Department of Supplies and Purchases
13 Department of City Architecture

No Department shall be created by the council other than those herein enumerated

Section 2 Article eleven of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 7 The department of city treasurer is hereby charged with the duty of receiving taxes and funds derived from loans licenses water-rents water-pipe frontages permits and rents from markets landings wharves and other public property and interest and with the supervision control and direction of such activities But boards of directors of city trusts now existing and boards of revision of taxes created by any acts of assembly shall be appointed and perform their functions as provided by law

The city treasurer shall be charged by the controller with the full amount of all tax duplicates of the several wards and also with all other accounts placed in his hands by the proper officer for collection and shall make daily returns to the controller of all moneys paid and by whom paid together with all duplicates of the tax receipts retained by the City Treasurer at the time of payment

The city treasurer may employ such additional clerical and other assistants as are necessary to perform the duties imposed by this section and he may purchase such mechanical equipment as is needed in connection therewith

Section 3 Article fifteen of said act is hereby repealed

Section 4 The office of receiver of taxes in cities of the first class is hereby abolished and the term of the receiver of taxes in office is hereby terminated on the effective date of this act All books papers records and documents in the possession of the department of receiver of taxes are hereby transferred to the department of city controller and all supplies materials and equipment are hereby transfered to the board of revision of taxes on the effective date of this act

Section 5 The provisions of this act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2083 (Senate Bill No. 598), entitled:

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraiser and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

The first section was read and agreed to as follows:

Section 1 Be i tenacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall after the first day of May one thousand nine hundred and thirty-seven consist of seven members who shall be appointed for terms of six years as provided by law

The second section was read as follows:

Section 2 The respective members of the board shall have the following qualifications

Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county and shall have practiced law in the county for the last five years immediately preceding their appointment

One of such members shall be a construction engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least ten years' practical experience immediately preceding his appointment

One of such members shall be a civil engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least ten years' practical experience immediately preceding his appointment

One of such members shall be a real estate appraiser and shall have had at least ten years' practical experience as such gained in private business and not in public office immediately preceding his appointment

One of such members shall be a real estate broker licensed as such under the laws of this Commonwealth and shall have had at least ten years' practical experience gained in private business and not in public office

One of such members shall be a business man or an accountant with at least ten years' practical experience or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, line 15 by striking out "ten" and inserting in lieu thereof: "five".

Amend sec. 2, page 2, line 20 by striking out "ten" and inserting in lieu thereof: "five".

Amend sec. 2, page 2, line 24 by striking out "ten" and inserting in lieu thereof "five"

Amend sec. 2, page 2, line 25, 26 and 27 by striking out: "as much in private business and not in [con-" and all of lines 26 and 27.

Amend sec. 2, page 3, line 1 by striking out "ten" and inserting in lieu thereof "five"

Amend sec. 2, page 3, line 1, and 3 by striking out ["as" in line 1, all of line 2 and all of line 3.

Amend sec. 2, page 3, line 5 by striking out "ten" and inserting in lieu thereof "five".

On the question,

Will the House agree to the amendments?

They were agreed to,

The third section was read and agreed to as follows:

Section 3 No person shall be appointed a member of the board of revision of taxes unless he shall have filed with the appointing authority a written application for such appointment setting forth in detail sufficient information to show that the applicant possesses the qualifications required of him by this act All such facts shall be sworn to or affirmed by the applicant All such applications shall remain on file in the office of the appointing authority as a public record

The fourth section was read as follows:

Section 4 The board shall organize each year by electing a chairman and a secretary from among its members In the absence of the chairman a member designated by him shall act as chairman

The chairman of the board shall receive a salary of twelve thousand five hundred dollars ($12,500) per annum Each of the other members shall receive salaries of ten thousand dollars ($10,000) per annum None of the members shall receive any other compensation for any service required of them by law

Each member of the board shall give bond in such amount and with such surety or sureties as the tax levying body of the county shall approve conditioned upon the faithful performance of all of their duties as members of the board They shall not be required to give any other bond for any purpose

The members of the board shall not during their terms of office hold any other public office or other public employment

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 4, line 8 by striking out the brackets before the word "engage" and after the word "or"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth section was read and agreed to as follows:

Section 5 The board shall appoint a chief deputy appraiser who shall receive a salary of seven thousand five hundred dollars ($7,500) per annum Such chief appraiser shall at the time of his appointment made had not less than ten years' practical experience in making real estate appraisals It shall be his duty to supervise and assist in the setting up and maintaining of a scientific and modern system of appraisement and records thereof and to supervise the making of assessments and the keeping of the records of the board in accordance with the directions rules and regulations of the board

The sixth section was read as follows:

Section 6 The board shall appoint two deputy appraisers whose salaries shall be five thousand dollars ($5,000) per annum each and two personal property appraisers and as many senior assistants as it deems necessary but not more than twenty whose salaries shall be fixed by the board subject to the approval of the tax levying body of the conuty and shall range in amount from two thousand seven hundred and fifty dollars ($2,750) to five thousand dollars ($5,000) per annum each Each of such [deputy appraisers and] senior assistants appraisers shall have had not less than five years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade Each of the personal property appraisers shall have had not less than five years' practical experience in valuing securities and other personal property subject to taxation

The board shall appoint as many junior assistants appraisers as it deems necessary but not more than ten whose salaries shall be fixed by the board subject to the approval of the tax levying body of the county and shall range in amount from one thousand eight hundred dollars ($1,800) to two thousand seven hundred and fifty dollars ($2,750) Each of such junior assistants appraisers shall have had not less than three years' practical experience as a draftsman or real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade or shall be a graduate of or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed

The board shall also appoint such number of clerks stenographers and other employes and at such compensation as shall be allowed and fixed by the tax levying body of the county

All salaries and compensation shall be paid out of the county treasury

On the question,

Will the House agree to the section?

Mr. OMINSKY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 6, page 5, lines 7, 8, 9, and ten by striking out "fixed by the board subject to the approval of the" in line 7, all of line 8, all of line 9 and "to five thousand dollars ($5,000) per annum each" in line 10.

Amend sec. 6, page 5, line 7, by inserting after the word "be" the following "four thousand dollars per annum".

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventh to the tenth sections inclusive and title were separately read and agreed to as follows:

Section 7 The board of revision of taxes may by general rules and regulations prescribe additional qualifications not inconsistent with the provisions of this act to be possessed by the chief appraiser deputy appraisers personal property appraisers senior assistant appraisers junior assistant appraisers and other employes of the board

No person shall be employed by the board in any position except pursuant to written application under oath or affirmation setting forth in detail his qualifications for the office or position which he seeks which applications shall be preserved among the records of the board All appointments shall be made pursuant to competitive examinations conducted by the board which shall be open to all persons possessing the requisite experience and qualifications Appointments shall as far as possible be made by advancement from among the employes of the board

Section 8 The terms of the members of the board of revision of taxes now in office in counties of the first class are hereby treminated as of the effective date of this act The several assessors and personal property assessors heretofore provided for by law in counties of the first class are hereby abolished and the terms or employment of the present assessors are hereby terminated

Section 9 The following acts and their amendments are hereby repealed

The act approved the twenty-fourth day of March one thousand nine hundred and three (P. L. 51) entitled "An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred fifty thousand or over"

The act approved the thirty-first of May one thousand nine hundred and seven (P. L. 329) entitled "An act fixing the salary of real estate assessors in counties having a population of one million or over" and

The act approved the seventh day of April one thousand nine hundred and twenty-seven (P. L. 149) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries"

The act approved the eighteenth day of February one thousand nine hundred andthirty-seven (Act Number 3) entitled "An act providing for the appointment of assessors and clerks by boards of revision of taxes in cities of the first class fiving their salaries and repealing inconsistent acts"

All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

An Act fixing the number, qualifications, manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief appraiser, assistant appraisers and other employes of the board; terminating the terms of the present members of the board of revision of taxes abolishing the present assessors; and repealing general, local and special laws.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consid-

eration of House Bill No. 2084 (Senate Bill No. 590), as follows:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall establish a system of tax assessments and records thereof which shall include a complete survey of each parcel of ground and of each building and other improvement in the county and a record thereof showing in full detail descriptions character and size of both land and buildings and other improvements together with the names and address of the owners thereof and the amounts for which such land buildings and improvements respectively stand assessed and the basis upon which such assessments were made The records hereby required shall be in such form and of such kind and character as in the opinion of the board and the chief appraiser shall be necessary and proper to set up and maintain a scientific and modern system of appraisement

Section 2 Such records shall be set up as soon as conveniently may be after the effective date of this act and shall be in such form as the board shall determine The work of preparing such records together with the necessary maps plates and other details may be performed by contract entered into by the tax levying body of the county in the manner provided by law

Whenever after the completion of such records any change shall occur in the physical condition of any land building or improvement or any change in ownership or whenever any change in the assessed valuation is made in accordance with the provisions of this act such change or changes shall be made and noted on the record of the office of the board

Any taxable inhabitant shall have the right at any time during office hours to examine the assessment of any property shown on such record

Section 3 Immediately after their appointment in the year one thousand nine hundred and thirty-seven and again during the year one thousand nine hundred and thirty-nine and triennially thereafter the board of revision of taxes shall assess rate and value all objects of taxation whether for county city school or poor purposes according to the actual value thereof In arriving at such value the price for which any property would separately bona fide sell shall be considered but not be controlling In assessing real property the board shall classify the same in such manner as to distinguish between the buildings on land and the land exclusive of the buildings but no distinction shall hereafter be made between farm and suburban property

Section 4 In the year one thousand nine hundred and thirty-eight and in each year between the years of the triennial assessments the board of revision of taxes shall take an account of all personal property taxable by law together with a just valuation thereof and all persons and also a valuation of all offices and posts of profit professions trades and occupations taxable by law and shall note all persons who have arrived at the age of twenty-one years since the last triennial assessment and all others who have since that time come to inhabit in the county together with the taxable property such persons may possess and the valuation thereof The Board shall also reassess all real property which may have been improved by the erection of buildings or other improvements subsequent to the last preceding triennial assessment and shall note such alterations as may have been occasioned by the transfer or division of real property or by the destruction of buildings

Section 5 In any year other than a triennial year the board of revision of taxes shall if it deems the same necessary make a new assessment of all the property within the county or any part thereof or of any particular property as it deems necessary and advisable

Section 6 As soon as the assessment required to made during the year one thousand nine hundred and thirty-seven and as soon as the assessment required to be made during the year one thousand nine hundred and thirty-nine and each triennial assessment thereafter shall have been completed the board of revision of taxes shall prepare a statement in such form as will show the assessed values of all properties within the county Such statement may be in book form and shall be posted or made available for public inspection at such places throughout the county as the board shall deem necessary Copies of such statements may also be sold in such manner and at such price as the board shall determine The proceeds of such sales shall be paid into the county treasury

Section 7 When the times for the meetings of the board of revision of taxes to hear appeals have been fixed the board shall give at least five days' printed or written notice to each taxable of the amount or sum for which such taxable stands rated in any triennial assessment also of any sum or amount for which said persons stand rated by reason of any changes in his her or their assessment in any intervening year for any cause whatsoever together with the time and place of hearing appeals Such notice may served personally or by posting on the premises or by mailing the same to the last known address of the taxable Any person dissatisfied or aggrieved by the assessment or any change thereof may appeal to the board of revision of taxes and be heard at the time and place fixed in the notice

Section 8 At the time and place fixed for the appeal whether at a triennial or inter-triennial assessment the board of revision of taxes shall attend and hear all persons who may apply for redress and grant such relief as to them shall appear just and reasonable Provided That the board of revision of taxes shall not make any allowance or abatement in the valuation of any real estate in any other year than that in which the triennial assessment is made excepting where building or other improvements have been destroyed subsequently to such triennial assessment or where a new assessment has been made as hereinbefore authorized in which cases such allowance or abatement may be made

From any decision of the board an appeal may be had to the court of common pleas of the county as now provided by law On any such appeal the appraisement made by the board of revision of taxes shall be prima facie evidence of the value of the property involved in such appeal

Section 9 For the purpose of all hearings and for all other purposes necessary to the discharge of the duties of the board of revision of taxes each member of the board the chief appraiser each assistant appraiser and such other employes of the board as it may designate shall have authority to administer oaths and affirmations touching any matter relating thereto

Section 10 It shall be the further duty of the board of revision of taxes upon certification of the proper authorities levying taxes for county city school and poor purposes of the rates of such levies to prepare tax bills in such form and setting forth such information as the controller of the county shall prescribe Such bills shall cover water rents water charges and all taxes on both real and personal property occupations per capita and poll taxes that are levied by any such tax levying authority under any general local or special law

Section 11 Except where inconsistent therewith this act does not repeal any of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State

purposes" nor any of the provisions of the provision of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subjected to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" or its amendments

Section 12 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 13 This act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 731 as follows:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of th same That the following words and phrases as used in this act shall be construed to have the following meanings

"Board" the County Retirement Board created by this act

"County Employe" an officer or employe of the county whose salary or compensation is paid on a yearly or monthly basis and also any officer or employe regularly employed whose compensation is paid on a per diem basis

"Fund" the County Employes Retirement Fund created by this act

"Accumulated Deductions" the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act and standing to the credit of the members' annuity reserve account together with the regular interest thereon

"Contributor" any person who has accumulated deductions in the fund created by this act standing to the credit of the members' annuity reserve account

"Beneficiary" any person in receipt of a retirement allowance under this act

"Prior Service" all service as a county employe served not later than December thirty-first preceding the year the retirement system shall be established in any county

"Original Member" a county employe who was at any time a member of the retirement system prior to January first of the year the retirement system is establishd in any county

"New Member" a county employe who shall have become a member of the retirement system subsequent to date the retirement system is established in any county

"Superannuation Retirement Age" as applied to a contributor means sixty years of age or upwards

"Final Salary" the average annual salary received by a contributor for the five years of service immediately preceding retirement or in the event a member has not served five years the total salary received divided by the number of years served

"Regular Interest" interest at the rate of three and one-half per centum compounded annually

"County Annuity" payments for life or during disability derived from contributions made by the County

"Member's Annuity" payments for life or during disability derived from contributions made by the contributor

"Retirement Allowance" the State annuity plus the member's annuity

Section 2 COUNTY RETIREMENT SYSTEM AND COUNTY RETIREMENT BOARD CREATED A retirement system may be established for county employes by resolution of the county commissioners in any county of the third class which system when established shall be administered by a County Retirement Board which shall consist of the Chairman of the Board of County Commissioners' or his representative who shall be its chairman the county controller or his representative and one county employe to be selected from time to time by the county employes for a term of two years Each member of the board shall take an oath of office that he will diligently and honestly administer the affairs of the board and that he will not knowingly violate or permit to be violated any of the provisions of this act Such oath shall be subscribed by the member taking it and shall be filed among the records of the board The members of the board shall not receive any compensation for their services but shall be reimbursed for all expenses necessarily incurred in the performance of their duty

Two members of the board shall constitute a quorum

The retirement system herein provided for shall be established on the first day of January of the year succeeding the one in which the resolution of the county commissioners was adopted

Section 3 PERSONNEL ADMINISTRATIVE EXPENSES The board may appoint and fix the compensation of an actuary The controller shall be the secretary of the board and shall receive such compensation for his services as may be fixed by the salary board The secretary shall keep a record of all of the proceedings of the board which shall be open to inspection by the public The expense of the administration of this act exclusive of the payment of retirement allowances shall be paid by the county by appropriations made on the basis of estimates submitted by the board

Section 4 RULES AND REGULATIONS ACTUARIAL DATA The board shall from time to time establish such rules and regulations for meetings of the board and for the administration of the County Employes Retirement Fund created by this act and the various accounts thereof as may be deemed necessary It shall keep such data as shall be necessary for actuarial valuation purposes The actuary of the board shall periodically make an actuarial investigation into the mortality and service experience of the contributors to and beneficiaries of the fund and shall adopt for the retirement system one or more mortality tables and certify to the board annually the amount of appropriation to be made by the county to the fund to build up and maintain adequate reserves for the payment of the county's share of the retirement allowances provided by this act

Section 5 COUNTY EMPLOYES RETIREMENT FUND There is hereby created in each county of the third class in which a retirement system has been established a County Employes Retirement Fund which shall consist of all moneys arising from appropriations made by the county and from contributions made by the members of the County Employes Retirement System and all interest earned by the investments or moneys of the fund created by this act The moneys contributed by the county shall be credited to a County Annuity Reserve Account and those contributed by the members shall be credited to a Members' Annuity Reserve Account and the interest earnings shall be apportioned to the Members' and County Annuity Reserve Accounts The actuary shall determine the present value of the liability on account of all county annuities payable to original members and the percentage of such liability which shall be contributed by the county each year over a period of fifteen years from the time the system is established until the accumulated reserve equals the present value of said liability All such contributions shall be credited to the County Annuity Reserve Account The actuary shall also determine the amount which shall be contributed by the county into the fund periodically for

credit to the County Annuity Reserve Account on account of service of all new and original members subsequent to the time the retirement system is established

Each member of the retirement system shall be required to contribute to the fund such per centum of his salary as shall be computed by the actuary to be sufficient with regular interest to procure for him on superannuation retirement one one-hundred-twentieth (1-120) of his final salary for each year of service after December thirty-first preceding the year the retirement system is established which contributions shall be paid into the fund through payroll deductions in such manner as the board may require All contributions by members shall be credited to the members' annuity reserve account

Section 6 CUSTODY OF AND PAYMENTS FROM FUND All moneys and securities in the fund created by this act shall be placed in the custody of the county treasurer for safe keeping and all payments from said fund on account of retirement allowances shall be made only on requisition signed by the chairman and secretary of the board

Section 7 MANAGEMENT AND INVESTMENT OF FUND The members of the board shall be trustees of the fund created by this act and shall have exclusive management of said fund with full power to invest the moneys therein subject to the terms conditions limitations and restrictions imposed by law upon fiduciaries Subject to like terms conditions limitations and restrictions said trustees shall have power to hold purchase sell assign transfer or dispose of any of the securities and investments in said funds as well as the proceeds of said investments and of the moneys belonging to said fund

The board shall annually allow regular interest on the mean amount for the preceding year to the credit of each of the accounts created in accordance with the provisions of this act The amount so allowed shall be credited to each contributor's account

Section 8 COMPULSORY MEMBERSHIP Each county officer may and each county employe shall be required to become a member of the retirement system established by this act at such date as may be specified in the resolution establishing the retirement system and thereafter when first becoming a county employe Those becoming members prior to January first of the year the retirement system is established shall be known as original members and those becoming members after said date as new members Provided however That if any person who becomes a county employe subsequent to January first of the year the retirement fund was established shall have been at any time theretofore a county employe he shall receive credit for the service prior to January first of the year the system was established and shall be known as an original member

Section 9 COUNTY GUARANTEE ANNUAL BUDGETS The regular interest charges payable and the creation and maintenance of the necessary reserves for the payment of the county and members' annuities in accordance with this act are hereby made obligations of the county The board shall prepare and submit to the county commissioners on or before the first day of November of each year an itemized estimate of the amounts necessary to be appropriated by the county to complete the payment of the obligations of the county during the next fiscal year

Section 10 SERVICE ALLOWANCE In computing the length of service of a contributor for retirement purposes full credit shall be given to each original member for each year of service rendered to the county prior to January first of the year the retirement system was established As soon as practicable the retirement board shall issue to each original member a certificate certifying the aggregate length of his service prior to January first of the year the retirement system was established Such certificate shall be final and conclusive as to his prior service unless thereafter modified by the board upon application of the member The time during which a member is absent from service without pay shall not be counted in computing the service of a contributor unless allowed by the county commissioners and approved by the board

Section 11 SUPERANNUATION RETIREMENT ALLOWANCE Any contributor who has reached superannuation retirement age may retire for superannuation by filing with the board a written statement duly signed by the contributor setting forth at what time he desires to be retired Said application shall retire said contributor at the time so specified

On retirement for superannuation a beneficiary shall receive a retirement allowance which shall consist of (a) a member's annuity which shall be the acturial equivalent of his accumulated deductions standing to his credit in the members' annuity reserve account and (b) a county annuity equal to one one-hundred-twentieth (1-120) of his final salary multiplied by each year of total service and in addition thereto in the case of an original member one one-hundred-twentieth (1-120) of his final salary multiplied by each year of prior service but the total county annuity shall never exceed fifty per centum of the final salary

Section 12 OPTIONS ON SUPERANNUATION RETIREMENT At the time of his superannuation retirement any beneficiary may elect to receive his retirement allowance payable throughout life or if such retirement allowance shall amount to less than ten dollars per months he may elect to receive the full amount of the accumulated deductions standing to his individual credit in the member's annuity reserve account or he may in any event elect to receive the acturial equivalent of his member's and county annuity in a lesser retirement allowance payable throughout life with provisions that

Option One If he die before receiving in payments the present value of his member's annuity and county annuity as it was at the time of his retirement the balance shall be paid to his legal representatives or to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Option Two Upon his death his member's annuity and county annuity shall be continued through the life of and paid to such person having an insuranble interest in his life as he shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his retirement

Option Three Upon his death one-half of his member's and county annuity shall be continued through the life of and paid to such person having an insurable interest in his life as he shall nominate by written designation duly acknowledged and filed with the board at the time of his retirement

Section 13 INVOLUNTARY RETIREMENT ALLOWANCES Should a contributor be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he shall be paid as he may elect as follows (a) The full amount of the accumulated deductions standing to his credit in the members' annuity reserve account or (b) a member's annuity of equivalent actuarial value to his accumulated deductions standing to his credit in the members' annuity reserve account and in addition a county annuity having a value equal to the present value of a county annuity beginning at superannuation retirement age as provided in this act with respect to county annuities for superannuation retirement The same options shall be available to beneficiaries in case of involuntary retirement as provided herein in the case of superannuation retirement

Section 14 TOTAL DISABILITY RETIREMENT ALLOWANCE If a contributor after five years of service as a county employe is disabled while in service and is unable to continue as a county employe as shown by medical examination he shall be paid a retirement allowance of twenty-five per centum of his final salary which shall be payable one-third from the members annuity reserve account and two-thirds from the county annuity reserve account

Section 15 PAYMENT OF BALANCES WHERE DISABILITY ANNUITANT DIES Should a person receiving a disability retirement allowance die before receiving a total allowance equal to the amount standing to his

credit in the member's annuity reserve account at the time of retirement there shall be paid to his estate or beneficiary the difference between such credit and the total retirement allowance received

Section 16 MONTHLY PAYMENTS OF RETIREMENT ALLOWANCES The retirement allowances granted under the provisions of this act shall be paid in equal monthly installments and shall not be increased decreased revoked or repealed except as otherwise provided in this act All members annuities shall be payable from the members annuity reserve account and all county annuities from the county annuity reserve account

Section 17 REFUNDS IN CASE OF WITHDRAWAL OR DEATH Where a contributor resigns from service or where a contributor has died then the amount standing to the credit of the contributor in the members' annuity reserve account shall be paid to him or his estate or to the person named in any beneficiary certificate filed by the contributor with the board When a contributor or a beneficiary has died and there shall be due to the estate of such contributor or beneficiary a sum less than one hundred dollars and letters testamentary or of administration have not been taken out on the estate of such contributor or beneficiary within six months of death the board may pay the amount due on the claim of the undertaker or to any person or persons or political subdivision who or which shall have paid the claim of the undertaker

Section 18 EXEMPTION FROM TAXATION AND EXECUTION ETC The right to a member's annuity or a county annuity or to the return of contributions shall be exempt from any State municipal tax and from levy sale garnishment attachment or any other process whatsoever and shall be unassignable

Section 19 FRAUD CORRECTION OF ERRORS Any person who shall knowingly make any false statement or shall falsify or permit to be falsified any record or records of the retirement system herein established in any attempt to defraud such system shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars or suffer imprisonment not exceeding one year or both in the discretion of the court

Should any such change in records fraudulently made or any mistake in records inadvertently made result in any contributor or beneficiary receiving more or less than he would have been entitled to had the records been correct then on the discovery of such error the board shall correct such error and shall adjust the payments which shall be made to the contributor or annuitant in such manner that the actuarial equivalent of the benefit to which he was correctly entitled shall be paid

Section 20 This act shall become effective on the first day of July one thousand nine hundred and thirtyseven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1651, entitled:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board and providing for contributions by members

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of department in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 275) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 1 Be it enacted etc That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "Retirement System" shall mean the arrangement for the payment of retirement allowances under the provisions of this act

2 "Retirement Association" shall mean the State employes' retirement association provided for in section three of this act

3 "Retirement Board" shall mean the State employes' retirement board provided for in section four of this act

4 "Secretary of the Commonwealth" shall mean the Secretary of the Commonwealth of Pennsylvania

5 "State Treasurer" shall mean the Treasurer of the Commonwealth of Pennsylvania

6. "State Employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania [or] employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appraiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropriated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Bridge Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any

liability on the part of the Commonwealth to make appropriations for such purposes and also all officers and employes of The General State Authority paid on a yearly or monthly basis if the General State Authority shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State Employe" shall also include all State officers and employes regularly employed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this paragraph and its decision shall be final

7 "Head of the Department" as applied to State employes shall mean the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member and shall include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth

8 "Member" of the retirement association shall mean a State employe who shall be a member of the retirement association established by this act

9 "Original Member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original member and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

10 "New Member" of the retirement association shall mean a state employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not an original member and who is elected re-elected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employe" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

11 "Contributor" shall mean any person who has accumulated deductions in the fund created by this act to the credit of the annuity savings account

12 "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided in this act

13 "Prior Service" shall mean all service as a State employe completed not later than the thirty-first day of December nineteen hundred twenty-three and in the case of judges shall mean all service completed prior to becoming a member of the retirement association

14 "Disability Retirement" shall mean retirement as defined in section twelve of this act

15 "Superannuation Retirement" shall mean retirement as defined in section thirteen of this act

16 "Superannuation Retirement Age" shall mean as applied to State employes sixty years of age

17 "Final Salary" shall mean the average annual salary earnable by a contributor as a State employe for the

five years of service immediately preceding retirement except that at the member's option the salary earnable by a contributor as a State employe for the years beginning June first one thousand nine hundred thirty-three and June one thousand nine hundred thirty-four shall not be included in determining such "final salary"

18 "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act to the credit of the annuity savings account together with the regular interest thereon

19 "Regular Interest" shall mean interest at four per cent per annum compounded annually

20 "State Annuity" shall mean payments for life derived from contributions made by the Commonwealth of Pennsylvania as provided in this act

21 "Members Annuity" shall mean payments for life derived from contributions made by the contributor as provided in this act

22 "Retirement Allowance" shall mean the State annuity plus the member's annuity

23 "State Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any State annuity granted and based on contributions made by the Commonwealth of Pennsylvania

24 "Member's Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any member's annuity granted and based on the accumulated deductions of the contributor

25 "State Employes' Retirement Fund" shall mean the fund provided for in paragraph number two in section eight of this act

26 "Contingent Reserve Account" shall mean the account provided for in paragraph number three in section eight of this act

27 "State Annuity Reserve Account" shall mean the account provided for in paragraph number four in section eight of this act

28 "State Annuity Reserve Account Number Two" shall mean the account provided for in paragraph number five in section eight of this act

29 "Member's Annuity Saving Account" shall mean the account provided for in paragraph number six in section eight of this act

30 "Member's Annuity Reserve Account" shall mean the account provided in paragraph number seven in section eight of this act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. ALEXANDER. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 923, as follows:

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1412) is hereby further amended to read as follows

Section 3 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway in a borough or incorporated town wherein a change of width or existing lines and location is necessary and damages are likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location [whereupon the county commissioners when possible shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid to the said owner or owners which damages if agreed upon shall be paid by the county]

[In case no agreement satisfactory to the county commissioners and the said owner or owners can be made the Secretary of Highways may not proceed with the work of construction and improvement unless the county commissioners agree that the said secretary may proceed and in such cases the owner or owners of said property damaged thereby or the county commissioners may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways and such damages when ascertained shall be paid by the county in which the State highway is located and the county shall also provide for the removal of all structures within the lines of the highway] After the county commissioners have agreed to such changes or refuse to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300) the same shall not be paid by the county until the proposed agreement shall have been filed by the county commissioners in the office of the prothonotary of the county in which the property damaged is situated. If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer interested therein and their witnesses shall be heard and the court shall either

approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located

Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund

The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county shall also provide for the removal of all structures within the lines of the highway as thus established unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by the section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relocation or widening of any highway as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway in a borough or incorporated town where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid by the county in the manner provided by this act as if the county had agreed thereto as herein provided

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 33, as follows:

An Act to amend clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for compensation for members of joint sewer boards

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as added by section one of the act approved the fourth day of April one thousand nine hundred and thirty-five (Pamphlet Laws fifteen) and by section eleven of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred ninety) is hereby amended to read as follows

(b) The boroughs cities and townships joining or contemplating joining in any such improvement in order to facilitate the building of the same and securing preliminary surveys and estimates may by ordinance or resolution provide for the appointment of a joint sewer board composed of one representative from each of the boroughs cities and townships joining which shall act generally as the advisory and administrative agency in the construction of such improvement and its subsequent operation and maintenance The members of such board shall serve for terms of six years each from the dates of their respective appointments and until their successors are appointed The joint sewer board shall organize by the election of a chairman vice-chairman secretary and treasurer The several boroughs cities and townships may in the ordinances and resolutions creating the joint sewer board authorize the board to appoint an engineer a solicitor and such other assistants as are deemed necessary and agree to the share of the compensation of such persons each borough city and township is to pay The members of the joint sewer board shall receive [no] such compensation [but] for attending meetings of the board as shall be fixed in the budget prepared by the board for submission to and adoption by the several boroughs cities and town-

ships as hereinafter provided and shall be entitled to actual expenses to be paid by the respective boroughs cities and townships which such members represent

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1775, as follows:

An Act to amend clause (g) section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined "To authorize the Pennsylvania Historical Commission at its discretion to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the clause (g) of section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined "is hereby amended to read as follows Section 1309 (g) to receive for and on behalf of the Commonwealth gifts or bequests of relics or other articles of historical interest which shall be deposited in the State Museum or at the discretion of the Pennsylvania Historical Commission in or on historic properties or shrines committed to its custody

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1557, as follows:

A Joint Resolution proposing an amendment to Article nine Section eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That Article nine Section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the average assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of any county other than Philadelphia shall never exceed (10) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of the city and county of Philadelphia shall never exceed fifteen (15) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the nine immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the city and county of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and county as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the city and county of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provision for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said city and county of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said city and county or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city and county such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges [securing] accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said city and county shall not be required to levy a tax to pay said interest and sinking fund charges as required by Sec-

tion ten Article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however that any city county borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2001, as follows:

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further regulating the creation and abolition of wards

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 401 Petitions to Create Divide or Redivide Wards The court of quarter sessions upon petition may divide or redivide any township heretofore or hereafter created into wards erect any wards out of two or more adjoining wards or parts thereof divide any wards already erected into two or more wards or alter the lines or boundaries of any two or more adjoining wards and may cause lines or boundaries of wards to be fixed and established No township shall be divided or redivided into more than fifteen wards

No ward shall be created containing less than three hundred electors therein and all wards which now or at any time hereafter shall contain less than three hundred electors therein shall be abolished and the territory thereof shall be distributed among the remaining wards in such manner as the court of quarter sessions shall direct All other wards as heretofore established shall remain as heretofore until altered or divided as provided in this article

An said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1570, as follows:

An Act to promote safety for the traveling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever a State highway or any part thereof subsides by reason of the failure of vertical or lateral support thereof the subsidence is hereby constituted and declared a public nuisance which may be abated by appropriate proceedings in law or in equity against the then existing owner of the subjacent or adjacent strata as the case may be and in the event that the Department of Highways restores the surface of such highway the underlying owners of the subjacent or adjacent strata both at the time the vertical or lateral support was removed and at the time the subsidence occured and their respective assignees lessees or grantees shall be jointly and severally liable for the cost of restoration provided however that the provisions of this Section shall not be construed to restrict any existing remedy now available to the Commonwealth nor shall section shall not be construed to restrict any existing assignment or agreement transferring the obligation to furnish vertical and lateral support of the surface as between the parties thereto

Section 2 It shall be the duty of any person copartnership association or corporation operating any quarries or mines in this Commonwealth under or adjacent to State highways to permit inspection by the Department of Highways of any maps drawings or blue prints of such quarry or mine workings and to furnish a copy of such maps drawings or blue prints to such Department of Highways which maps drawings or blue prints shall indicate the location of such State highways with reference to their quarrying or mining operations

Section 3 It shall be the duty of any person copartnership association or corporation mining or quarrying or about to mine or quarry under any State highway or within three hundred (300) feet horizontally from the center line of any State highway projected downward vertically to notify the Department of Highways and to furnish copies of maps drawings or blue prints and such other information as may be reasonably required by the Secretary of Highways

Section 4 The Department of Highways through its authorized representatives shall have the right to enter upon and into any quarry or mine working under or adjacent to any State highway for the purpose of inspecting the actual conditions of such workings and it shall be the duty of any person copartnership association or corporation operating any such quarry or mine to permit such inspection and to give such information and assistance in the making of the same as may be reasonably required by the Secretary of Highways

Section 5 Any person who shall fail to comply with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than five hundred dollars ($500.00) or suffer imprisonment for not more than six (6) months or both in the discretion of the Court For the purpose of this section the word "person" shall mean the partners or members of any copartnership or association and shall mean the officers of any corporation All penalties collected under the provisions of this act and all bail forfeited shall be paid into the State Treasury and credited to the Motor License Fund

Section 6 (a) This act shall be deemed an exercise of the police power of the Commonwealth for the protection of the public safety in the use of State highways and shall be liberally construed for the accomplishment of this purpose

(b) The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the Court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 7 This act shall become effective immediately upon its approval by the Governor

An said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1559, as follows:

An Act concerning vocational education providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress approved June eighth one thousand nine hundred and thirty-six entitled "An act to provide for the further development of vocational education in the several States and Territories" and conferring powers and imposing duties on the State Treasurer and the State Council of Education

Whereas An act of Congress approved June eighth one thousand nine hundred and thirty-six to provide for the further development of vocational education requires the states participating in its benefits to accept the provisions of said act therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Commonwealth of Pennsylvania hereby accepts the provisions of the act of Congress approved June eigth one thousand nine hundred and thirty-six entitled "An act to provide for the further development of vocational education in the several States and Territories"

The Commonwealth of Pennsylvania formally accepts the provisions of said act of Congress with respect to the following funds therein provided

1 Appropriation for the salaries and travel of teachers supervisors and directors of

(a) Vocational agricultural subjects
(b) Vocational trade and industrial subjects
(c) Vocational home economics subjects
(d) Vocational distributive occupational subjects

2 Appropriation for the training of teachers of vocational subjects

Section 2 The State Treasurer is hereby designated as the custodian of the Federal appropriation for vocational education and shall receive money paid to the State from the United States Treasury under the provisions of said act of Congress and shall pay out the same upon the warrant of the Auditor General of the State when the same is certified by the State Board for Vocational Education

Section 3 The State Council of Education is hereby designated as the State Board for Vocational Education to carry out the provisions of said act so far as the same relates to the cooperation of the State and Federal governments and shall have full power to take all necessary steps in the formulation of plans for the administration of education in agriculture in trades in home economics in industries and distributive occupations and to formulate and execute plans for the preparation of teachers of vocational subjects

Section 4 The Secretary of the Commonwealth is hereby directed to forward a certified copy of this act to the Federal Board of Vocational Education

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 96, as follows:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of ways or easements over State institution lands for public road purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative departments boards commissions and officers fixing trative officers and of the several adminstrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the first day of June one thousand nine hundred and thirty-one (Pamphlet Laws three hundred fifty) is hereby further amended by adding thereto clause (k) to read as follows

(k) With the approval of the board of trustees of a State institution having the management of such institution to grant a right of way or easement over the lands of such institution to any county borough or township for the purpose of laying out and opening a public road for the benefit of the traveling public and for the use of such institution

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1261, as follows:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519)

entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 1046 Attorney to Auditors The borough auditors may employ an attorney [in case any disagreement with an official or board of officials whose accounts they are required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such contemplated employment has been given to such official or board] whenever the same is deemed advisable by a majority of the auditors

The compensation of such attorney shall be fixed by the auditors and shall not exceed the sum [of ten dollars per day nor thirty dollars in any case in dispute except whenever an appeal is taken as provided in the preceding sections of this article in which case the court shall fix an additional compensation] payable to one auditor for the making of the annual audit and shall be payable by the borough out of the general fund of the borough

[The compensation of such attorney shall be paid out of the fund whose settlement is in dispute by warrant drawn by the auditors upon the treasurer of such fund immediately upon the final settlement of the account]

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 670, entitled:

An Act to promote the safety of travelers upon street railways and buses and others by requiring a crew of two on each street railway car and certain buses

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no street railway company or bus company its officers or agents officers of the court receiver or any person or persons doing business in this Commonwealth shall run or operate on any part of its system or routes or permit to be run or operated over its system or routes any street railway car or bus except buses known as single deck buses with a crew consisting of less than two persons to wit one motorman or driver and one conductor for each such car or bus

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. PIOLE. Mr. Speaker, I move that this bill be recommitted to the Committee on Railroad and Railways for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1802, as follows:

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into a county treasury directly or indirectly any tax or taxes on real or personal property or any license fee or fees under an assumption that such taxes or license fees were due and owing when in fact such taxes or license fees or a part thereof were not due and owing to the county then in such cases the county commissioners upon due proof of any such erroneous or inadvertent tax or license fee payments are hereby authorized to draw their warrant on the county treasurer in favor of such person or corporation to make refund of such tax or taxes or license fee or fees to which the county has no valid claim out of the county funds if such claim for refund is made within two years from the time such erroneous or inadvertent payment was made

Section 2 The provisions of this act shall become effective immediately upon its final enactment and shall apply to any taxes and license fees paid at any time within two years prior to such effective date

Section 3 The act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" and the amendments thereto are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1186, as follows:

An Act authorizing school districts to make contracts of group life health and accident insurance for the benefit of pupils in vocational schools at the expense of the school district defining the status of the school district and pupils under existing and future insurance laws and requiring school districts to make certain reports to the Department of Public Instruction

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any school district may make contracts of insurance with any insurance company authorized to transact business within this Commonwealth insuring all or any class of pupils in the vocational schools of the district under a policy or policies of group insurance covering life health or accident insurance or any two or all of them and in such case shall agree to pay all of the premiums or charges for carrying such contracts and shall appropriate out of its treasury any money necessary to pay the same

Section 2 All contracts procured hereunder shall conform and be subject to all the provisions of any existing or future laws concerning group insurance The school district shall for the purposes of such laws be deemed to be the employer and the pupils in the vocational schools of the district shall be deemed to be the employes

Section 3 On or before the first day of November of each year each school district shall make a report to the

Department of Public Instruction showing in such detail as the department may require whether or not and to what extent it is operating under the provisions of this act

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

Section 5 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

The first section was read as follows:

Article I

General Provisions and Public Policy

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

"Establishment" shall be construed to include any industrial establishment mill factory tannery paper or pulp mill garage oil refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

"Industrial waste" shall be construed to mean any liquid gaseous or solid substance not sewage resulting from any manufacturing or industry

"Institution" shall include healing preventative mental health correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivision thereof and whose sewage is not admitted to a public sewer system

"Municipality" or "municipal" shall be construed to include any county county authority municipal authority city borough town township school district and institution as above defined

"Person" shall be construed to include any person copartnership association or private corporation

"Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for domestic water supply or industrial purposes or for recreation

"Sewage" shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

"Waters of the Commonwealth" shall be construed to include any and all rivers streams creeks rivulets lakes dammed water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

On the question,

Will the House agre to the section?

BILL RECOMMITTED

Mr. LaRUE. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1360, as follows:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' report may be taken

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand six hundred and twenty-two of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" which was last amended by section forty-four of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and forty-three) is hereby further amended to read as follows

Section 2622 The Commonwealth any school district of the second or third class or any taxpayer thereof on behalf of said Commonwealth district or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district may appeal from any auditors' report Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction and by all other applicants within [thirty (30)] sixty (60) days after said report has been filed in the court of common pleas Any taxpayer taking an appeal shall file in said court of common pleas a bond with one or more sufficient sureties conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect and to pay all costs accruing

thereupon if the final decision obtained shall not be more favorable to him than the report appealed from When any such appeal shall be taken by the Commonwealth any school district or any person charged in such report with any sum of money any taxpayer of said district may come into court and intervene in said appeal and prosecute the appeal to final judgment and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal the prothonotary shall enter judgment for said sum in favor of said district and against the person charged as aforesaid and the Commonwealth school district or such taxpayer may cause said judgment to be collected from the person charged or his sureties for the benefits of said district by any appropriate method executionary or otherwise or said taxpayer may defend the said district in any appeal taken by any person charged by the report of auditors as fully and effectively in both instances as the officers of said district might do Provided That such taxpayer shall at the time of intervening file in said court a bond with one or more sufficient sureties conditioned to indemnify said district from all costs that may accrue by reason of such intervention subsequently thereto When any taxpayer has intervened in any instance as above provided or when an appeal has been taken by any taxpayer as aforesaid the officers of said school district shall not make settlement with any person or persons charged with any sum or sums or whose accounts shall be involved in any appeal without the consent of such taxpayer When any appeal as aforesaid shall be taken by any of the parties above mentioned the appeal may be placed upon the argument list of the proper court of common pleas by direction of any party interested by intervention or otherwise and depositions of witnesses and other evidence to be used at the argument may be taken on behalf of any said parties before any person competent to administer an oath upon rule for that purpose served upon the opposite party or such party's counsel After hearing argument the court shall file its finding of fact and law and enter judgment in accordance therewith Provided That if after argument the court shall deem any question or questions of fact so doubtful under the evidence submitted as to render it desirable that an issue should be directed as to such question or questions to be tried by a jury the court may direct such an issue Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the court of common pleas in the same way that appeals are now authorized by law to be taken from rulings or decisions of the court of common pleas made in appeals from settlements or reports of county borough or township auditors

Section 2 That section two thousand six hundred and twenty-six of said act which was last amended by section forty-five of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred and forty-three) is hereby further amended to read as follows

Section 2626 The Commonwealth any school district of the fourth class or any independent school district or any taxpayer thereof on behalf of said Commonwealth district or any person or persons against whom any sum has been charged in any report filed by the auditors of any such school district may appeal from any auditors' report Such appeal shall be taken to the court of common pleas of the proper county by the Commonwealth within ninety (90) days after said report has been filed in the Department of Public Instruction and by all other appellants within [thirty (30)] sixty (60) days after said report has been filed in the court of common pleas Any taxpayer taking an appeal shall file in said court of common pleas a bond with one or more sufficient sureties conditioned that the party appealing will prosecute said appeal with effect and that said party will indemnify and save harmless said district from all costs that may accrue upon said appeal When any person or persons charged with any sum of money in any such report of auditors shall appeal therefrom such person or persons shall file in said court a bond with one or more sufficient sureties conditioned to prosecute the appeal with effect and to pay all costs accruing thereupon if the final decision obtained shall not be more favorable to him than the report appealed from When any such appeal shall be taken by the Commonwealth any such school district or any person charged in such report with any sum of money any taxpayer of said district may come into court and intervene in said appeal and prosecute the appeal to final judgment and if any sum shall be found by the court to be chargeable to any person whose accounts are involved in said appeal the prothonotary shall enter judgment for said sum in favor of said district and against the person charged as aforesaid and the Commonwealth school district or such taxpayer may cause said judgment to be collected from the person charged or his sureties for the benefit of said district by any appropriate method executionary or otherwise or said taxpayer may defend the said direct in any appeal taken by any person charged by the report of aduitors as fully and effectively in both instances as the officers of said districts might do Provided That such taxpayers shall at the time of intervening file in said court a bond with one or more sufficient sureties conditioned to indemnify said district from all cost that may accrue by reason of such intervention subsequently thereto When any taxpayer has intervened in any instance as above provided or when an appeal has been taken by any taxpayer as aforesaid the officers of said school district shall not make settlement with any person or persons charged with any sum or sums or whose accounts shall be involved in any appeal without the consent of such taxpayer When any appeal as aforesaid shall be taken by any of the parties above mentioned the appeal may be placed upon the argument list by direction of any party interested by intervention or otherwise and depositions of witnesses and other evidence to be used at the argument may be taken on behalf of any of said parties before any person competent to administer an oath upon rule for that purpose served upon the opposite party or such party's counsel to be used at the argument After hearing argument the court shall file its finding of fact and law and enter judgment in accordance therewith Provided That if after argument the court shall deem any question or questions of fact so doubtful under the evidence submitted as to render it desirable that an issue should be directed as to such question or questions to be tried by a jury the court may direct such an issue Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the court of common pleas in the same way that appeals are now authorized by law to be taken from rulings or decisions of the court of common pleas made in appeals from settlements or reports of county borough or township auditors

Section 3 This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 71, as follows:

A Joint Resolution proposing an amendment to Article one section six of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article one section six is hereby amended to read as follows

Section 6 Trial by jury shall be as heretofore and the

right thereof remain inviolate except that the Legislature may authorize verdicts in civil cases to be found by the vote of not less than five-sixths of the whole number of jurors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 843, as follows:

An Act to regulate the sale and advertising for sale of good wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of May one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in this Commonwealth to held out that any sale of goods wares and merchandisé in any city borough or township is an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city borough or township of the first class in which it is to be held

Section 2 Upon application for such license the applicant shall make a full disclosure under oath of the following information The true name of the owner of the goods to be offered for sale the name of the operator of the sale if a person other than the true owner a full and complete inventory of the quantity kind and character of the goods to be offered for sale which shall be prepared in the following manner First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within the fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the application for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application the said treasurer may refuse the license.

Section 3 It shall be the duty of each such licensee to post a copy of the said application in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 Any person conducting or being responsible for any sale as set forth in section one hereof without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) and to imprisonment for a term of thirty days The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 5 Any license so granted as aforesaid shall be good for no more than a period of ninety days and shall not be renewable nor shall any other such license be granted to the same person within the same city borough or township of the first class for a period of one year succeeding the expiration of a previous license The treasurer shall receive from the application for such license upon the granting thereof a license fee which in cities of the first second and second A classes shall be one hundred dollars ($100) in cities of the third class shall be fifty dollars ($50) and in borough and townships of the first class shall be twenty-five dollars ($25)

Section 6 This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court State of Federal selling goods wares and merchandise in the course of his official duties nor to sales by licensed auctioneers extending over a period not in excess of three days nor to sales conducted by insurance companies or by salvage companies acting for insurance companies when such sales are not conducted at retail

Section 7 This act shall become effective on the rst day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2064, as follows:

An Act to amend section five hundred forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for additional compensation to the secretary for preparing the tax duplicate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1299) is hereby further amended to read as follows

Section 540 Duties and Compensation The secretary in each township shall be clerk to the board of supervisors He shall keep a record of the proceedings of said officers shall prepare and write the annual tax duplicate of the township and shall receive such compensation therefor as shall be fixed by the township auditors The combined amount paid to the secretary and treasurer shall not exceed two per centum of the money paid out by the treasurer except where the same would amount to less than twenty-five dollars ($25.00) and the calculation of such maximum compensation shall not include any percentage upon moneys paid out by the treasurer for the repayment of loans notes certificates or other evidences of indebtedness or other borrowed moneys Provided however That the township supervisors with the approval of the township auditor shall have power to allow and fix additional compensation to the secretary for preparing and writing the annual tax duplicate

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 9, as follows:

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways and the abandonment of stripping work unless the earth is replaced in the opening caused by such work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the protection of the public safety no person copartnership association or corporation engaged in the so-called coal stripping process by which top earth is removed in order to recover coal lying beneath shall hereafter prosecute such stripping process within one hundred feet of the outer edge of any public highway and such one hundred feet shall be measured from the outer edge of the highway to the top of the opening caused by such stripping process No person copartnership association or corporation engaged in the stripping of coal shall hereafter abandon such stripping work unless the earth which has been removed in order to reach the coal shall all be replaced in the opening in the ground caused by such stripping process

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars or more than three thousand dollars or any person or the members of any co-partnership or association or the officers and directors of any corporation responsible for such violation shall be imprisoned for a term of not less than thirty days or more than six months or by both such fine and imprisonment in the discretion of the court

Section 3 The Department of Highways and the Department of Mines are hereby charged with the enforcement of this act

Section 4 All laws inconsistent with this act are repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1609, as follows:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and six of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as last amended by section one of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1174) and by section four of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1290) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointment of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employe insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds whether they be general special or sinking fund in bonds of the Federal Government [or] the Commonwealth of Pennsylvania or bonds of the borough when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough Such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

[XVII] XVIII To adopt an annual budget for this purpose the borough council may adopt forms submitted by the Department of Internal Affairs and approved by a Committee of the State Association of Boroughs if such

forms are found satisfactory by council and adapted to the financial program it is considering

Section 2 Section one thousand and seventeen of said act as amended by section one of the act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1635) is hereby further amended to read as follows

Section 1017 State Association of Boroughs The boroughs of the Commonwealth are authorized to organize a state association of boroughs Any borough desiring representation in said association shall upon resolution of council designate the delegates to attend the annual meeting of said association which dèlegation may consist of [two] councilmen the burgess the borough manager the engineer the secretary or clerk the controller or one of the auditors and the borough solicitor or any one or more of them

The association shall hold annual meetings at such time and place within the Commonwealth as they may designate for the purpose of advancing the various interests of said boroughs promoting remedial legislation and discussing any and all topics relating to the welfare and conduct of the same and for the purpose of providing for a uniform and economical method of administering the affairs of the respective boroughs

The actual expenses of such delegates attending such meeting of said association including traveling expenses and hotel bills actually paid by them expenses of committees together with the necessary expenses of the convention including printing and employment of stenographers shall be paid by the various boroughs by order drawn on the borough treasury The time spent in attending said meeting shall not be more than three days exclusive of the time employed in traveling thereto and therefrom The annual membership dues of each borough becoming a member of the said association shall not exceed the sum of fifteen dollars for boroughs of one thousand population and less and in addition thereto the sum of two dollars per thousand of population or fractional part thereof not however exceeding a total additional fee of eighteen dollars

Section 3 Sections one thousand and seventy and one thousand one hundred and one of said act are hereby amended to read as follows

Section 1070 Acceptance of Article by Ordinance The foregoing provisions of subdivision (e) of this article shall not become operative or effective in any borough not having a controller until the council shall by ordinance accept the provisions of subdivision (e) of this article When any borough accepts the provisions of subdivision (e) of this article the court of quarter sessions upon petition of council shall appoint a controller to hold office until the first Monday of January next succeeding the next municipal election at which a controller may be elected under the provisions of this act

In all boroughs acepting the provisions of subdivision (e) of this article the borough auditors then in office shall continue to hold their office until the first day of January succeeding the election of a borough controller after which date the office of borough auditor is abolished

A borough may discontinue the office of controller and reestablish the office of auditors by repealing the ordinance under which the office of controller was created In any such case the controller in office at the time of such repeal shall continue in such office until the end of such term

Section 1101 Compensation Appointed officers of the borough shall receive such compensation for their serices as the council shall prescribe [and the compensation for the secretary and police shall be by annual salary the amount of which shall be fixed at the time of appointment and shall be in lieu of all and any other compensation whatsoever]

Section 4 Section one thousand one hundred and three of said act as amended by section one of the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 818) is hereby further amended to read as follows

Section 1103 Bonds Whenever an employe or official of any borough whether chosen by vote of the electors or by council is required to give bond endorsed by a surety company for the faithful performance of his duties the borough may pay the premium thereon

Section 5 Section one thousand nine hundred and five of said act as amended by section eleven of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 386) is hereby further amended to read as follows

Section 1105 Bond and Duties The borough treasurer shall before entering upon the duties of his office give bond with surety as required by the borough and conditioned for the faithful performance of his duties he shall perform the duties of the township treasurer within the borough except as may be otherwise provided in this act shall keep a just account of all receipts and disbursements and shall annually submit his account to the borough auditors he shall pay over all moneys remaining in his hands and deliver all books papers accounts and other things belonging to the borough to his successor All moneys received by any officer or other person for the use of the borough shall be forthwith paid to the borough treasurer He shall deposit all moneys received by him in a bank or trust company in the name of the borough [and no money shall be withdrawn therefrom except by an order signed by the president of council borough secretary and borough treasurer and in the case of boroughs having a controller countersigned by such controller] All expenditures shall be paid out of funds in the treasury only when authorized by the treasurer upon an order signed by the president of council and the borough secretary and also by the borough controller if any Such order shall not be executed unless there is money in the treasury available therefor

Section 6 Section one thousand one hundred and twenty-eight of said act is hereby amended to read as follows

Section 1128 Compensation The borough police shall receive [a stated salary to be fixed by ordinance and it shall be unlawful for any borough policeman to charge or accept any fee or other compensation in addition to his salary for any service performed pertaining to his duties or office except public rewards and legal mileage allowed for traveling expenses

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars and costs or undergo imprisonment not exceeding thirty days or both] compensation to be fixed in the same manner as the compensation of other appointed borough officers is fixed

Section 7 Section one thousand three hundred and thirteen of said act as added by section ten of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1290) is hereby amended to read as follows

Section 1313 Collection of Occupation Tax from Employer In case any resident or inhabitant of any borough in this Commonwealth neglects or refuses to pay his or her occupation tax as herein provided after having received ten days' notice or demand so to do the collector of such borough taxes [shall] may notify any firm association or corporation where such delinquent taxpayer is employed that such taxpayer has failed or neglected to pay his or her occupation tax as required and such collectors of borough taxes [may] shall thereupon request the payment of such occupation tax by such employer out of any money then due and owing or thereafter to become due and owing to such delinquent taxpayer whereupon every person firm association or corporation employing any such delinquent taxpayer [may] shall deduct from any wages that are then or may thereafter become due and owing to him the amount of such delinquent occupation tax and pay the same over to such collector of borough taxes and the proper receipt for such taxes paid to the tax collector by any employer shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such employer for any wages to the amount thereof

Section 8 Article thirteen of said act is hereby amended

by adding thereto after section one thousand three hundred and thirteen a new section to read as follows

Section 1314 Collection of Borough Tax on Real Estate from Tenant In case any person who is the owner of real property within such borough neglects or refuses to pay the tax levied for general borough purposes against any parcel of such real property before the time fixed by law for a penalty to be imposed thereon the collector of such borough taxes may any time thereafter notify the tenant in possession of any such real property that the owner thereof has failed to pay such tax and request the payment of such tax together with any penalties and interest due thereon by such tenant out of any rent money then due and owing or thereafter to become due and owing to such delinquent taxpayer Upon receipt of such notice from the tax collector the tenant in possession of any such real property shall deduct from any rent that is then or may thereafter become due and owing to such delinquent owner the amount of such delinquent tax and the penalties and interest due thereon and pay the same over to the collector of such taxes The proper receipt for such taxes and penalties and interest if any paid to the tax collector by any tenant shall be a good and sufficient voucher to offset any claim that such delinquent taxpayer may have against such tenant for any rent to the amount thereof

Section 9 Sections one thousand seven hundred and eighty-two one thousand seven hundred and eighty-three two thousand one hundred and forty-seven and two thousand one hundred and forty-eight of said act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1400 as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended regulating the sale and further regulating the installation use and operation of traffic regulation devices signals signs and markings and the operation of motor vehicles on the highways affecting the powers of municipal authorities in certain cases and of the Secretary of Highways and changing and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections nine hundred and five and nine hundred and six of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled 'An act for the protection of the public safety regulating the use of highways trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended by section twenty-eight of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 905 (As amended by Act Number 355 approved July 16 1935) Permits for Excessive Size and Weight

(a) The Secretary of Highways of this Commonwealth and local authorities in their respective jurisdictions may in their discretion upon application in writing accompanied by the fee provided in this act and good cause being shown therefor issue a special permit in writing authorizing the applicant to operate or move either a vehicle or combination of vehicles or a vehicle and load or a combination of vehicles and their load or loads of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the authorities granting the permit are responsible When a permit has been issued by the Secretary of Highways no other authorities shall require any further or additional permit for any portion of the route specified therein Every such permit shall be issued for a single trip and shall designate the route to be traversed subject to such rules regulations restrictions or conditions as shall be deemed necessary by the authority granting such permit Provided That upon request included in the application a combination permit may be issued for a single continuous round trip whether or not a load or loads may be transported for the entire trip but no substantial increase in the size or weight of vehicle or combination of vehicles or of load shall be made between intermediate points without supplemental permit The Secretary of Highways may in his discretion issue a single permit for any fixed number of movements across the highway of vehicles or combinations thereof exceeding the maximum size or weight specified in this act at specified locations Whenever any such permit shall have been issued for crossing the highway it shall be unlawful to move said vehicles along the highway The movement of any vehicle or load requiring a permit shall impose the obligation on the permittee to restore or replace any section of highway or bridge damaged as a result of such movement whether or not such damage may be attributable to negligence on the part of the permittee Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer or employe of the Department of Highways of this Commonwealth or to any person having collision with or suffering injury from such vehicle

Section 906 Special Limitations

(a) No vehicles shall be operated upon any highway where such operation has been prohibited or restricted by the Secretary of Highways or local authorities as set forth in section one thousand one hundred and one (1101) of this act when [appropriate] official signs are erected and maintained

(b) It shall be unlawful for any person to drive or cause to be driven upon any bridge causeway or viaduct any vehicle which together with its load exceeds the maximum weight permitted and [mentioned] stated in the [posted] official signs erected and maintained in ac-

cordance with the requirements as set forth in section one thousand one hundred and two (1102) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty ($50) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 2 That subsections (b) and (d) of section one thousand and two of said act is hereby amended to read as follows

Section 1002 (b) 3 [Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled are displayed bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be a sign similarly placed as to traffic bearing the words "END OF TWENTY MILE SPEED LIMIT" in letters not less than (4) inches in height]

Twenty (20) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds when approaching within two hundred (200) feet of a railway grade crossing where [sign] official signs erected by the proper authorities are displayed [bearing the words "TWENTY MILE SPEED LIMIT" in letters not less than four (4) inches in height] All vehicles except those being operated on through highways and those restricted by this act to lower maximum speeds when approaching within fifty (50) feet and in traversing an intersection of highways within a business or residence district when the driver's view is obstructed except on highways controlled at intersections by peace officer or traffic signal A driver's view shall be deemed to be obstructed if during the last fifty (50) feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred (200) feet from such intersection

(b) 4 Twenty-five (25) or Thirty-five (35) miles an hour speed limit All vehicles except those restricted by this act to lower maximum speeds within business or residence districts where official signs erected by the proper authorities on the right-hand side of the highway facing the traffic to be controlled or on the left-hand side of one-way streets are displayed This limit shall be observed for a distance beyond said sign for not more than one-eighth (1/8) of a mile An additional sign shall be placed at intervals not greater than one-eighth (1/8) of a mile and any extension of such limited zone shall be marked by additional signs in like manner At the end of such limited zone there shall be an official sign similarly placed as to traffic indicating the end of the limited zone

(b) [4] 5 [Forty (40)] Fifty (50) miles an hour speed limit All vehicles except those otherwise restricted by this act to lower maximum speeds

(d) When the rate of speed of any vehicle is timed on any highway within a business or residence district where ["TWENTY MILE SPEED LIMIT"] official speed limit signs are erected as provided in this section for the purpose of ascertaining whether or not the operator of such vehicle is violating a speed provision of this act such time shall be taken by not less than two (2) peace officers one of whom shall have been stationed at each end of a measured stretch and no conviction shall be had upon the unsupported evidence of one (1) peace officer except as hereinafter provided and no such measured stretch shall be less than one-eighth (1/8) of a mile in length Under all other conditions the rate of speed shall be timed for a distance of not less than one-quarter (1/4) mile by a peace officer using a motor vehicle equipped with a speedometer tested for accuracy within a period of thirty (30) days prior to the alleged violation

Section 3 That subsection (d) of section one thousand and eight subsection (d) of section one thousand and eleven and subsections (a) and (b) of section one thousand and sixteen of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1008

(d) The driver of a vehicle shall not overtake and pass or attempt to pass any other vehicle proceeding in the same direction between any points indicated by the placing of official temporary warning or caution signs indicating that men are working on the highway

Section 1011

(d) Local authorities when [proper] official signs are erected may prohibit turning at intersections and may when the center of the intersection is occupied by a monument grass plot or any permanent structure other than a traffic control device direct traffic to keep to the right when [proper] official signs are erected

Section 1016

(a) It shall be unlawful for the driver or operator of any vehicle street car or trackless trolley omnibus except as is otherwise provided in this section before entering a through highway to fail to come to a full stop within a reasonable distance before entering the intersection on such through highway when an official "THRU TRAFFIC STOP" (sign has] sign or signs have been erected in accordance with the provisions of this act

(b) It shall be unlawful for the driver or operator of any vehicle street car or trackless trolley omnibus except as is otherwise provided in this section before entering a stop intersection to fail to come to a full stop within a reasonable distance before entering the intersection when [a "STOP" sign has] an official "STOP" sign or signs have been erected in accordance with the provisions of this act

Section 4 That subsection (b) of section one thousand and eighteen and subsection (a) of section one thousand and nineteen of said act are hereby amended to read as follows

Section 1018

(b) [No person shall drive a vehicle to the left of a safety zone where appropriated sign has been erected as provided in this act] Traffic may move on either side of a safety zone unless prohibited from driving to the left thereof by the erection of an official sign as provided in this act

Section 1019

(a) No person shall park or leave standing any vehicle whether attended or unattended upon the paved or improved or main traveled portion of any highway outside of a business or residence district when it is practicable to park or leave such vehicle standing off the paved or improved or main traveled portion of such highway provided In no event shall any person park or leave standing any vehicle whether attended or unattended upon any highway unless a clear and unobstructed width of not less than fifteen (15) feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon nor unless a clear view of such vehicle may be obtained from a distance of [two] three hundred [(200)] (300) feet in each direction upon such highway And further provided No person shall park or stand any vehicle whether attended or unattended in any no parking area where official "No Parking" signs have been erected in accordance with the provisions of section one thousand one hundred and thirteen (1113) of this act

Section 5 That paragraph twelve of section one thousand and twenty and subsections (b) (c) and (e) of section one thousand and twenty-six of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1020

12 At any place where official [traffic] signs have been erected prohibiting standing and parking

Section 1026

(b) Whenever traffic at an intersection is alternately directed to stop and go by the use of traffic signals the [words or] colored lights [or combination thereof] shall indicate as follows except as otherwise provided in this section

1 Green [or "Go"] Traffic facing the signal may proceed straight ahead and make right or left turns except where no such turns are permitted when so indicated by [proper] official signs Vehicular traffic shall yield the right of way to pedestrians crossing or who have started to cross the roadway on the green signal and vehicles lawfully within a crosswalk or the interesection at the time such signal was exhibited

2 Yellow [for "Caution"] When Shown Alone [Traffic facing the signal shall stop before entering the intersection and no movement of traffic shall be made except the traffic then within the intersection and a "U" turn on a two-way street back of the intersection when so indicated by proper signs] Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection but if such stop cannot be made in safety a vehicle may be driven cautiously through the intersection

3 Red [or "Stop"] Traffic facing the signal shall stop before entering the intersection and remain standing until green [or "Go"] is shown [alone] No movement or turns shall be lawful on red [or "Stop" except that "U" turns may be made on a two-way street back of the intersection when so indicated by proper signs] except as otherwise provided in this section

4 No "U" turns shall be made on a two-way street in a business or residence district unless they shall be made back of the intersection on such signal and at such times and places as may be indicated by official signs

(c) Where official signs indicate turns as [above] provided in this section they shall be attached to the traffic signals or immediately adjacent thereto [and the letters shall be at least two (2) inches in height] and they shall be clearly illuminated at night

(e) Local authorities may provide for turns or movements straight ahead on special green arrow signals Where a left turn is provided for in the above manner there shall be no left turns on green [or "Go"] as above provided when so indicated by [proper] official signs

Section 6 That section one thousand and twenty-nine of said act is hereby amended to read as follows

Section 1029 Regulating Speed on Bridges No person shall drive any vehicle upon any public bridge causeway or viaduct other than interstate bridges as now provided by a law at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon when such structure is [sign] posted with official signs as provided in section one thousand one hundred and eleven (1111) of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of ten ($10) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than five (5) days

Section 7 That section one thousand one hundred and one of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1101 When Authorities May Restrict Right to Use Highways

(a) The Secretary of Highways of this Commonwealth and local authorities may by ordinance or resolution or ruling prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles and their loads for a total period not to exceed ninety (90) days in any one (1) calendar year when operated upon any highway under the jurisdiction of and for the maintenance of which the Secretary of Highways of this Commonwealth or local authorities are responsible whenever any said highway by reason of deterioration rain snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced The Secretary of Highways of this Commonwealth and local authorities enacting or making any such ordinance or resolution or rule shall erect or cause to be erected and maintained official signs designating the provisions of the ordinance or resolution or rule at each end of that portion of any highway affected thereby and at intersections thereof and the ordinance or resolution or rule shall not be effective until or unless such official signs are erected and maintained

(b) Whenever necessary for the protection of any highway or the safety of traffic thereon the Secretary of Highways of this Commonwealth or local authorities may also by ordinance or resolution or rule prohibit the operation of motor vehicles trailers or semi-trailers on designated highways as to the weights and loads thereon which prohibitions and limitations shall be designated by [appropriate] official signs placed on such highways and their intersections

Section 8 That section one thousand one hundred and two of said act is hereby amended to read as follows

Section 1102 Regulating Weight of Vehicles on Bridges [Where] If any bridge causeway or viaduct owned or maintained whether owned in whole or in part by this Commonwealth or local authorities other than interstate bridges as now provided by law shall have [a sign] official signs properly posted in [a] conspicuous [place] places at the [entrance] entrances thereto stating the gross maximum weight permitted thereon it shall be unlawful for any person to drive or cause to be driven upon any such bridge causeway or viaduct any vehicle which together with its load shall be of greater gross maximum weight than is [mentioned in] stated on such [sign] signs [Provided however That the restrictions as to the maximum weight mentioned in such signs shall not apply for a period exceeding one (1) year from the date of posting of such sicns unless a further extension of time is authorizzed by the Secretary of Highways of this Commonwealth]

Section 9 That subsection (a) of section one thousand one hundred and three of said act as amended by section thirty-six of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1103

(a) Local authorities except as expressly authorized by this act shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any ordinance rule or regulation contrary to the provisions of this act except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of peace officers or official traffic signals on any portion of the highway where traffic is heavy or continuous and may regulate or prohibit parking stopping or loading of vehicles or prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages and may regulate the kinds and classes of traffic and its turning on certain highways at all or certain hours and may regulate the transportation by motor vehicles of passengers for compensation within the limits of a city or from points in the city to points beyond the city limits and make and enforce regulations for the operation of such vehicles not inconsistent with this act and designate certain streets upon which such vehicles may be operated

Local authorities may designate any highway or any part of a highway under their jurisdiction a "Play Highway" and may close such designated highway to general traffic where interference to traffic will not be serious Such highways or portions of highways shall be used for play purposes and shall be clearly designated by appropriate signs specifying the hours between which such highways shall be closed to general traffic

Section 10 That subsections (a) and (b) and the section heading of section one thousand one hundred and five of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) are hereby further amended to read as follows

Section 1105 Uniformity and Control of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth shall forthwith make and publish regulations for the design [and] location and operation of all official traffic signs signals and markings in this Commonwealth and such traffic signs signals and markings shall correlate with and so far as [possible] practicable conform with the system adopted [in other states] by the Fourth National Conference on Street and Highway Safety published November one thousand nine hundred and thirty-five and amendments thereto Local authorities are directed to follow the uniform regulations for traffic signs signals and markings as so provided and no other system shall be regarded as official

(b) The Secretary of Highways of this Commonwealth shall have authority over the type installation location operation and maintenance of all traffic signs signals and markings on State highways [in townships] in this Commonwealth and [authority over the installation location and maintenance of all signs and markings] on highways in cities boroughs and incorporated towns where such highways form connecting links between or continuations of State highways and shall have the power and it shall be his duty to cause the removal alteration or adjustment of any [such] signs signals or markings that do not conform with the regulations of the Department of Highways

Section 11 That section one thousand one hundred and six of said act is hereby amended to read as follows

Section 1106 Local Traffic Signs Local authorities in their respective jurisdiction may cause official signs in accordance with section one thousand one hundred and five of this act to be erected and maintained as may be appropriate to give notice of legal parking and other local ordinances rules regulations Local parking and other local ordinances rules and regulations shall not be enforceable against an alleged violator if at the time and place of the alleged violation an [appropriate] official sign giving notice thereof is not posted conspicuously by the municipalities making the same at points where any highway affected thereby joins other highways

Section 12 That section one thousand one hundred and eight of said act as amended by section thirty-eight of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1108 Defacing Signs Signals or Markings It shall be unlawful for any person to deface damage knock down or remove any traffic sign signal or marking [posted] placed as provided in this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than [ten (10)] ninety (90) days

Section 13 That section one thousand one hundred and nine of said act as amended by section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 751) is hereby further amended to read as follows

Section 1109 Establishment of Safety Zones The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to establish safety zones The Secretary of Highways of this Commonwealth and local authorities when establishing a safety zone shall erect and maintain official signs [bearing the words "Safety Zone"] illuminated at night or so designed to reflect light from headlamps

Section 14 That section one thousand one hundred and ten of said act as amended by section thirty-nine of the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1056) is hereby further amended to read as follows

Section 1110 Erection of Traffic Signs Signals and Markings

(a) The Secretary of Highways of this Commonwealth with reference to State highways and local authorities in counties cities boroughs incorporated towns and townships of the first class with reference to highways under their jurisdiction are hereby authorized to erect and maintain official traffic signs signals and markings Before local authorities except in cities of the first and second class [in counties or townships] shall erect or cause to be erected traffic signals [on a State Highway] they must first obtain the approval of the Secretary of Highways of this Commonwealth

(b) Whenever it is desired to erect or maintain any traffic signal in this Commonwealth the need thereof shall first be established upon the basis of safety and/or convenience to traffic The basis of determination of the need for a traffic signal shall be the volume of traffic entering the intersection the number of accidents that have occurred in each of the three preceding years and other factors The Secretary shall establish minimum standards for each of the factors upon which approval of the erection or maintenance of the signal shall be based

[(b)] (c) Traffic signals electrically operated shall conform to the following

1 [Where a] A three-color system [is] shall be used [the] No yellow light [following] shall follow the red light "in signals hereafter erected In signals heretofore erected the yellow light following the red light" shall not exceed three (3) seconds in length [The timing of all lights shall be determined by the volume of traffic and other conditions]

2 [Where three colored lights are used the yellow shall be in the center] The sequence or order of illumination of the colored lens of all traffic signals shall be as follows The green light followed by the yellow light followed by the red light followed by the green light and repeat Green arrows if used may be illuminated either alone or in combination with any other lens There shall be no yellow lens illuminated following the red lens Traffic signals erected or reconstructed after January first one thousand nine hundred and thirty-eight shall conform to the provisions of this section

(3) The [light] lamps shall be of such power as to cause the signal to be visible for at least three hundred (300) feet

4 Traffic signals of the pedestal type shall be placed at a height of no less than eight (8) feet above the pavement to the bottom of the signal [if] If on a mast arm or if suspended the bottom of the signal shall clear the pavement by at least fifteen (15) feet Provided That the requirements as to height of traffic signals shall not apply to such signals installed and in operation prior to January first one thousand nine hundred thirty except that replacement of present traffic signals made in the interim shall conform to these provisions

[(c)] (d) Traffic signals manually operated or commonly known as semaphores shall conform to the following

1 There may be four vanes or sides the stop vanes having a red field with the word "STOP" plainly visible thereon and the go vanes a green field with the word "GO" plainly visible thereon

2 When used at night they shall be equiped with red and green lights corresponding with the vanes or sides and with the same visibility as electrically operated signals

[(d)] (e) All traffic signals shall be so located as to be plainly visible to all traffic to be regulated Whenever physical conditions will permit they shall be on or near the right curb line at the far side of the intersection facing in the direction of approaching traffic The bottom of the signal shall be at a height of approximately eight (8) feet above the surface of the highway

[(e)] (f) Traffic signals electrically operated erected after January first one thousand nine hundred and thirty-two shall be of the three-color system The red lens shall be at the top of the left side the yellows lens in the center the green lens at the bottom or right side Where a special green arrow is used for right or left turns it

shall be located below or to the right of the green lens

(g) Traffic signals electrically operated that have been erected prior to the passage of this act whenever reconstructed or the controllers or wiring are replaced shall be made to conform with the provisions of this act and the regulations of the Secretary of Highways but in any event all such signals shall be made to so conform not later than January first one thousand nine hundred and forty unless extension of time shall be granted by the Secretary of Highways in each specified case

Penalty Any official of any county city borough incorporated town or township of the first class who shall erect or cause to be erected and operate a traffic signal in violation of the provisions of this section shall upon summary conviction before a magistrate be sentenced to [a] pay a fine of one hundred ($100) dollars and costs of prosecution and in default of the payment thereof shall undergo imprisonment for not more than ten (10) days

Section 15 That sections one thousand one hundred and eleven and one thousand one hundred and thirteen of said act are hereby amended to read as follows

Section 1111 Regulating Speed on Bridges The Secretary of Highways of this Commonwealth or other proper State body or any local authority shall upon request or upon their own initiative may conduct an investigation of any public bridge causeway or viaduct under their respective jurisdictions and in it or they shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act the Secretary of Highways of this Commonwealth or other State body or local authorities shall determine and declare the maximum speed of vehicles which such structure can withstand and shall cause [or permit suitable] official signs stating such maximum speed to be erected and maintained thereon at each end of such structure facing approaching traffic The provisions of this section shall not apply to interstate bridges as now provided by law

Section 1113 Parking Restriction on State Highways The Secretary of Highways of this Commonwealth is hereby authorized to designate certain sections of State highway routes under his jurisdiction as "No Parking Areas" and to erect and maintain the necessary official signs to carry out this provision

Section 16 That article eleven of said act is hereby amended by adding thereto after section one thousand one hundred and thirteen a new section to read as follows

Section 1114 Use Test Approval and Sale of Traffic Signs Signals and Regulatory Devices

(a) It shall be unlawful for any person to use on any street or highway in this Commonwealth any traffic regulatory sign signal marking or any other device unless of a type which has been submitted to the Secretary of Highways for test and for which a certificate of approval has been issued by the secretary and is then in effect as provided by this act

(b) Any person desiring approval of any traffic sign signal or any other traffic regulatory device shall when required submit to the secretary one or more sets of each type of device upon which approval is desired together with the fee provided in this act The secretary shall upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such device with the rules and uniform standard specifications adopted by the secretary Such devices will also be subject to any road tests or other tests as the secretary may deem necessary to determine that each type of device they and their component parts conform to the requirements as adopted by the secretary The secretary is authorized to refuse approval of any device certified as complying with the specifications and requirements which the secretary determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act or such requirements as may be adopted by the secretary

(c) The secretary shall request the testing agency to submit a report of each type of device to the secretary in duplicate For those which are found to comply with the specifications and requirements the report shall include any special adjustments required Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the secretary to the applicant for the test

(d) It shall be unlawful for any manufacturer jobber retailer or their agent or for any other person to sell lease or offer for sale or hire any signal or any other traffic regulatory device that does not conform to the provisions of this act

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of not less than one hundred ($100) dollars or more than one thousand ($1,000) dollars and cost of prosecution and in default of the payment thereof shall undergo imprisonment of not more than thirty (30) days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 982, as follows:

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever it shall appear that any part or portion of a State highway in any township is dangerous to the traveling public and such danger could be materially reduced or lessened by the construction of a sidewalk the Department of Highways shall have the right to aid the local authorities to lay out and construct a sidewalk along such dangerous portion of State highway Such sidewalks shall be constructed in such manner and of such materials as deemed advisable by the said department but shall be raised at least five inches above the surface of the highway

Section 2 All sidewalks constructed under the provisions of this act shall be thereafter considered as a part of the State highway system and shall be reconstructed maintained and repaired and the cost proportion thereof agreed upon to be paid by the Department of Highways shall be paid in the same manner as State highways

Section 3 For the purpose of carrying out the provisions of this act so much money as may be necessary is hereby appropriated to the Department of Highways out of the Motor License Fund

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1254, as follows:

An Act to amend section five of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of article fourteen of the Constitution relative to the salaries of county offi-

cers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" as amended changing the dates on which county officers their deputies and clerks shall be paid

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" as last amended by the act approved the eighteenth day of April one thousand nine hundred and twenty-three (Pamphlet Laws 76) is hereby further amended to read as follows

Section 5 All county officers within the counties to which this act applies whether elected by the people or appointed according to law and their several deputies and clerks shall be paid for their services by fixed and specific salaries which shall be a charge upon the treasury of the county to which each shall respectively belong to the extent (except as hereinafter provided) of the fees collected and paid in by each officer respectively or earned where fees are chargeable upon the county treasury and said salaries shall be paid semi-monthly on the [first and fifteenth days] sixteenth day of the current month and on the first day of the month succeeding that in which his services were rendered but no warrant shall be drawn for the payment of any of said officers his deputies or clerks who shall not have filed the receipt and transcript provided for in this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1880, as follows:

An Act providing for the settlement and compromise of certain claims of the Commonwealth against boroughs for the construction reconstruction maintenance and repair of highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the obligation of any borough to the Commonwealth for the cost or part of the cost of constructing reconstructing maintaining and repairing any highways previous to the passage of the act remains unpaid and has been reduced to judgment by the Department of Justice the Attorney General on behalf of the Commonwealth and with the approval of the Auditor General and State Treasurer may enter into an agreement with the borough against which the judgment has been obtained for the payment of such judgment in installments Such agreement may be made whenever it appears that the borough is unable to pay the judgment at once by reason of its financial condition and shall provide for the liquidation of such judgment in definite payments over a period not exceeding five years If it shall appear that the borough by reason of its financial condition would be unable to pay the full amount of such judgment in installments over a period of five years the Attorney General with the approval of the Auditor General and State Treasurer may compromise or settle such judgment for such portion thereof as such officers may find the borough to be able to pay over a period of five years and the agreement hereinbefore provided for shall be entered into on the basis of such settlement

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 289 as follows:

An Act to amend section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street-cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the dispositoin of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing the dates when reductions of registration fees shall become effective

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" is hereby amended to read as follows

Section 710 Reduction of Registration Fees in Certain Cases The fee for registration of a motor vehicle trailer and semi-trailer when registration is issued on or after [August] July first but prior to [November] October first shall be one-half (½) of the fee for annual registration Provided That the fee for registration of any such vehicles when registration is issued on or after [November] October first shall be one-fourth (¼) of the fee herein specified

Section 2 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1608, as follows:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as last amended by section thirteen of the act approved the ninth day of June one thousand nine hundred thirty-one (Pamphlet Laws 386) is hereby further amended to read as follows

LIII Regulation of Contracts To make contracts or purchases in connection with proper legal requirements of the borough Provided That all contracts or purchases [other than purchases for water electric light and other public works of the borough or for improvement made by its employes or where the State or county is a party with the borough to a street improvement] made by any borough involving an expenditure of over five hundred dollars ($500) except those hereinafter particularly enumerated shall be in writing and shall not be made except with and from the lowest responsible bidder after due public notice by the secretary published once a week for three weeks at intervals of seven days in one newspaper published in such borough and if no newspaper is published therein then by publication in one newspaper printed in the county and circulating generally in the borough and [such] all bids shall be received opened and read in open meeting of council at a time fixed by such notice and not earlier than twenty-one days after the first publication thereof

In case of an emergency so declared by the [affirmation] affirmative vote of two-thirds of all the members of said council or a majority of council plus one when the number composing such council is less than nine the notice shall be published at least one week prior to the time fixed therein for opening bids

The acceptance of bids shall only be made by public announcement at the meeting at which bids are received or at a subsequent meeting the time and place of which shall be publicly announced when bids are received If for any reason one or both of the above meetings shall not be held the same business may be transacted at subsequent meetings provided that one week's notice thereof shall be published in the newspaper aforesaid

The successful bidder when advertising is required herein shall be required to furnish a bond with sufficient surety in the amount of fifty per centum of the amount of the contract within ten days ofter the contract has been awarded and upon failure to furnish such bond within such time the previous award shall be void

The contracts or purchases made by any council involving an expenditure of over five hundred dollars ($500) which shall not require advertising or bidding as hereinbefore provided are hereby enumerated as follows

(a) Those made for maintenance repairs or replacements for water electric light and other public works of the borough provided they do not constitute new additions extensions or enlargements of existing facilities and equipment

(b) Those where particular types models or pieces of equipment articles apparatus appliances vehicles or parts thereof new second hand or rebuilt are desired by council which are patented and manufactured products and in cases of purchase under this provision specifications shall not be required to be prepared nor a bond exacted provided however that this shall not apply to construction materials used in a street improvement

(c) Those made for improvements repairs or maintenance of any kind made or provided by any borough through its own employes or where the State or county is a party or cooperates through its employes or the loan of its equipment with the borough to a street repair maintenance or improvement

(d) Those made for any surety company bond or policy of insurance

It shall not be lawful for any burgess or member of council of any borough or any officer agent or employe thereof to be in any way interested either directly or indirectly in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of such borough involving the expenditure by the borough of more than [ten] twenty-five dollars ($25) in any one month or more than [one] three hundred dollars ($300) in any year or to receive any reward or gratuity from any person interested in such contract or sale nor shall any burgess member of council officer agent or employe of any borough be a member of any partnership or a stockholder or officer of any corporation or an agent or employe of any individual partnership or corporation in any way interested in any contract for the sale or furnishing of any supplies or materials to be furnished to or for the use of or any work to be done for such borough involving the expenditure by the borough of more than [ten] twenty-five dollars ($25) in any one month or more than [one] three hundred dollars ($300) in any year and any person violating these provisions or any of them shall forfeit his office or appointment in such borough and also shall be guilty of a misdemeanor and upon conviction thereof be sentenced to pay a fine not exceeding five hundred dollars ($500)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1467.

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section thirty-

seven of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1607 In every elementary public and private school established and maintained in this Commonwealth the following subjects shall be taught in the English language and from English texts English including spelling reading and writing arithmetic geography the history of the United States and of Pennsylvania civics including loyalty to the State and National Government safety education and the humane treatment of birds and animals health including physical training and physiology music and art Other subjects shall be taught in the public elementary schools and also in the public high schools as may be designated or approved by the State Board of Education All such subjects except foreign languages shall be taught in the English language and from English texts Each school district in this Commonwealth shall provide and distribute to each pupil enrolled in the eighth grade of the public schools one illustrated copy of the National Flag Code and shall from time to time make available such copies as are necessary for replacements from year to year and it shall be the duty of each teacher in the public schools to make use of the said code as may from time to time seem proper

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2129, (Senate Bill No. 377), entitled:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" as amended in part by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1306) is hereby re-enacted and further amended to read as follows

An Act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or county

Section 1 Be it enacted That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining Commission hereinafter created upon application of the Secretary of Highways the county or the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages is hereby empowered to determine authorize and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid The president judge of the court of common pleas of the county in which the highway is situated who shall be the chairman thereof one member of the Public Service Commission or an engineer designated by it the Secretary of Mines or his designated representative the Secretary of Highways or his designated representative and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the Highway Mining Commission This commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the court of common pleas of the county in which the highway is situated A majority of the commission of which the chairman must be one may act for and exercise the powers of the commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of courts of common pleas

Section 2 The condemnation or acquisition of any easement for highway purposes as hereinabove provided shall not be considered as including the condemnation or acquisition of any coal which may be removed under the terms of any agreement authorized by this act

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any oblibation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement

Section [3] 4 This act shall [not] apply in all counties of the [second class] Commonwealth

On the question, ,

Will the House agree to the section?

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. (sec.1), page 3, line 9, by striking out with light-face brackets the word "service" and inserting in lieu thereof "Utility"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Wil the House agree to the section as amended?
It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for athird reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2135, (Senate Bill No. 674), entitled:

An Act to amend the title and section one of the act approved the twelfth day of July one thousand nine hundred thirty-five (P. L. 805) entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure" by further providing for the acquisition and possession of occupied property and structures

And said bill having been read at length the second time and agreed to.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 994 (Senate Bill No. 100), entitled:

An Act to amend sections forty and forty-seven of the act approved the eleventh day of March one thousand nine hundred and nine (P. L. 19) entitled "An act relating to warehouse receipts" providing how warehouse receipts may be negotiated

And said bill having been read at length the second time and agreed to,
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2004 (Senate Bill No. 305), entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding at the end thereof a new subdivision and section to read as follows

(1) Proceedings before Public Service Commission

Section 495 Counties of the Second Class May Assist Municipalities Upon the request of any political subdivision or subdivisions within the county any county of the second class may assist such political subdivision in any negotiations or contest with any public service company and for such purpose may employ or place at the disposal of such political subdivision the legal engineering accounting or clerical service of the county The county commissioners of any such county may also enter their appearance as interveners or otherwise in any proceedings before the Public Service Commission or before any court in any proceeding involving any controversy between any political subdivision in the county and a public service company

On the question,
Will the House agree to the section?
Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to offer the following amendments.
The SPEAKER. The amendments will be read by the Clerk.
The amendments were read by the Clerk as follows:

Amend section 1, page 2, line 3, by striking out after the word "Public" and before the word "Commission" the word "Service", and insert in lieu thereof the following: "Utility"

Amend section 1, page 2, line 14, by striking out after the word "Public" and before the word "Commission" the word "Service", and inserting in lieu thereof the following: "Utility"

On the question,
Will the House agree to the amendments?
They were agreed to.

On the question,
Will the House agree to the section as amended?
It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon final enactment

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1770 (Senate Bill No. 153), as follows:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of providing violations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whoever in a newspaper periodical circular form letter or other publication published distributed or circulated in this Commonwealth in any advertisement in this Commonwealth or by any display or placard advertising in this Commonwealth knowingly makes or disseminates or causes to be made or disseminated any statement or assertion concerning the quantity the quality the value the merit the use the present or former price the cost the reason for the price or the motive or purpose of a sale of any merchandise securities or services or concerning the method of cost of production or manufacture of such merchandise or the possession of rewards prizes or distinctions conferred on account of such merchandise or the manner or source of purchase of such merchandise or securities which is untrue or calculated to mislead shall for the first and second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than two hundred dollars ($200.00) and costs of prosecution and in default of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty day and for a third or subsequent offense shall be guilty of a misdemeanor and on conviction be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the county jail not exceeding sixty days or both such fine and imprisonment

Section 2 That said act is hereby amended by adding thereto after section one a new section to read as follows

Section 2 The making or dissemination of any such statement which is untrue or calculated to mislead shall be deemed prima facie evidence of knowledge that such statement is untrue or calculated to mislead

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2127 (Senate Bill No. 288), entitled:

An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by changing the manner of creation of townships of the first class

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be reconsidered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2134, (Senate Bill No. 673), entitled:

An Act authorizing the Secretary of Highways to abandon portions of State highway routes within the limits of State parks or Federal Resettlement projects under certain conditions

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1464, as follows:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixing the compensation of members and employes thereof providing that the awards of such Board shall be final providing for the payment of awards and authorizing an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a Board of Arbitration of Claims against the Commonwealth arising from contracts entered into by the Commonwealth Such Board shall consist of three members appointed by the Governor one of whom shall be learned in the law and shall be chairman of the Board another of whom shall be a registered civil engineer The third member of the Board shall be a citizen and resident of the Commonwealth not learned in the law or an engineer Two members of the Board shall constitute a quorum The members shall be appointed for terms of two four and six years and shall serve until their respective successors shall be duly appointed and qualified Their successors shall each be appointed for a term of six years In the event any member shall die or resign during his term of office the Governor shall appoint a successor who shall hold office for such unexpired term Each member of the Board shall receive twenty-dollars per diem for each day actually employed in his duty as a member of the Board and shall also be entitled to expenses while engaged in the performance of his official duties which compensation and expenses shall be deemed costs of the proceedings hereunder

Section 2 The Governor shall designate an employe of the Department of the Auditor General as Secretary of the Board It shall be the duty of the Secretary to keep a full and true record of all proceedings of the Board and all determinations rulings and decisions made by the Board and such secretary shall be the custodian of the records of the Board as well as all pleadings papers books maps and schedules whatsoever filed with it and he shall be responsible to the Board for the same

Under the direction of the Board the Secretary shall have general charge of the office of the Board and shall receive all pleadings filed with the Board and shall give notice

of awards and rulings of the Board and prepare and cause to be served such notices as may be required by the Board and shall perform such other duties as the Board may prescribe Such secretary shall have power and authority to administer oaths in all proceedings by or before the Board

The Board shall appoint a stenographer who shall take and transcribe testimony at the hearings of the Board Such stenographer shall be employed upon a per diem basis at such compensation as the Board shall determine which compensation shall be assessed by the Board as part of the costs of the proceedings

Except as otherwise specifically provided in this act the Board and its employes shall be subject to all the provisions of the Administrative Code of 1929 approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws on hundred seventy-nine) its amendments and supplements

Section 3 The Board shall adopt an official seal which shall authenticate its proceedings

Section 4 (a) The Board of Arbitration shall have jurisdiction to hear and determine all claims against the Commonwealth arising from contracts hereafter entered into with the Commonwealth where the amount in controversy amounts to $300.00 or more (b) Such jurisdiction shall also attach in cases arising from contracts heretofore entered into where the claims as herein provided are presented before final payment under such contracts and where the parties in such contracts heretofore entered into agree to submit the claim to the Board under the terms of this act

The award of the Board of Arbitration shall be final and no appeal from such award to any Court shall be allowed

Section 5 The Board shall hold hearings at the Capitol in Harrisburg at such place and time as the Board shall determine When cases are at issue as is hereinafter provided the Secretary of the Board shall list such cases for hearing at the earliest available date and shall cause to be served upon the claimants in such cases thirty days written notice setting forth the time and place of such hearing

Section 6 No claim shall be entertained by the Board unless the claimant shall within three months after the completion of the contract and before final payment is received on said contract except as provided by section 4 (b) hereof advise the Department involved in writing of such claim specifying the details thereof and shall within the same period file with the Secretary of the Board a concise and specific written statement of this claim signed and verified by the claimant before an officer authorized to administer oaths

The claimant at the time of filing such statement shall file therewith two copies of said statement and the Secretary of the Board shall forthwith deliver one copy to the Secretary of the Department involved and the other to the Attorney General

At the time of filing his statement of claim the claimant shall pay to the State Treasury through the Secretary of the Board the sum of $25.00 as filing fee All fees so received shall be credited to the General Fund

Within thirty days after such statement shall be filed with the Secretary of the Board and served upon the Secretary of the Department involved and the Attorney General the Commonwealth shall file with the Secretary of the Board and answer in writing to the averments of the claiment's statement which shall be signed and verified by the Secretary of the Department involved and shall at the same time file two copies of the same one of which shall be served by the Secretary on the Attorney General and the other forwarded to the claimant

When the answer of the Commonwealth is filed the pleadings shall be complete and the case shall be deemed to be at issue and the Secretary of the Board shall list such case for hearing before the Board at the earliest available date but not earlier than thirty (30) days after the filing of such answer

All cases shall as far as practicable be listed for hearing in the order of the date of the filing of the respective claims and the Secretary shall cause to be served upon all claimants by registered mail thirty (30) days' written notice which notice shall set forth the time and place of such hearing

Section 7 The Secretary of the Board shall have the power to issue subpoenas at the request of either the Commonwealth or the claimant and to require the attendance of witnesses and the production of books documents and papers pertinent to any cause before the Board

All subpoenas so issued shall be in such form as shall be prescribed by the Board and shall be signed by the Secretary or such person as may be designated by the Secretary and may be served by any adult in any part of the Commonwealth

Any person who refuses to obey such subpoena or who refuses to be sworn to testify or who fails to produce any papers books or decument touching upon the case in which he is subpoenaed or who is guilty of any contempt after summoned to appear may be punished for contempt of court and for this purpose an application may be made to the Court of Common Pleas of Dauphin County for which purpose such Court is hereby given jurisdiction Each witness so required to attend shall receive for each day's attendance the sum of two dollars ($2.00) and in addition thereto three cents (3) for each mile circular travelled by the usual route from his home to the place where his presence is required which witness fees and expenses shall be divided between the Commonwealth and the claimant in such proportion as the Board may direct

Section 8 All hearings before the Board shall be public and shall be governed by such rules not inconsistent with this act as shall be adopted and prescribed by the Board After consideration of the pleadings filed with it and the testimony given at the hearing before it the Board shall either dismiss the claim of the claimant or make an award in favor of the claimant of such sum as it shall determine the claimant is legally and rightfully entitled to receive and shall enter such award in a book to be kept by it for that purpose It shall file a written opinion setting forth the reasons for its action The action of the Board dismissing said claim or making an award shall be final and no appeal shall lie therefrom

The Board in making such award shall have full power to dispose of all costs of the proceedings by providing for the payment thereof by the Commonwealth or by the claimant or by providing that such costs shall be shared by the parties in such proportions as the Board shall direct

Section 9 Within thirty (30) days after any final award made by the Board the Secretary of the Board shall certify to the Secretary of the Department involved under the seal of the Board a statement of such award or in the event it shall dismiss the said claim a statement of such costs that it may assess against the claimant The amount of such award shall be paid by said Secretary out of any funds appropriated against the contract out of which the claim upon which the award is based was originally charged said award shall thereafter be paid to the claimant from the said fund or appropriation in the manner now provided by In the event that costs are assessed against the claimant the amount of such costs shall be deducted from whatever balance may be due the claimant upon the contract out of which the claim arose

Section 10 The Board shall establish such rules for its government and regulations governing practice before it as it shall deem proper and necessary All papers herein filer shall be matters of public record and the public subject to the reasonable requirements of the Board shall at all time shave access thereto and shall be permitted to examine the same

Section 11 This act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 752, entitled:

An Act regulating the removal of sand gravel and coal from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth and providing for the imposition collection and lien of charges for such materials taken removed or dredged from such waters title to which is in whole or in part in the Commonwealth requiring persons associations copartnerships and coporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue providing for appeals and providing penalties and refunds

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" means a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Department" means the Department of Revenue of this Commonwealth

"Material" means sand gravel or coal

"Marketable Material" means such material as is removed from the stream lake or other body of water for purposes of sale commercial or other use

"Permittee" is a person as hereinafter defined holding a stream deposit permit under this act

"Person" means a natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. PRESTON. Mr. Speaker, I move that this bill be recommitted to the Committee on Forestry for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1628 as follows:

An Act to amend section eight hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the requirements of bonds of townships treasurers to fidelity bonds and regulating such bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto is hereby amended to read as follows

Section 801 Fidelity Bond The treasurer of each township shall give a fidelity and not a surety bond to the Commonwealth in a sum to be prescribed by ordinance or resolution and at least equal to fifty per centum of the probable amount of the annual township tax Such bond shall be subscribed by sureties approved by the township commissioners or by a surety company or companies duly authorized to do business in this Commonwealth The bond given by the treasurer shall be conditioned for the faithful performance of the duties of his office for a just account of all moneys belonging to the township funds that may come into his hands from taxation or otherwise for the payment over thereof only in the manner prescribed by law for the delivery to his successor in office of all papers books documents and other things held in right of his office [and] for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts and that as tax collector of township county poor and school taxes he shall account for and pay over all moneys received by him as taxes and account for all tax items contained in the duplicates delivered to him during his term of office which remain uncollected The township treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items contained in the duplicates are either (1) collected and paid over or (2) set forth in schedules filed with the tax authorities or (3) returned to the county commissioners for sale by the county treasurer or (4) in the case of occupation poll and per capita taxes a record of those which remain uncollected is filed with the tax authority together with the oath of the tax collector that he has made a diligent effort to collect such taxes The township treasurer shall be required to give but one bond which shall include his duties as township treasurer and collector of township county school and poor taxes and shall cover the full term of his office Should the township county school district or poor district be of the opinion at any time that the bond given is not sufficient additional security may be required to be given The treasurer shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him The bond or bonds given by the township treasurer shall be for the use of the township the county the school district and the poor district Said bond shall be filed with the township commissioners

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1619 as follows:

An Act to amend sections one thousand one and one thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended further regulating the annual budgets of such townships

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one of the

act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 680) is hereby further amended to read as follows

Section 1001 Meetings General Duties Compensation The auditors of townships shall meet annually on the [day following the day which is fixed by this act for the organization of the township commissioners] first Tuesday after the first Monday of June and shall audit settle and adjust the accounts of the township commissioners township treasurer tax collector secretary and other officers and persons receiving and disbursing or authorizing the disbursement of the moneys of the township during the preceding fiscal year

The auditors shall make an audit of the dockets transcripts and other official records of the offices of the justice of the peace of the township to determine the amounts of fines and costs paid or due to the township All justices of the peace shall open and make available to the auditors their dockets transcripts records and all other official books or papers for the purpose of the audit Provided That in any case where a justice of the peace charges a fine contrary to ordinances or to any act which makes such fine payable to the township the said auditors have the power to surcharge such justices of the peace in any amount or amounts undercharged as set forth in said ordinances or act

Two auditors shall constitute a quorum Each auditor shall receive five dollars per diem for each day necessarily employed in the duties of his office to be paid out of the funds of the township

Section 2 That section one thousand seven hundred one of said act as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1176) is hereby further amended to read as follows

Section 1701 Annual Budget Regulation of Appropriations The board of township commissioners of townships shall each year [within sixty days after the first Monday of January and] at least thirty days prior to the adoption of the annual budget prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year and by ordinance appropriate out of the revenues available for the year the specific sums required as shown by the budget as finally adopted The tax levied by the township authorities shall be fixed at such figure within the limit allowed by law as with all other sources of revenue will meet and cover said appropriations The total appropriation shall not exceed the revenues available for the fiscal year If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year as appropriation may may be made for the payment of township orders or indebtedness of the previous years

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act Final action shall not be taken on the proposed budget until after at least ten days public notice The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget The township commissioners after making such revisions and changes therein as appear advisable shall adopt the budget

The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance or any portion thereof from one spending agency to another but such action shall be taken only during the last nine months of the fiscal year

Within fifteen days after the adoption of the budget the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs

Section 3 This act shall become effective on the first day of March one thousand nine hundred and thirty-eight

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 108, as follows:

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment election and salaries of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court and the municipal court of Philadelphia and for the transfer of certain actions pending in said courts and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Purposes and Basic Principles. The basic purpose and principle of this act is to secure uniform administration in one court of matters pertaining to family relations and to secure for each child under its jurisdiction such guidance care custody and control preferably in his own home or by placement as will serve the home or the child's welfare and the best interests of the Commonwealth.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the Commonwealth subject to the discipline and entitled to the protection of the Commonwealth which may intervene to safeguard them from neglect and injury and to enforce the legal obligations due to them and from them

Section 2 Construction of Act This act shall be liberally construed to accomplish the purposes herein declared

Section 3 Family Court Created General Powers There is hereby created in the judicial district composed of the County of Philadelphia a court of record to be known as the "Family Court" The court shall consist of four judges learned in the law The Family Court shall have all the powers of a court of record possessed by the courts of common pleas and quarter sessions of the peace

Any judge or judges of the Family Court when called upon by the President Judge of any of the courts of common pleas of the first judicial district but without interference with the proper conduct of the business of the Family Court shall have power to hear and to determine upon the certification hereinafter provided for of pleas actions causes civil or criminal issues and all issues and other matters in equity in the courts of common pleas courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace for said judicial district so fully and effectually and to dispose thereof in the same manner as may be done by the judges of the courts of common pleas of the said judicial district Whenever the proper disposition of business requires it an arrangement can be made with the judge or judges of the said Family Court for such services and the President Judge or in his absence or disability any additional law judge of any of the courts of common pleas or said judicial districts may certify matters or issues to be heard and determined by such judge of the Family Court specially presiding as aforesaid

Section 4 Election of Judges Vacancies Compensation Powers of Justice of the Peace The judges of the Family Court shall be elected by the voters of the County of Philadelphia at large at municipal elections for terms of ten years each from the first Monday of January next succeeding their election The first elected judges of said

court shall be elected at the municipal election in the year one thousand nine hundred and thirty-seven

It shall be unlawful for any judge of the said court to practice law during his continuance in office

Vacancies in the office of judge of said court shall be filled by the Governor the appointee to hold office until the first Monday of January next succeeding the first municipal election which shall occur three or more months after the happening of such vacancies

Each of the judges of said court shall receive an annual salary of fourteen thousand dollars ($14,000) payable by the Commonwealth

The judges of said court shall be ex-officio justices of the peace

Section 5 General Powers Vacancies in Office of President Judge The president judge shall have power to oversee and direct the business of the court He shall assign the other judges to the duties to be performed by them Vacancies in the office of President Judge shall be filled in the same manner as in the courts of common pleas of the first judicial district

Section 6 Organization of Court Temporary Appointments by the Governor The court created by this act shall be organized on the effective date of this act and pending the election of the judges thereof as hereinbefore provided the Governor shall appoint the first judges of said court designating one of them to be President Judge and designating also the seniority of the other judges appointed Said judges shall hold office from the day of appointment and commissioning by the Governor until the first day Monday of January one thousand nine hundred and thirty-eight

Section 7 Location of Court Sessions Supplies The court shall be open at all times for the transaction of business in the County of Philadelphia at such place as may be provided by the proper authorities of the County of Philadelphia and at such other place or places in the county as may from time to time be found necessary by the court for the convenience of suitors or the accommodation of the public In the hearing of any cases the general public may be excluded

It shall be the duty of the proper authorities to provide proper accommodation for the holding of the court at such times and places as the court may decide and the expenses thereof shall be defrayed out of the city treasury

All dockets supplies and materials required for the use of the court and its officers and employes shall be furnished by the proper authorities of the county at the cost of the county

Section 8 Judges Officers Clerks and Employes Prohibited from Engaging in Political Activities No judge officer clerk or employe of the Court shall be a member of or delegate or alternate to any politcial convention No such judge officer clerk or employe shall serve as a member or attend the meetings of any committee of any political party or take any active part in political management or in political compaigns No judge office clerk or employe of the court shall in any way or manner interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the ballot boxes or voting machines books and papers to the place provided by law for that purpose or be within any polling place save only for the purpose of casting his vote as speedily as it reasonably can be done or be within fifty feet thereof except for purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place nor shall any such judge officer clerk or employe of the court directly or indirectly pay demand solicit collect or receive or be in any manner concerned in paying demanding soliciting collecting or receiving any assessment subscription or contribution whether voluntary or involuntary intended for any political purpose whatever Provided however That no judge shall be prohibited from engaging in political activities or incurring proper expenses on his own behalf in seeking nomination and election as a judge of this court Provided further however That such activities shall not commence more than three months before the primary election at which the said judge shall be a candidate for nomination

Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500) and forfeit his office

Section 9 Appointment of Officers and other Employes The court by a vote of not less than three of its members shall appoint a chief probation officer whose annual salary shall be six thousand dollars ($6,000) per year a secretary of the court and as many probation officers, court officers clerks stenographers and other employes including psychiatrists psychologists and physicians as shall be deemed necessary The salaries and expense of all appointees not fixed by this act shall be fixed on recommendations made by the court by the tax levying body of the county and paid from the county treasury

The secretary of the court shall have the custody of all records and papers of the court in an office provided by the proper authorities for such purposes

Section 10 Methods of Appointments and Removal of employes The court as soon as practicable after the passage of this act shall establish and make public a plan classifying all court employes according to duties and qualifications and a schedule of compensation for each class so established which plan and schedule may be changed from time to time by the court after such public notice as the court may determine

All probation officers clerks stenographers and investigators shall be appointed from eligible lists for the particular position to be filled which lists shall be secured through open oral and written competitive tests conducted at such times and in such maner and graded as marked by such persons as the court may direct Such tests shall have refercence to education ability personality character and special aptitude for work In all written tests each candidate shall be given a number so that the person marking or grading each paper shall not be able to ascertain the identity of any candidate The names of all candidates passing such tests shall be placed in an employment list for each class in the order of their excellence In filling each position for which tests are required the court shall be restricted to the three persons whose names stand highest on the employment list for the particular class in which there is a vacancy After any name has been three times rejected it shall be stricken from the employment list for the particular class for which it has been rejected

In the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in wihch the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order or standing of such persons on any list of eligibles

No person who has been in the employ of the court for more than ninety days shall be dismissed demoted or reduced in pay except for just cause which shall be neither racial religious nor political nor until he has been furnished with a written statement of the reasons for such proposed action an opportunity to reply in writing to the charges preferred against him and to be heard thereon

When necessary for the proper function of the court's business but not otherwise the court may make provisional appointments to fill any position but no provisional appointment shall have a duration beyond ninety days and successive provisional appointments shall not be made the provisions of this section except as hereinafter provided shall not apply to the secretary of the court nor to psychiatrists psychologists and physicians

The secretary of the court and court officers shall each give bond with approved sureties to the Commonwealth in

such amount as the judges of the court shall fix conditioned for the faithful performance of their duties The premium on such bonds shall be paid by the county

Section 11 Appointment Powers and Duties of Referees The president judge may appoint any probation officer or other suitable employe to act as a referee and to hold office during the pleasure of the president judge

The hearing of any case may be referred to such referee by the court or the president judge may direct that all cases of a certain class or within a district to be designated by him shall be initiated before and held in the first instance by such referee in the same manner as provided for the initiation and hearing of cases by the court Upon the conclusion of the hearing in each case the referee shall transmit to the court all papers relating to the case together with his conclusions and recommendations in writing

A hearing before the court shall be allowed to any person or to the parent guardian or custodian of any child whose case has been heard by the referee upon filing with the court a request for such hearing within ten days after the receipt of written notice of the conclusions and recommendations of the referee In case no hearing before the court is requested the conclusions and recommendations of the referee as confirmed or modified by an order of the court shall become the judgment of the court

Section 12 Records The records of the court shall be docketed and may be withheld from public inspection under order of the court

In every case where a child is discharged on probation or otherwise from an institutional industrial or training school a record of such discharge shall be kept in the docket of the court

Section 13 Seal The court shall have a seal on which shall appear the words "Family Court" and the word "Seal" which shall be affixed to all official papers and documents issued from said court The seal of the court shall be in the custody of the clerk of the court and shall be kept in such place as the court may from time to time order

Section 14 Jurisdiction of Family Court The family court shall have exclusive jurisdiction in the following actions and proceedings except where specifically otherwise provided

(a) All actions and proceedings affecting delinquent neglected and dependent children under sixteen years of age as defined by the laws of this Commonwealth which vest the care guidance control trial placement and commitment of such children in the courts of quarter sessions and the County Court of Allegheny County or the judges thereof which courts when exercising such jurisdiction are known as juvenile courts

(b) All actions and proceedings concerning or trials of persons including adults charged with contributing to or encouraging or tending to cause by any act of commission or omission the delinquency neglect or dependency of any child under sixteen years of age or charged with any act of omission or commission with respect to any child under sixteen years of age which act of omission or commision is a violation of any State law or ordinance of the city of Philadelphia and jurisdiction over which actions and proceedings is by existing law vested in the courts of quarter sessions of the Peace and the County Court of Allegheny County which courts when exercising such jurisdiction are known as juvenile courts

(c) All actions and proceedings relating to the appointment of guardians of the person of delinquent neglected and dependent children under sixteen years of age then subject to the jurisdiction of the Family Court

(d) All actions and proceedings for the support of a delinquent neglected or dependent child under sixteen years of age:

(e) All actions and proceedings brought against any husband or father wherein it is charged that he has without reasonable cause separated himself from his wife or children or from both or has neglected to maintain his wife or children or both and all actions and proceedings wherein a child of full age is charged with neglecting to maintain his or her parents or grandparents who are unable to work and who have insufficient financial ability to maintain themselves

(f) All actions and proceedings wherein it is charged that a mother has deserted her child or children or has neglected to maintain her child or children or wherein it is charged that a grandfather or grandmother has neglected to maintain his or her grandchild or grandchildren

(g) All proceedings involving the custody of any child

(h) All actions and proceedings wherein it is alleged that any child under full age is suffering from epilepsy or nervous or mental defects

(i) All actions and proceedings wherein it is charged that a child between the ages of sixteen and twenty-one years has disobeyed his parents' command or has been found idle in the streets or is keeping company with dissolute or vicious persons against the lawful command of his parents or guardian and against all disorderly children

(j) All actions and proceedings concerning or trial of charges wherein the paternity of any child alleged to have been born out of lawful wedlock is involved and orders and sentences to provide for the support and disposition of such child

(k) All proceedings for the adoption of any child under full age where the adopting parent or the child to be adopted is a resident of the County of Philadelphia and for such purposes to exercise all the powers and authority now vested by law in the orphans' court in such cases The jurisdiction of the court in such proceedings shall be concurrent with the orphans' court

(l) All actions and proceedings concerning or trial of charges brought against all persons whether minors or adults accused of disorderly street-walking

(m) Any prosecution of any minor for any criminal offense under the laws of this Commonwealth The jurisdiction of the courts in such cases shall be exclusive except that in any such case where the child is over sixteen years of age the court may certify such case to the court of quarter sessions of the peace or the court of oyer and terminer and general jail delivery as the case may require

Section 15 Transfer of Records and Pending Actions from Other Courts All books records indices documents and papers in the possession of the Municipal Court of Philadelphia Courts of Quarter Sessions and Orphans' Court of Philadelphia County or the clerks thereof and all actions and matter pending in said courts shall on the date when this act becomes effective be transferred to the court created by this act to the extent that such actions and matters and the books records indices documents and papers connected therewith are within the jurisdiction of the Family Court as herein established

The Family Court is hereby authorized to hear determine and to dispose of the actions and matters so transferred from the Municipal Court of Philadelphia courts of quarter sessions of the peace court of oyer and terminer and general jail delivery and orphans' court and shall have full power and authority to enforce any and all orders decrees judgments or sentences heretofore entered or imposed in any actions or matters transferred from said courts with the same force and effect as if such actions had been originally instituted in the Family Court

Section 16 Powers of Judges as Committing Magistrates in Juvenile Cases Any judge of the Family Court shall have power to inquire under oath or affirmation of all crimes misdemeanors and offenses whatsoever against the laws of the Commonwealth wherein a child under the age of sixteen years is charged and to take in the name of the Commonwealth any recognizance obligation or bail allowed to be taken by any magistrate or by any judge of the court of quarter sessions A judge may continue the recognizances obligations or bail so taken or such as may be returned to the Family Court by a magistrate or by any judge of the court of quarter sessions A of the peace or court of oyer and terminer and general jail delivery judge may continue the recognizances obligations or bail so taken or such as may be returned to the Family Court by a magistrate and may inquire into hear and determine all complaints founded thereon If such charge is not triable in the Family Court the judge shall return

such charge to the court of quarter sessions or oyer and terminer having jurisdiction

Section 17 Powers and Duties of Probation Department The chief probation officer the probation officers and other employes assigned to serve under the supervision of the chief probation officer shall constitute the probation department of the court

The chief probation officer under the direction of the court shall have charge of the work of the probation department and shall supervise the work of all probation officers and other employes assigned to such work

The probation department shall make investigations before during and after the filing of any petition or the entry of any action or proceeding as any judge of the court may direct It shall keep a written record of all such investigations and submit the same as the judge may direct It shall keep itself informed concerning the conduct and condition of each person on probation and shall report thereon as the court may direct Each probation officer shall use all suitable ways and means to aid persons on probation to bring about an improvement in their conduct and condition

The probation department shall take over all of the probation work of the probation officers of the Municipal Court of Philadelphia in all cases of delinquent neglected and dependent children placed under the supervision and control of probation officers by said court with the same powers authority and duties as if said children had been placed on probation under the authority of this act

The probation department shall (a) keep full records of its work and perform such other duties as the court may direct

Probation officers shall for the purposes of this act have all the powers of constables All other provisions of the laws of the Commonwealth relating to probation under the supervision of the courts acting as juvenile courts so far as they are applicable and not inconsistent with this act shall apply to cases coming within the provisions of this act

Section 18 Department of Accounts The Secretary of the Court under the direction of the court shall set up and maintain a Department of Accounts in which there shall be kept the proper and necessary books and records of all receipts and disbursements Moneys due from or for persons under the jurisdiction of the court shall be paid into this Department and the Secretary shall make periodical statements to the court as the court shall direct The books of account in this Department shall be audited annually by the Controller of the City of Philadelphia

Secion 19 Service of Process and Orders Service of all orders of the court in process and actions and proceedings shall be made personally by the delivery of attested copies thereof to the persons summoned or affected but if a judge is satisfied that it is impracticable personally to serve such order he may order service by registered mail with a return receipt requested addressed to the last known address or by publication thereof or by both as he may direct It shall be sufficient to confer jurisdiction if service is effected as herein provided before the time fixed by the court in the order or process for the return thereof

Service of orders or any process required by this act may be made by any suitable person under the direction of the court The judge may authorize the payment of necessary traveling expenses incurred by any person ordered to appear at the hearing of any case coming within the provisions of this act and such expenses when approved by a judge shall be payable by the county

If any person so served with an order or process shall fail to appear he may be proceeded against for contempt of court

Section 20 Special and General Procedures Returns by Magistrates In addition to the methods and procedures provided by existing law proceedings in said court may be initiated before any judge of said court upon information verified under oath by any person or upon the court's own motion A reasonable opportunity to appear shall be afforded any defendant

The court may issue a warrant for arrest or other process to secure or compel the attendance of any defendant The court shall have the same power and authority over the disposition of actions or proceedings affecting children under sixteen years of age as is conferred by law with respect to delinquent neglected and dependent children and in the case of adults the power to impose sentence as the law provides or to suspend sentence and place any defendant on probation

In desertion and non-support cases and in juvenile cases there shall be no preliminary hearings but the person accused or the children involved shall immediately be brought before the court for trial or hearing as the court may direct

Section 21 Control of Court over Committed Children The commitment by the court of a child under the age of sixteen years to a house of refuge or an industrial or training school or county institution or school maintained for such purposes shall not deprive the court of jurisdiction to release and discharge such child therefrom whenever it shall appear to the court after hearing that the interests of the child will be served by his release or discharge or parole under the supervision of a probation officer

Section 22 Examination and Treatment of Persons Found to be Mentally Defective or in Need of Medical Care The court may in its discretion either before or after a hearing cause any person coming within its jurisdiction to be examined by a physician or psychiatrist appointed or designated for the purpose by the court If it shall appear to the court that any such person is mentally defective or mentally disordered it may cause such person to be examined by two qualified psychiatrists or two physicians or one of each and on the written statement of such examiners that such person is mentally defective or mentally disordered the court may commit such person to an appropriate institution authorized by law to receive and care for mentally defective or mentally disordered persons In any such case the parents guardian or custodian of such person shall be given due notice of any proceedings hereunder

The expenses of any such examination when approved by a judge of the court shall be paid out of the county treasury

Section 23 Proceedings for the Support of Dependents In the case of an adult found guilty of desertion abandonment or failure to provide subsistence or care for any person for whose maintenance or care such adult is legally responsible the court may inquire into and determine the ability of such adult to provide for the maintenance or care of such person and may direct when how and where money for such maintenance or care shall be paid and in the event that such adult shall wilfully and without just excuse fail or refuse to pay the same in accordance with the court's order said person shall be dealt with by the court in accordance with the provisions of law relating to desertion and failure to provide subsistence or such adult may be proceeded against as for contempt of court

Section 24 Jury Trials The court shall hear and determine all cases affecting children under sixteen years of age arising under the provisions of this act and the laws of the Commonwealth relating to delinquent neglected and dependent children without a jury except where otherwise provided by law

If a person coming before the court is charged with an offense for which he is entitled to a trial by jury the case shall be tried before a jury under such rules as the court may promulgate but except as modified by its own rules the practice and procedure in criminal actions shall be the same in the Family Court as in similar actions prosecuted in the court of quarter sessions of the peace and court of oyer and terminer and general jail delivery

Section 25 Jurors It shall be the duty of the proper officers of the County of Philadelphia to provide such jurors for service in the Family Court as may from time to time be required by order of the president judge of the Family Court The jurors shall be summoned in the same manner as provided by law for the courts of quarter sessions of the peace They shall receive the same compensation and be subject to the same duties and liabilities as jurors summoned to serve in other courts of the county

Section 26 Review of Decisions by Court En Banc Any person aggrieved by the final decision of any judge of said court shall have the right within ten days after such decision has been rendered to ask for a review thereof before a court en banc composed of three judges of said court which court en banc shall after argument render its decision which shall become the decision of the court

Section 27 Fees The fees to be charged for the business of the court shall be the same as the fees charged for similar services by law by the various county officers of the County of Philadelphia

All fees and other sums of money received by any clerk or employe of the court shall be paid over to the county treasury except moneys paid in pursuance of an order of the court in (a) proceedings against a husband father adult child mother grandfather or grandmother where in it is charged that he or she has without reasonable cause deserted his or her dependents or failed to support any dependents or (b) in a proceeding for the custody of children In all such cases the moneys shall be disbursed to the person or persons entitled as herein above provided

Section 28 Costs Any judge of the court shall have power upon the disposition of any action or proceeding to make an order disposing of the costs including fees of magistrates constables sheriffs and witnesses and other costs and may impose such costs on the County of Philadelphia or on the complainant if after hearing it be found that the complaint was made without proper cause or upon the defendant or parent or parents or custodian of a child if after hearing it be found in the case of parents that they were at fault and are of ability to pay but all such costs shall after hearing and order in the case be immediately chargeable to and paid by the county Provided That the county shall be liable only for the cost of such witnesses as the probation officer shall certify where subpoenaed by his order and where in attendance at or necessary to the trial of the case or such witnesses as the court shall certify were in attendance and necessary to such trials

Section 29 Appeals All parties believing themselves aggrieved by the decision of the Family Court may remove their case by appeal to the Supreme or Superior Court as the case may be in accordance with the practice and procedure applicable to other courts of said county

Section 30 Court Rules and Regulations The court shall have power to adopt such rules of procedure and rules and regulations prescribing the qualifications of employes and personnel for the conduct of officers and employes and for the conduct of its business and the proceedings before it and all rules and regulations necessary to effectuate the purposes of this act as it shall deem proper

Section 31 Constitutionality The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 32 Effective Date This act shall become effective immediately upon final enactment

Section 33 Repeals All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE BILL No. 108 MADE A SPECIAL ORDER

Mr. OMINSKY. Mr. Speaker, I move that House Bill No. 108 Printer's No. 577, entitled:

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court and the municipal court of Philadelphia and for the transfer of certain actions pending in said courts and repealing existing laws.

on page 14 of today's calendar, bills on third reading be made a special order of business on Wednesday, April 14, 1937, at 1:30 p. m.

The motion was agreed to.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for five minutes. Is there objection? The Chair hears none and declares a recess for five minutes.

AFTER RECESS

The SPEAKER (Roy E. Furman) in the Chair.

The time of recess having expired the House was called to order.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 49. (HOUSE BILL No. 2163).

An Act to amend clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraged the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

Referred to the Committee on Judiciary General.

SENATE BILL No. 58. (HOUSE BILL No. 2164).

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the County of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in civil and criminal actions and in equity.

Referred to the Committee on Judiciary General.

SENATE BILL No. 516. (HOUSE BILL No. 2165).

An Act making an appropriation to the Department of Health for the purchase and distribution of vitamin products.

Referred to the Committee on Appropriations.

SENATE BILL No. 610. (HOUSE BILL No. 2166).

An Act providing for the creation of a legal holiday on September 17, 1937 to be known and observed as "Constitution Day".

Referred to the Committee on Banking.

SENATE BILL No. 681. (HOUSE BILL No. 2167).

An Act to amend section five of the act approved the twenty-ninth day of November one thousand nine hundred thirty-three (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws thirteen) entitled "An act creating an independent administrative board to be known as the Pennsylvania Liquor Control Board" by making further provision with respect to the fidelity bonds of the members secretary and employes of the board.

Referred to the Committee on State Boards.

SENATE BILL No. 810. (HOUSE BILL No. 2168).

An Act to amend section eight hundred twenty-four and section nine hundred and five as amended, of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by changing certain provisions relating to the borrowing of money for the acquiring and rebuilding of certain bridges, and for the purchase and improvement or construction of public highways, bridges, tunnels, subways and underground roads.

Referred to the Committee on Counties.

SENATE BILL No. 831. (HOUSE BILL No. 2169).

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven.

Referred to the Committee on Cities.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHUGARTS asked and obtained consent for the Committee on Counties to meet during the session of the House.

TIME EXTENDED ON BILL

Mr. JIROLANIO. Mr. Speaker, I move that the time on House Bill No. 2021, Printer's No. 425, entitled:

An Act to amend clause (b) of section five hundred one of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by providing for the issuance of special registration plates to members of the General Assembly.

on page 20 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

RESOLUTION

RECALLING HOUSE BILL No. 1051 FROM THE GOVERNOR

Mr. McFALL offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 13, 1937.

Resolved (if the Senate concur), that House Bill No. 1051, Printer's No. 502, entitled "An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water, be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. MORAN. Mr. Speaker, I move that the time on House Bill No. 250, Printer's No. 489, entitled:

"An Act authorizing cities boroughs and towns to construct acquire own operate and control waterworks and electric plants and appurtenances thereto and to sell and purchase water and electrical energy both within and without their corporate limits conferring the power of eminent domain conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties and prescribing penalties.

on page 18 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. YOURISHIN asked and obtained permission for the Committee on Labor to meet during the session of the House.

BILLS ON FINAL PASSAGE RECALLED FROM GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1161, as follows:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custory and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 406 Appointment of Mercantile Appraisers and Their Clerks The Auditor General [and the city treasurer] shall [continue to] appoint mercantile appraisers [in cities of the first class and the Auditor General shall continue to appoint them] in all counties [not containing a city of the first class] as [now] provided by law

The Auditor General shall also approve or disapprove all expense account of mercantile appraisers or their clerks or assistants and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties

The Auditor General shall from time to time certify to the Department of Revenue the names of mercantile appraisers appointed by him [in conjunction with the city treasurer in cities of the first class and by him in other counties] the salaries or rates of salary payable to such appraisers the number names and compensation of clerks or assistants approved by him for appointment by mercantile appraisers and all expense accounts which he has approved

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—207

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, James A.,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, S.,	Tumelty,
Brown,	Holstrom,	Patterson, W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Watkins,
Cohen, R. E.,	Kilroy,	Reese,	Webster,
Coleman,	Kline,	Reising,	Weidemann,
Coolahan,	Kroll,	Richter,	Weiss, D. H.,
Corrigan,	LaRue,	Robinson,	Weiss, S. A.,
Costanzo,	Leisey,	Rothenberger,	Welliver,
Davies,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Wampole,
Decker,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan,	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 916, as follows:

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second

day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods wares and merchandise and providing for the collection of said tax'" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all cities of the first class on or before the [thirteenth] thirtieth day of December one thousand nine hundred and thirty-seven and [quadrennially] on or before the thirtieth day of December of each year thereafter the Auditor General [and the city treasurer] shall appoint five suitable qualified citizens as mercantile appraisers for [terms of four years each] the succeeding year Not all of said appraisers shall be members of the same political party The powers duties and compensation of said appraisers shall be as now provided by law

Section 2 The terms of mercantile appraisers in cities of the first class in office immediately prior to the thirtieth day of December one thousand nine hundred thirty-seven are hereby terminated as of that date

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—207

Achterman,	Flannery,	McGee,	Simon,
Alexander,	Flinchbaugh,	McKinney,	Simpson,
Allen,	Ganser,	McShane,	Skale,
Allmond,	Gerard,	Melchiorre,	Sloan,
Arnold,	Gillette,	Mellott,	Smith, John A.,
Atkins,	Gorski,	Merrell,	Smith, James A.,
Aukerman,	Habbyshaw,	Mihm,	Snyder,
Baine,	Haberlen,	Moomaw,	Sollenberger,
Baker, F. T.,	Hagerty,	Mooney,	Spengler,
Baker, J. J.,	Hall,	Moran,	Sproul,
Balthaser,	Hamilton, F. P.,	Moul,	Stackpole,
Bierly,	Hamilton, R. S.,	Muir,	Stank,
Blank,	Harkins,	Munley,	Stewart,
Bohn,	Harmuth,	Murrin,	Stockham,
Boles,	Hays,	Nagel,	Strode,
Boltz,	Hering,	O'Brien,	Terry,
Boose,	Hess,	O'Connor,	Thomas,
Boyer,	Hetrick,	O'Keefe,	Thompson,
Bradley,	Hindman,	Ominsky,	Toole,
Brancato,	Hirsch,	O'Neill,	Tronzo,
Brigerman,	Holland,	Ostroff,	Trout,
Broad,	Holmes,	Patterson, C. S.,	Tumelty,
Brown,	Holstrom,	Patterson, J. W.,	Turner,
Brownfield,	Hontz,	Peale,	Valibus,
Burrows,	Horting,	Pearson,	VanAllsburg,
Cadwalader,	Huntley,	Perry,	VanSickle,
Caesar,	Imbrie,	Pershing,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schropp,	Wood,
Dyson,	Matthews, H. T.,	Schumacher,	Woodside,
Eckels,	Matthews, J. F.,	Serrill,	Wright,
Elpern,	McArdle,	Shaw,	Yanoshat,
Falkenstein,	McCullough,	Shea,	Yeakel,
Finnerty,	McDermott,	Shepard,	Yourishin,
Fiss,	McDevitt,	Shoemaker,	Zappala,
Fitch,	McElroy,	Shugarts,	Furman,
Flanagan	McFall,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 257 as follows:

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by providing that the city controller shall act as mayor in case of a vacancy or disability of the mayor to act in lieu of the succession of the officers of such cities heretofore provided by law in such case

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred nineteen) is hereby further amended to read as follows

(b) Until the vacancy is filled or in case of the mayor's temporary disability the city controller [president of the council shall act as mayor or if he should resign or be unable to act as mayor then the chairman of the finance committee of the council] shall act as mayor [director of public safety shall act as mayor or if he should resign or be unable to act as mayor then the director of public health shall act as mayor or if he should resign or be unable to act as mayor then the director of public works shall act as mayor or if he should resign or be unable to act as mayor then the director of public welfare shall act as mayor or if he should resign or be unable to act as mayor then the director of wharves docks and ferries shall act as mayor or if he should resign or be unable to act as mayor then the director of city transit shall act as mayor or if he should resign or be unable to act as mayor then the director of supplies and purchases shall act as mayor or if he should resign or be unable to act as mayor then the director of city architecture shall act as mayor or if he should resign or be unable to act as mayor then the president of the council shall act as mayor]

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—208

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Simpson,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boies,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	Leisey,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1572 Printer's No. 581 was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2053, entitled:

An Act abolishing poll taxes in cities of the second class A

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—208

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Simpson,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boies,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 369, entitled:

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Tronzo.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. TRONZO. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, not being familiar with the government of the City of Pittsburgh I would like to have the gentleman first state why the change is made from City Recorder to Mayor in certain parts of the bill.

Mr. TRONZO. Mr. Speaker, in answer to the question of the gentleman from Philadelphia, that was in the old act, and we used the terms City Recorders and Mayor interchangably.

Mr. McDEVITT. In other words, Mr. Speaker, is the Mayor and the City Recorder the same? Mr. Speaker, If I understand the bill correctly it refers to advertising and it reduces the number of papers in which these contracts are to be advertised.

Mr. TRONZO. That is right, Mr. Speaker.

Mr. McDEVITT. Isn't the purpose of advertising, Mr. Speaker, to give notice to as broad a section of the population as possible of the advertising for bids on contract?

Mr. TRONZO. That is right, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, is there a large sum of money involved or a large saving involved in the reduction of the number of papers in which the advertising could be inserted?

Mr. TRONZO. If the gentleman from Philadelphia, Mr. Speaker, will give me a little leeway on that question I shall endeavor to answer it. A great many years ago many of the citizens of Pittsburgh spoke the German language and very few of them understood English and for that specific reason any time an advertisement was given to the papers we made sure that one got into a German newspaper in the German language; it had to be done. However, times have changed and today we feel that we do not need to advertise in any foreign language newspaper, and that is the only thing this amendment does; it will eliminate the foreign language newspaper field.

Mr. McDEVITT. Mr. Speaker, does not the bill also reduce the maximum number of daily papers from five to three?

Mr. TRONZO. That is right, Mr. Speaker.

Mr. McDEVITT. And reduces the minimum from three to two, Mr. Speaker.

Mr. TRONZO. That is right, Mr. Speaker.

Mr. McDEVITT. So that, Mr. Speaker, there will not be as broad an advertising of contracts as there has been in the past, regardless of the elimination of foreign language newspapers.

Mr. TRONZO. Mr. Speaker, in answer to the last question of the gentleman, the only thing this bill does is to eliminate the foreign language newspapers from receiving the advertising from the city, and immaterial how much it saves, it does save the taxpayer, and that is after all the only thing we are trying to do in this bill. I also would like to add, Mr. Speaker, that we do have three daily papers in the City of Pittsburgh and this bill will in no manner, shape or form affect them.

Mr. REISING. Mr. Speaker and members of the House, it would appear to me that since we in our public schools teach French, Spanish, Latin, German and various other languages and that this nation is made up of a collection of peoples of all types, then it will be entirely unfair, un-American and highly unreasonable that we limit the advertising to only English language papers. I would ask that in considereation of the fact that many of my constituents are people of German, Slavish, Italian and various other racial connections, that we vote down this proposition to confine this advertising only to English language papers.

Mr. TRONZO. Mr. Speaker, I want to start off by saying that this bill affects only second class cities, which means strictly the City of Pittsburgh, so that it will have no effect on any other community in the Commonwealth. We haven't done anything wrong in it. We surely will not go into the foreign publication field and publish our advertisements in all the foreign language papers. We feel that our daily papers can handle the field rather well, and that is all we are endeavoring to do in Pittsburgh, to eliminate all unnecessary expenditures.

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to interrogate the gentleman from Beaver, Mr. Reising.

The SPEAKER. Will the gentleman from Beaver permit himself to be interrogated.

Mr. REISING. I will, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, will the gentleman point out to me in what section of the bill the advertising is limited to only English language newspapers?

Mr. REISING. The inference of the bill, Mr. Speaker, that it prohibits advertising in papers in foreign languages is sufficient in my judgment for its condemnation because our nation is made up of all peoples.

Mr. JAMES W. PATTERSON. Mr. Speaker, this bill applies only to cities of the second class and does not limit the advertising to any specific language. If the City of Pittsburgh desires to advertise in Polish and Slavish or any other language, I believe that this House has sufficient confidence in the city administration of the City of Pittsburgh to allow it to determine how it shall advertise its ordinances.

Mr. REISING. Mr. Speaker, I would say that it is on the principle of the philosophy that we should segregate or confine our advertising to a particular language in America.

Mr. JAMES W. PATTERSON. Mr. Speaker, I wish to reaffirm the position of the city administration of the City of Pittsburgh, that there is no limitation as to what language they can advertise in.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—179

Achterman,	Eckels,	Lyons,	Sarraf,
Alexander,	Eipern,	Mallen,	Scanlon,
Allen,	Falkenstein,	Marino,	Schor,
Allmond,	Finnerty,	Matthews, H. T.,	Schrope,
Arnold,	Fiss,	McArdle,	Shaw,
Atkins,	Fitch,	McCullough,	Shea,
Aukerman,	Flanagan,	McDermott,	Shepard,
Baine,	Flannery,	McDevitt,	Shoemaker,
Baker, F. T.,	Flinchbaugh,	McElroy,	Shugarts,
Baker, J. J.,	Ganser,	McFall,	Siegel,
Balthaser,	Gerard,	McGee,	Simon,
Bierly,	Gillette,	McShane,	Simpson,
Blank,	Gorski,	Melchiorre,	Skale,
Bohn,	Haberlen,	Mellott,	Sloan,
Boles,	Hagerty,	Merrell,	Smith, John A.,
Boltz,	Hall,	Mihm,	Smith, James A.,
Boose,	Hamilton, F. P.,	Moomaw,	Spengler,
Boyer,	Hamilton, R. S.,	Mooney,	Sproul,
Bradley,	Harkins,	Moran,	Stackpole,
Brancato	Harmuth,	Munley,	Stank,
Brigerman,	Hays,	Murrin,	Thomas,
Broad,	Hering,	Nagel,	Thompson,

Brown,	Hess,	O'Brien,	Toole,
Brownfield,	Hetrick,	O'Connor,	Tronzo,
Burrows,	Hindman,	O'Keefe,	Tumelty,
Cadwalader,	Hirsch,	Ominsky,	Valibus,
Caesar,	Holland,	O'Neill,	VanAllsburg,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Peale,	Wall,
Cohen, R. E.,	Huntley,	Pearson,	Walsh,
Coleman,	Imbrie,	Pershing,	Weiss, D. H.,
Coolahan,	Jirolanio,	Piole,	Weiss, S. A.,
Corrigan,	Keenan,	Powers,	Welliver,
Costanzo,	Kelso,	Preston,	Welsh,
Davies,	Kilroy,	Readinger,	Westrick,
Decker,	Kroll,	Reese,	Whalen,
DeNote,	Leisey,	Reising,	Whitenight,
Dickinson,	Levy,	Richter,	Wright,
Donohoe,	Lewis,	Robinson,	Yanoshat,
Dougherty,	Long,	Rothenberger,	Yourishin,
Downey,	Lopresti,	Ruffennach,	Zappala,
Dubbs,	Lovett,	Rush,	Furman,
Dyson,			

NAYS—26

Habbyshaw,	Royer,	Stockham,	Webster,
Kline,	Schrock,	Strode,	Weidemann,
Longaker,	Schumacher,	Terry,	Wilson,
Matthews, J. F.,	Serrill,	Trout,	Winner,
McKinney,	Snyder,	Turner,	Wood,
Muir,	Sollenberger,	Wampole,	Woodside,
Perry,	Stewart,	Watkins,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 877, entitled:

An Act to amend section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (P. L. 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or ascertions concerning any merchandise securities or services and providing penalties for the violation thereof" by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the applications of the act

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Fitch,	McArdle,	Shaw,
Alexander,	Flannery,	McCullough,	Shea,
Allen,	Flanagan,	McDermott,	Shepard,
Allmond,	Flinchbaugh,	McElroy,	Shoemaker,
Arnold,	Ganser,	McFall,	Shugarts,
Atkins,	Gerard,	McGee,	Siegel,
Aukerman,	Gillette,	McKinney,	Simon,
Baine,	Gorski,	McShane,	Simpson,
Baker, F. T.,	Habbyshaw,	Melchiorre,	Skale,
Baker, J. J.,	Haberlen,	Mellott,	Sloan,
Balthaser	Hagerty,	Merrell,	Smith, James A.,
Bierly,	Hall,	Mihm,	Smith, John A.,
Blank,	Hamilton, F. P.,	Moomaw,	Sollenberger,
Bohn,	Hamilton, R. S.,	Mooney,	Spengler,
Boies,	Harkins,	Moran,	Sproul,
Boltz,	Harmuth,	Moul,	Stackpole,
Boose,	Hays,	Muir,	Stank,
Boyer,	Hering,	Munley,	Strode,
Bradley,	Hess,	Murrin,	Terry,
Brancato,	Hetrick,	Nagel,	Thomas,
Brigerman,	Hindman,	O'Brien,	Thompson
Broad,	Hirsch,	O'Connor,	Toole,
Brown,	Holland,	O'Keefe,	Tronzo,

Brownfield,	Holmes,	Ominsky,	Tumelty,
Burrows,	Holstrom,	O'Neill,	Turner,
Cadwalader,	Hontz,	Ostroff,	Valibus,
Caesar,	Horting,	Patterson, C. S.,	VanAllsburg,
Caputo,	Huntley,	Patterson, J. W.,	VanSickle,
Chervenak,	Imbrie,	Peale,	Vogt,
Coakley,	Jirolanio,	Pearson,	Wagner,
Cohen, H. B.,	Kane,	Perry,	Wall,
Cohen, R. E.,	Keenan,	Pershing,	Walsh,
Coleman,	Kelso,	Piole,	Wampole,
Coolahan,	Kilroy,	Powers,	Watkins,
Corrigan,	Kline,	Preston,	Webster,
Costanzo,	Kroll,	Readinger,	Weidemann,
Davies,	LaRue,	Reese,	Weiss, D. H.,
Decker,	Leisey,	Reising,	Weiss, S. A.,
DeNote,	Levy,	Richter,	Welliver,
Dickinson,	Lewis,	Robinson,	Welsh,
Donohoe,	Long,	Rothenberger,	Westrick,
Dougherty,	Longaker,	Royer,	Whalen,
Downey,	Lopresti,	Ruffennach,	Whitenight,
Dubbs,	Lovett,	Rush,	Woodside,
Dyson,	Lyons,	Sarraf,	Wright,
Eckels,	Mallen,	Scanlon,	Yanoshat,
Elpern,	Marino,	Schor,	Yeakel,
Falkenstein,	Matthews, H. T.,	Schrope,	Yourishin,
Finnerty,	Matthews, J. F.,	Schumacher,	Zappala,
Fiss,			Furman,

NAYS—10

McDevitt,	Snyder,	Trout,	Winner,
Schrock,	Stewart,	Wilson,	Wood,
Serrill,	Stockham,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 185, entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—162

Achterman,	Falkenstein,	Marino,	Scanlon,
Alexander,	Finnerty,	Matthews, H. T.,	Schor,
Allen,	Fitch,	McArdle,	Schrope,
Allmond,	Flanagan,	McCullough,	Shaw,
Arnold,	Flannery,	McDermott,	Shea,
Aukerman,	Flinchbaugh,	McElroy,	Shepard,
Baine	Ganser,	McFall,	Shoemaker,
Baker, J. J.,	Gerard,	McGee,	Shugarts,
Balthaser,	Gorski,	McShane,	Siegel,
Bierly,	Habbyshaw,	Melchiorre,	Simon,
Blank,	Haberlen,	Mellott,	Skale,
Bohn,	Hagerty,	Mihm,	Smith, James A.,
Boies,	Hamilton, F. P.,	Moomaw,	Smith, John A.,
Boltz,	Hamilton, R. S.,	Mooney,	Spengler
Bradley,	Harkins,	Moran,	Stank,
Brancato,	Harmuth,	Moul,	Thomas,
Brigerman,	Hays,	Munley,	Thompson,
Broad,	Hering,	Murrin,	Toole,
Brown,	Hess,	Nagel,	Tronzo,
Brownfield,	Hetrick,	O'Brien,	Tumelty,
Burrows,	Hindman,	O'Keefe,	Valibus,
Caesar,	Hirsch,	Ominsky,	VanSickle,
Caputo,	Holland,	O'Neill,	Vogt,
Chervenak,	Holmes,	Ostroff,	Wagner,
Coakley,	Holstrom,	Patterson, S.,	Walsh,
Cohen, H. B.,	Hontz,	Patterson, W.,	Weidemann,
Cohen, R. E.,	Horting,	Pearson,	Weiss, D. H.,
Coleman,	Huntley,	Pershing,	Weiss, S. A.,
Coolahan,	Imbrie,	Piole,	Welliver,

Corrigan,	Jirolanio,	Powers,	Welsh,
Costanzo,	Keenan,	Preston,	Westrick,
Decker,	Kelso,	Readinger,	Whalen,
DeNote,	Kilroy,	Reese,	Whitenight,
Dickinson,	Kroll,	Reising,	Winner,
Donohoe,	LaRue,	Richter,	Woodside,
Dougherty,	Levy,	Robinson,	Wright,
Downey,	Lewis,	Rothenberger,	Yanoshat,
Dubbs,	Long,	Ruffennach,	Yourishin,
Dyson,	Lopresti,	Rush,	Zappala,
Elpern,	Lovett,	Sarraf,	Furman,

NAYS—31

Atkins,	Lyons,	Royer,	Strode,
Baker, F. T.,	Mallen,	Schrock,	VanAllsburg,
Boyer,	Matthews, J. F.,	Serrill,	Wampole,
Cadwalader,	McDevitt,	Snyder,	Watkins,
Hall,	McKinney,	Sollenberger,	Webster,
Kline,	Muir,	Stackpole,	Wood,
Leisey,	O'Connor,	Stewart,	Yeakel,
Longaker,	Peale,	Stockham,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker, I wish to call the attention of the members of the House to a Democratic Caucus which will be held immediately at the conclusion of this session. I wish to impress upon the Democratic members that it is essential that all of the Democratic members be present.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2047, entitled:

An Act to amend section two thousand five hundred fifty-six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" as amended requiring fidelity bonds of deputies and clerks of city treasurers the premiums thereof to be paid jointly by the county city and school district.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—208

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Simpson,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, John A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, James A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boies,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Brancato,	Hindman,	O'Keefe,	Thompson,
Bradley,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1176, entitled:

An Act to amend article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—155

Achterman,	Elpern,	Marino,	Rush,
Alexander,	Falkenstein,	Matthews, H. T.,	Sarraf,
Allen,	Finnerty,	McArdle,	Scanlon,
Allmond,	Fitch,	McCullough,	Schor,
Arnold,	Flanagan,	McDermott,	Schrope,
Aukerman,	Flannery,	McElroy,	Shaw,
Baine,	Flinchbaugh,	McFall,	Shea,
Baker, J. J.,	Ganser,	McGee,	Shepard,
Balthaser,	Gerard,	McShane,	Shoemaker,
Bierly,	Gorski,	Melchiorre,	Shugarts,
Blank,	Haberlen,	Mellott,	Siegel,
Bohn,	Hagerty,	Mihm,	Simon,
Boies,	Hamilton, F. P.,	Moomaw,	Skale,
Boltz,	Hamilton, R. S.,	Mooney,	Smith, James A.,
Bradley,	Harkins,	Moran,	Smith, John A.,
Brancato,	Harmuth,	Moul,	Spengler,
Brigerman,	Hays,	Munley,	Stank,
Broad,	Hering,	Murrin,	Thomas,
Brown,	Hess,	Nagel,	Thompson,
Brownfield,	Hetrick,	O'Brien,	Toole,
Burrows,	Hindman,	O'Connor,	Tronzo,

Caesar,	Hirsch,	O'Keefe,	Tumelty,
Caputo,	Holland,	Ominsky,	Valibus,
Chervenak,	Holmes,	O'Neill,	VanSickle,
Coakley,	Holstrom,	Ostroff,	Vogt,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Wagner,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Walsh,
Coleman,	Jirolanio,	Pearson,	Weiss, D. H.,
Coolahan,	Keenan,	Pershing,	Weiss, S. A.,
Corrigan,	Kelso,	Pole,	Welliver,
Costanzo,	Kilroy,	Powers,	Welsh,
Decker,	Kline,	Preston,	Westrick,
DeNote,	Kroll,	Readinger,	Whalen,
Dickinson,	LaRue,	Reese,	Whitenight,
Donohoe,	Levy,	Reising,	Wright,
Dougherty,	Lewis,	Richter,	Yanoshat,
Downey,	Long,	Robinson,	Yourishin,
Dubbs,	Lopresti,	Rothenberger,	Zappala,
Dyson,	Lovett,	Ruffennach,	Furman,

NAYS—46

Atkins,	Leisey,	Simpson,	VanAllsburg,
Baker, F. T.,	Longaker,	Sloan,	Wall,
Boose,	Lyons,	Snyder,	Wampole,
Boyer,	McDevitt,	Sollenberger,	Watkins,
Cadwalader,	McKinney,	Sproul,	Webster,
Eckels,	Merrell,	Stackpole,	Weidemann,
Fiss,	Muir,	Stewart,	Wilson,
Gillette,	Peale,	Stockham,	Winner,
Habbyshaw,	Royer,	Strode,	Wood,
Hall,	Schrock,	Terry,	Woodside,
Huntley,	Schumacher,	Trout,	Yeakel,
Imbrie,	Serrill,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1299, entitled:

An Act to establish a separate orphans' court in and for the County of York.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Turner.

Mr. TURNER. Mr. Speaker, I yield to the gentleman from York, Mr. Cohen.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Delaware whether this is the bill on which he wished to interrogate me?

Mr. TURNER. Mr. Speaker, I had some idea of interrogating the gentleman from York on this bill. I thought that he was going down to the Liquor Control Board, but since he came back I have kind of lost my enthusiasm to interrogate him.

Mr. HERBERT B. COHEN. Mr. Speaker, does the gentleman from Delaware have any questions upon which he desires to ask me at the present time?

Mr. TURNER. Mr. Speaker, we had an old judge down in our county who was perhaps endowed with more horse sense than any man I ever knew. He used to say when I was a young lawyer "it is a good thing to know when not to ask questions". I do not desire to interrogate the gentleman from York further, but, Mr. Speaker, I desire to be recognized.

The SPEAKER. Will the gentleman from York yield to the gentleman from Delaware?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker and members of the House, realizing that any interrogation that I might have now of the gentleman from York, Mr. Cohen, will be rather useless, I would like to speak in reference to this bill. I am taking this method now so that he can not answer me by interrogation. First, I understand that all of the orphans in York County have been taken care of by the Chairman of the Appropriations Committee, and, therefore, there is no use to have an Orphans Court. Second, what I want to know is this: We have a great many judgeship bills, and it seems to me as though everybody's judgeship bill but mine, providing for an additional law judge in Delaware County, gets out of committee. I now see that Senator Shapiro has decided that he was mistaken in regard to creating Common Pleas Court Number Six of Philadelphia County, and now feels that he needs a Common Pleas Court Number Seven. Of course, seven is a good number. It is a good number if you roll it the first time, but if you roll it the second time you are out of luck. It seems to me that what my Democratic friends are up against is they have a lot of lawyers and they have to take care of them, and they could not do so by Common Court Number Six—

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from York will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, the bill before the House is for the establishment of Orphans Court Number One in York County, and not the Court of Common Pleas Number Seven in Philadelphia.

The SPEAKER. The gentleman from Delaware will confine his remarks to Orphans Court Number One.

Mr. TURNER. Mr. Speaker and members of the House, I was speaking about orphans and leading up to Orphans Court Number One. There is a large number of the members of the Bar in Philadelphia and elsewhere who need jobs, and if our Democratic friends would just get together and sit down with Senator Shapiro, with Jack Kelly and Dave Lawrence and all the rest of the boys and decide how many judges they need to take care of all these lawyers, then we could put out a group of bills to provide for judges in the several counties. It would be a sort of an omnibus bill, such as we have in relation to roads, when we say "you will get fifty per cent of the roads in your county". We can say "you are to have fifty per cent of the judges in your county". For instance, we have three judges in Delaware County, which would give me one and one-half. I am in favor of reducing that, I will be generous and will make it one judge.

A few minutes ago Mr. Schrope slipped through a bill, and the Schuylkill County Democrats came down to my desk and talked to me, so that I wouldn't notice it until the vote was over. Mr. Cohen came down, and he said to me "I have got to collect a few fees from the Liquor Control Board". I looked at the calendar and saw that

this bill was coming up and so I circulated through the House and tried to get a lot of fellows to vote against it. They would have voted against it if he had not been there, but as soon as they saw him, they changed their minds

I think that York County is very well taken care of. The Chairman of the Appropriations Committee can very well see that they are very well taken care of without putting an Orphans Court in York County. It would sort of be a blot upon its long record. They haven't had any need for an Orphans Court. As the gentleman from York might be a candidate for that office, I would rather wait and have this bill lay over until he gets out of the House, so that we can have him appointed. I am sure if the Democrats were in authority and in power that they would see that Herb is appointed an Orphans Court Judge. They are all in favor of getting him out of the House, to have him appointed as an Orphans Court Judge. If the Republicans are in power, I am confident we will all go to work for him because we realize the tremendous benefit that will accrue to the State in not having him on the Appropriation Committee. Therefore, I suggest that this bill be defeated for these reasons which I have not given.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I wish to take this opportunity to thank the gentleman from Delaware for his support of this measure. You can always rely upon the gentleman from Delaware in the choice of language to give a declamation that this House can always utilize as a reference of the highest degree of oratorical accomplishment. His support of this measure was indicative of his past forensic accomplishment, and I appreciate that sincerely.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	McFall,	Siegel,
Alexander,	Ganser,	McGee,	Simon,
Allen,	Gerard,	McKinney,	Simpson,
Allmond,	Gillette,	McShane,	Skale,
Arnold,	Gorski,	Melchiorre,	Sloan,
Atkins,	Habbyshaw,	Mellott,	Smith, James A.,
Aukerman,	Haberlen,	Merrell,	Smith, John A.,
Baine,	Hagerty,	Mihm,	Snyder,
Baker, F. T.,	Hall,	Moomaw,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Mooney,	Spengler,
Balthaser	Hamilton, R. S.,	Moran,	Sproul,
Bierly,	Harkins,	Moul,	Stackpole,
Blank,	Harmuth,	Muir,	Stank,
Bohn,	Hays,	Munley,	Stewart,
Boles,	Hering,	Murrin,	Stockham,
Boltz,	Hess,	Nagel,	Strode,
Boose,	Hetrick,	O'Brien,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Trout,
Brownfield,	Hontz,	Patterson, J. W.,	Tumelty,
Burrows,	Hering,	Peale,	Turner,
Cadwalader,	Huntley,	Pearson,	Vallbus,
Caesar,	Imbrie,	Perry,	VanAllsburg,
Caputo,	Jirolanio,	Pershing,	VanSickle,
Chervenak,	Kane,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Wampole,
Coolahan,	Kroll,	Reising,	Watkins,
Corrigan,	LaRue,	Richter,	Webster,
Costanzo,	Leisey,	Robinson,	Weidemann,
Davies,	Levy,	Rothenberger,	Weiss, D. H.,
Decker,	Lewis,	Royer,	Weiss, S. A.,
DeNote,	Long,	Ruffennach,	Welliver,
Dickinson,	Longaker,	Rush,	Welsh,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Falkenstein	Matthews, J. F.,	Serrill,	Wright,
Finnerty,	McArdle,	Shaw,	Yanceshat,
Fiss,	McCullough,	Shea,	Yeakel,
Fitch	McDermott,	Shepard,	Yourishin,
Flanagan,	McDevitt,	Shoemaker,	Zappala,
Flannery,	McElroy,	Shugarts,	Furman,

NAYS—4

Boyer,	Elpern,	O'Connor,	Westrick,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 537, 742, 925, 999, 1235, 1292, 1309 AND 1311

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 13, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 537, Printer's No. 171, entitled "An Act to amend section four hundred and eleven of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled 'An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith' as added providing for the attendance of pupils at certain exhibitions and places of interest at the expense of school districts."

House Bill No. 742, Printer's No. 515 entitled "A Supplement to the act approved the twentieth day of July one thousand nine hundred thirty-five (Appropriation Acts page seventy-one) entitled 'An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five' providing for deficiencies or for supplementary amounts in certain appropriations for the fiscal biennium ending May thirty-first one thousand nine hundred and thirty-seven and making appropriations to the Legislative Department for the legislative session of one thousand nine hundred and thirty-seven."

House Bill No. 925, Printer's No. 203, entitled "An Act authorizing the Department of Property and Supplies with the approval of the Governor to accept and place in the corridor of the Capitol a plaque commemorating the services of Doctor Joseph Kalbfuss."

House Bill No. 999, Printer's No. 328, entitled "An Act providing for the appointment of a Commission to draft

a report on a plan for the future government of the City of Philadelphia in accordance with a proposed amendment to the Constitution consolidating the City and County governments of the said City providing for the employment of certain persons by the Commission giving the Commission the power to subpoena witnesses books papers and records to holdings and making an appropriation."

House Bill No. 1235, Printer's No. 291, entitled "An Act to amend section four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by providing the method of designating and the qualifications of the depositories selected for the deposit of funds of counties of the second class."

House Bill No. 1292, Printer's No. 393, entitled "An Act authorizing council in cities of the second class to make appropriations for the use of the Director of the Department of Supplies and his assistant providing for the deposit of such moneys from time to time in a special fund which may be drawn upon for certain purchases without prior approval."

House Bill No. 1309, Printer's No. 336, entitled "A Supplement to the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled 'An act for the government of cities of the second class' creating the position of solicitor for the department of city controller."

House Bill No. 1311, Printer's No. 342, entitled "An Act to authorize cities of the second class to sue out writs of scire facias on certain tax liens to revive writs of scire facias on such liens or to revive judgments on such liens where mose than five years have elapsed since said liens were filed or such judgments were entered or revived and to reduce such liens to judgment or to revive such judgments and providing for the revival and collection of such judgments."

GEORGE H. EARLE.

BILL ON THIRD READING

Mr. REESE. Mr. Speaker, I desire to call up at this time House Bill No. 1188, Printer's No. 479, on page 20 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. REESE.

The House resumed the consideration on third reading of House Bill No. 1188, entitled:

An Act to amend section eight hundred two of the Act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—208

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Simpson,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moomaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. TUMELTY, from the Committee on Cities, reported as committed, House Bill No. 812, entitled:

An Act relating to cities of the first class, authorizing the issuance of non-debt revenue bonds to finance sewer improvements.

Mr. HOLLAND, from the Committee on Education reported as amended, House Bill No. 1765, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith." by restricting the number of assistant county superintendents; providing for county public school psychologists, and establishing standards of eligibility, methods of appointment, duties, salaries, and methods for the payment thereof, for such county public school psychologists.

Mr. SHAW, from the Committee on Counties, reported as amended, House Bill No. 1712, entitled:

A Supplement to the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

Mr. DYSON, from the Committee on Agriculture, reported as committed, House Bill No. 1981, entitled:

An Act to amend the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof;" further regulating the manufacture, importation and sale of such products; providing for injunctions; and changing the penalties prescribed.

Mr. KEENAN, from the Committee on Counties, reported as committed, House Bill No. 2143, (Senate Bill No. 607), entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

Mr. LEVY, from the Committee on Counties, reported as amended, House Bill No. 2141, (Senate Bill No. 515), entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes.

Mr. LOPRESTI, from the Committee on Judiciary General, reported as amended, House Bill No. 1416, (Senate Bill No. 177), entitled:

An Act prohibiting persons and officers from hiring requesting and inducing minors to purchase spirituous vinous or brewed and malt liquors.

Mr. SKALE, from the Committee on Judiciary General, re-reported as amended, House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon the prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts.

Mr. JOHN J. BAKER, from the Committee on Labor, re-reported as committed, House Bill No. 1640, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation.

Mr. CLIFF S. PATTERSON, from the Committee on Counties, re-reported as amended, House Bill No. 872, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate divided into lots in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made.

ANNOUNCEMENTS BY THE CLERK

There will be a Republican Caucus in Room 147 on the first floor of this building, in the same row of offices with the office of the Chief Clerk immediately after adjournment.

There will be a public hearing tonight at 6:30 p. m. in the Hall of the House on House Bills Nos. 1574 and 1649, the Milk Control Bills.

There will be a public hearing tonight in the House Caucus Room on House Bill No. 608, the bill to abolish capital punishment at 8:00 p. m. today. All members are requested to attend.

Committee meetings for tomorrow:

Constitutional Amendments at 11:45 a. m. in Room 332.
Agriculture at 9:00 a. m. in Room 521.
Judiciary Special at 11:30 a. m. in Room 546.
Education at 10:00 a. m. in the House Caucus Room.
Elections at 11:00 a. m. in Room 301.
Insurance at 11:00 a. m. in Room 324.
Judiciary General at 11:00 a. m. in Room 325.
Motor Vehicles at 10:00 a. m. in Room 323.
State Boards at 10:30 a. m. in Room 101.
State Government at 11:00 a. m. in Room 521.
Welfare at 11:30 a. m. in Room 301.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce a caucus of the Democratic members immediately after adjournment and requests that all of the Democratic members go immediately to the Caucus Room.

ADJOURNMENT

Mr. CAESAR. Mr. Speaker, I move that this House do now adjourn until tomorrow at 12:00 o'clock noon.

The motion was agreed to, and (at 3:52 p. m.) the House adjourned until Wednesday, April 14, 1937, at 12:00 o'clock noon.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, APRIL 14, 1937. No. 43.

SENATE

WEDNESDAY, April 14, 1937.

The Senate met at twelve o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

The Chaplain, Rev. George Walker Buckner, LL. D., offered the following prayer.

PRAYER

Our Father, tense, yet pensive, we hark back to a tragic day. Three score and twenty years ago, an assassin's bullet pierced the body of nature's nobleman—one who, "with malice toward none and charity for all," had just restored the Union of States. Under darkest sky of sunless day, mortal put on immortality—and Abraham Lincoln was given to the ages.

We would forget the epoch of turmoil and animosity which followed this cruel tragedy. Four days before, two chieftains met face to face; the one superbly generous in victory, the other magnificient in defeat. After all, how beautiful the drama of Appomattox!

We would that the sacrificial blood of the scholarly Garfield, of the amiable McKinley, which brought a nation to its knees, may mingle with the martyr blood of Lincoln; and in true spirit of Appomattox, efface sectional lines, obliterate points of the compass, and with Thy blessing, promote a rivalry of patriotic devotion. Amen.

JOURNAL APPROVED

The PRESIDENT —A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. DANDO, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared its table and laid before the Senate the following communications.

FAVORING PASSAGE OF SENATE BILLS NOS. 847 and 848

Communication from W. D. Berryman, Secretary of Pennsylvania Property Owners Association urging favorable passage of Senate Bills Nos. 847 and 848, which will abolish the office of city assessor in the Third Class Cities of the Commonwealth.

Which was referred to the Committee on Municipal Government.

OPPOSING HOUSE BILLS NOS. 639, 657, 1189 and No. 1200 ENDORSING HOUSE BILL NO. 896, SENATE BILL NO. 402

Petitions received from the following: Allegheny Township Road Supervisors; Washington Township, Lehigh Co., Pa., Pequea Township Supervisors; Ogle Township Road Supervisors; S. Shenanco Township Supervisors; and New Melford Township Supervisors.

Which was referred to the Committee on Highways.

FAVORING PASSAGE OF HOUSE BILL No. 1978

Mr. REED presented petition from the teachers of Cassandra Borough, Pa., Washington Township, and Lilly Borough urging the passage of House Bill No. 1978.

Which was referred to the Committee on Education.

URGING PASSAGE OF SENATE BILL NO. 545

Mr. REED presented petitions from teachers of Fallowfield Township, Washington County, Pa., urging the support and passage of Senate Bill No. 545 which is concerned with the increase of teachers' salaries.

Which was referred to the Committee on Education.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced presented communications in writing from His Excellency the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

McKEAN COUNTY

R. J. Hetznecker, Kane, April 18, 1937.

YORK COUNTY

A. A. Zeigler, Goldsboro, April 18, 1937.

DELAWARE COUNTY

H. Eugene Bowerman, Upper Darby Twp., Upper Darby, April 20, 1937.

McKEAN COUNTY

F. M. Nash, Bradford, April 23, 1937.

CLEARFIELD COUNTY

Mrs. Violet Butterworth, Chester Hill, April 25, 1937.

ALLEGHENY COUNTY

Miss Irene Kovacs, 1315 Park Bldg., Pittsburgh, April 26, 1937.

PHILADELPHIA COUNTY

Charles Weinberg, 4027 Girard Ave., Philadelphia, May 3, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harisburg, April 14, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Julius Blaha, 132 7th St., Pittsburgh.
William Leicher, Millvale.
George J. Mayer, 1328 Reesdale St., Pittsburgh.

CAMBRIA COUNTY

John W. Stephenson, Johnstown.

DELAWARE COUNTY

Denis A. Blake, Clifton Heights.

INDIANA COUNTY

Miss Martha Daugherty, Indiana.

LANCASTER COUNTY

Walter A. Buckius, Lancaster.

McKEAN COUNTY

Byron Wolfe, Bradford.

NORTHAMPTON COUNTY

Mrs. Mary Raudenbush, Bethlehem.

PHILADELPHIA COUNTY

R. G. Bannister, 49th St. and Schuylkill River, Phila.
Alexander O. Dunlap, 5554 Market St., Phila.
Jacob Gable, 627 Wood St., Phila.

WASHINGTON COUNTY

Mrs. Ethel M. Watson, Canonsburg.

GEORGE H. EARLE.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 6, entitled:

An Act to amend section two hundred sixty-five of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled "Fish Law of 1925," revising, consolidating, and changing the law relating to fish in, making Sunday fishing with rods and lines lawful under certain circumstances.

House Bill No. 542, entitled:

An Act to amend sections five, nine, and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act," providing for the use of the National Guard in case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice, regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws.

House Bill No. 556, entitled:

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two), entitled "An act to amend, revise, consolidate, and change the laws relating to bonus, and providing for the imposition, computation, and collection of bonus for State purposes on the capital stock, stated capital, or capital of domestic corporations, banks, and trust companies, and certain partnerships" exempting credit unions from the provisions of this act.

House Bill No. 750, entitled:

An Act conferring on the Department of Highways power to enter upon private property for the purposes of making surveys of proposed highway improvements; providing for the payment of damages; and providing penalty for interference.

House Bill No. 855, entitled:

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

House Bill No. 1167.

An Act to further amend sections nine and eleven of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty--seven (Pamphlet Laws three hundred ninety-five), entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth; providing the procedure therefor; providing for the reimbursement of the Commonwealth from tolls and charges; and making an appropriation," as amended; making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways; providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge out of proceeds of the sale of certain authorized bonds; further providing for the payment of the cost of acquiring such bridges; further regulating the collection of tolls, and reimbursing the Commonwealth for the cost of acquiring such bridges; futher providing when such bridges shall be free of tolls; and making an appropriation.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 22

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 13, 1937.

Resolved, (if the House of Representatives concur) That Senate Bill No. 22, entitled:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities, advantages and attractions of the Commonwealth, to provide for programs of information advertising and publicity, to coordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations.

be recalled from the Governor for the purpose of amendment.

HOUSE BILLS FOR CONCURRENCE

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 185 (Senate Bill No. 932), entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

Which was committed to the Commitee on Judiciary Special.

House Bill No. 369 (Senate Bill No. 933), entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "Second Class City Law," as amended, by reducing the number of newspapers for official advertising.

Which was committed to the Committee on Municipal Government.

House Bill No. 877 (Senate Bill No. 934), entitled:

An Act to amend section one of the act, approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and prohibiting penalties for the violation thereof," by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act.

Which was committed to the Committee on Judiciary General.

House Bill No. 1176 (Senate Bill No. 935), entitled:

An Act to amend Article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "Second Class City Law", as amended, removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

Which was committed to the Committee on Municipal Government.

House Bill No. 1188 (Senate Bill No. 936), entitled:

An Act to amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three), entitled "The Second Class Township Law," providing for competitive bidding on contracts.

Which was committed to the Committee on Municipal Government.

House Bill No. 1299 (Senate Bill No. 937), entitled:

An Act to establish a separate orphans' court in and for the County of York.

Which was committed to the Committee on Judiciary Special.

House Bill No. 2047 (Senate Bill No. 938), entitled:

An Act to amend section two thousand five hundred fifty-six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law" as amended, requiring fidelity bonds of deputies and clerks of city treasurers, the premiums thereof to be paid jointly by the county, city and school district.

Which was committed to the Committee on Municipal Government.

House Bill No. 2053 (Senate Bill No. 939), entitled:

An Act abolishing poll taxes in cities of the second Class A.

Which was committed to the Committee on Municipal Government.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 257

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 14, 1937.

Resolved (if the Senate concur), That House Bill No. 257, entitled:

An Act to amend clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled First Class City Charter Law as amended changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 916

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 14, 1937.

Resolved (if the Senate concur), That House Bill No. 916, entitled:

An Act to amend section one of the act, approved the seventeenth day of June, one thousand nine hundred nineteen (P. L. 1025), entitled "A supplement to an act, approved the second day of May, one thousand eight hundred and ninety-nine (P. L. 184), entitled 'Mercantile License Tax Law,'" by providing for the annual appointment by the Auditor General, of mercantile appraisers in cities of the first class.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1161

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 14, 1937.

Resolved (if the Senate concur), That House Bill No. 1161, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three), entitled "Fiscal Code," by making further provision for the appointment of mercantile appraisers.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

REPORTS FROM COMMITTEES

Mr. MALLERY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 811, entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change, under certain conditions, the locations of the sewers and sewer system by amending ordinances; and providing that abutting property owners shall be liable in such cases.

Also from the Committee on Municipal Government, reported as amended, Senate Bill No. 763 (House Bill No. 1304), entitled:

An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (P. L. 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 902 (House Bill No. 2067), entitled:

An Act to amend section five hundred and two of the act approved the fist day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers.

Also from the Committee on Municipal Government, reported as committed, or as amended, Senate Bill No. 713 (House Bill No. 904), entitled:

An Act relating to industrial police and corporation guards, prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing, regulating their conduct at elections and providing penalties.

Mr. CAVALCANTE, from the Committee on Municipal Government, reported as amended, Senate Bill No. 713 (House Bill No. 904), entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties.

Mr. EROE, from the Committee on Labor and Industry, reported as amended, Senate Bill No. 9, entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties.

Mr. SONES, from the Committee on Appropriations, reported as committed, Senate Bill No. 691 (House Bill No. 1140), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 722 (House Bill No. 1143), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State Employes receiving compensation from the State Stores Fund.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 721 (House Bill No. 1131), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 693 (House Bill No. 1150), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 692 (House Bill No. 1142), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Game Fund.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 689 (House Bill No. 1137), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

Also from the Committee on Appropriations, reported

as committed, Senate Bill No. 688 (House Bill No. 1134), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 690 (House Bill No. 1139), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 925 (House Bill No. 1359), entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 840 (House Bill No. 1273), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 926 (House Bill No. 1361, entitled:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken.

Mr. McCREESH, from the Committee on Appropriations, reported as committed, Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographer to the President of the Senate, and the clerk to the President Pro Tempore of the Senate.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 560, entitled:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

Mr. FREY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 727 (House Bill No. 1302), entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties; and otherwise providing for the administration of the act; and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 845 (House Bill No. 1685), entitled:

An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies.

Mr. THOMPSON, from the Committee on Municipal Government, reported as committed, Senate Bill No. 104, entitled:

An Act authorizing boroughs that have, relying on invalid bond issues authorized by the electors, entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed, to provide for the payment of the reasonable value of such performance, to contract for completion, and to increase their indebtedness therefor; and validating ordinances, agreements, increases of indebtedness and bonds heretofore adopted, entered into, issued or to be issued to accomplish such purposes.

Mr. RICE, from the Committee on Appropriations, reported as amended, Senate Bill No. 682, entilted:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred and six, approved March sixteenth, one thousand nine hundred and thirty-seven.

Mr. WOLFENDEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 866 (House Bill No. 1625), entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts and poor districts.

Mr. SHAPIRO, from the Committee on Banking, reported as amended, Senate Bill No. 520 (House Bill No. 555), entitled:

An Act to amend sections two, four, five, eight, thirteen, fifteen, sixteen, seventeen and twenty-three of the act, approved the twenty-sixth day of May, one thousand nine hundred and thirty-three, (P. L. 1076), entitled 'An act to provide for the organization, incorporation, operation and supervision of cooperative savings and credit associations, to be termed credit unions; designating such credit unions as corporations, and defining their powers and duties, conferring certain powers and duties on the Department of Banking; and providing penalties," changing certain requirements for incorporation; providing for the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing; further regulating the maintenance of reserve

funds and the determination and payment of dividends; and providing for further tax exemptions.

BILLS INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 940, entitled:

An Act authorizing the acquisition in the name of the Commonwealth by the Department of Forests and Waters of Braddock's Park and Jumonville Park by purchase, control, and for the management and the supervision thereof, and appropriating funds for such acquisition.

Which was committed to the Committee on Appropriations.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 941, entitled:

An Act to authorize the Commissioners of the Sinking Fund of cities of the first class to advance to such cities, or the treasurers thereof, available funds for the discharge or purchase by such cities of outstanding writs of mandamus execution against them; to provide for the discharge or calling for purchase of said writs and for the cessation of interest upon the refusal to present same, authorizing the transfer or assignment of such writs to the Sinking Fund Commission and the holding of them by said Sinking Fund Commission as legal investments until their payment in due course; authorizing the reduction of the rate of interest thereon and repealing inconsistent legislation.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 942, entitled:

An Act to amend subsection third of section one of the act, approved the ninth day of July, one thousand nine hundred and one (P. L. 614), entitled ::An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 943, entitled:

An Act authorizing and empowering any city, county, school district or other municipality, which shall have acquired a limited title to real estate for municipal purposes, to secure a title in fee simple to any such real estate; and providing and regulating the procedure in such cases.

Which was committed to the Committee on City Government.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 944, entitled:

An Act to further amend section eleven of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," by exempting certain organizations from the provisions of said act.

Which was committed to the Committee on Law and Order.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 945, entitled:

An Act to provide for a Consolidated Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Consolidated Sinking Fund and to transmit such estimate, or copy thereof, to the City Council, the Mayor and the City Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 946, entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine, Pamphlet Laws seventeen hundred and seventy-three, entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such property or bonds refunding such original issue, shall have been redeemed and paid.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 947, entitled:

An Act authorizing the Department of Public Instruction and its departmental administrative boards to post notices of suspensions and revocations of licenses and registrations of persons engaged in professions or working at trades or occupations requiring licensing or registration by such department or boards, on premises occupied by such persons as their offices or places of business; and prescribing penalties.

Which was committed to the Committee on City Government.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 948, entitled:

An Act relating to the costs of care, maintenance and treatment of patients in state, county, poor district and city hospitals and sanitaria for the treatment of tubercular patients; and prescribing the respective liabilities of the estate of such patients and the persons liable for their support and the Commonwealth, counties and cities of the first class for such costs.

Which was committed to the Committee on Public Health.

Mr. HENNEY read in his place and presented to the Chair Senate Bill No. 949, entitled:

An Act authorizing the Governor to appoint a commission to make studies in respect to the employment of per-

sons over the age of fifty years; and making an appropriation.

Which was committed to the Committee on Welfare.

Mr. GILSON read in his place and presented to the Chair Senate Bill No. 950, entitled:

An Act relating to the settlements of accounts of collectors of county taxes; providing for procedure in such cases and for appeals to courts of common pleas.

Which was committed to the Committee on County Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 951, entitled:

An Act providing for the service of process in civil actions on non-resident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident; and making the ownership, possession, occupancy, control maintenance and use of such real estate, footways, and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 952, entitled:

An Act to amend section twenty-four of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207 as amended entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor, the methods for preserving such liens and enforcing payment of such claims, the effect of judicial sales of the properties liened, the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by and increasing the term for which sequestrators may lease sequestrated property.

Which was committed to the Committee on City Government.

Also read in his place and presented to the Chair Senate Bill No. 953, entitled:

An Act providing for the commencement of civil actions for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, the footways and curbs adjacent thereto, and providing for the service of process in such cases.

Which was committed to the Committee on City Government.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 954, entitled:

An Act to amend sub-section (b) of section one thousand three hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securties belonging to or in the possesion to the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties effecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or repairs under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions for the recovery of property subject to escheat; authorizing escheators to bring a bill of discovery and to compel answers and to subpoena persons or corporations having a knowledge of property subject to escheat, and making other provisions for proceedings upon such bill.

Which was committed to the Committee on Finance.

Mr. DiSILVESTRO read in his place and presented to the Chair Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits, to acquire property within and without their corporate limits by purchase, lease, gift and the power of eminent domain, for such purposes; to generate power and erect power plants stations, and lines in connection therewith; and to use, sell and purchase water, water power and electric energy within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages; and repealing inconsistent laws.

Which was committed to the Committee on City Government.

Mr. HEYBURN, read in place and presented to the Chair Senate Bill No. 956, entitled:

An Act to amend section one thousand one hundred and forty-seven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto", as added by section two of the act approved the eighteenth day of July, one thousand nine hundred and thirty-fine (Pamphlet Laws one thousand two hundred and ninety-nine), by changing the regulations therein contained respecting the acceptance of roads, streets, lanes and alleys heretofore dedicated.

Which was committed to the Committee on Highways.

COMMITTEE OF GENERAL ASSEMBLY TO WRITE A CHAPTER ON THE ART-TREASURERS OF THE STATE CAPITOL TO BE PRINTED IN THE 1937-1938 PENNSYLVANIA MANUAL

Mr. STIEFEL. Mr. President, I move to proceed to the consideration of Senate Resolution No. 111 reported from the Committee on State Government on April 13, 1937.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

The resolution was read as follows:

In the Senate, March 23, 1937.

Whereas, the State Capitol of Pennsylvania is a veritable treasure-house of great paintings and inspiring murals, and

Whereas, the central themes of such great paintings as the "Apotheosis of Pennsylvania," "Penn's Treaty with the Indians," 'Reading the Declaration of Independence," "Unity," "Lincoln at Gettysburg," "Washington Delivering his Constitutional Address," "Valley Forge" or of the awe-inspiring murals adorning the Supreme Court Room of the State Capitol and known as "The Divine Law," "The Scale of Law," "The Golden Age," "Themis," "The Decalogue," "The Beatitudes," "Code of Justinian," "Blackstone's Commentaries," "Spirit of William Blackstone," "William Penn as Law Giver," "Supreme Court of Pennsylvania," "Supreme Court of United States," "Supreme Court of the World," and "Disarmament," are of immense cultural and educational value to the people of our great Commonwealth, and

Whereas, the distribution of the reproductions of said murals, and the dissemination of descriptions and information pertaining to these classic paintings have not been heretofore commensurate with their scriptural majesty, awe-inspiring grandeur and thought-provoking value, and

Whereas, a planned and well-directed distribution of reproductions of said murals and paintings and the dissemination of descriptions and information pertaining to these great art treasures of our State Capitol would be conducive to both an increased tourist-traffic in Pennsylvania and an enhanced interest in the glorious past of our Commonwealth, and

Whereas, "The Pennsylvania Manual" published by the Commonwealth of Pennsylvania and compiled under direction of the Bureau of Publications of the Department of Property and Supplies is the official primary-source-book of information pertaining to our Commonwealth, its government and institutions, and

Whereas, thousands of exemplars of said "Pennsylvania Manual" are being annually distributed throughout the nation and our Commonwealth, thus providing a channel for the dissemination of valuable information, and

Whereas, preparations are now being made for the publication of the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium, therefore be it

Resolved (if the House of Representatives concur) That the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium shall contain in addition to its usual material also a new chapter devoted to the description of the art-treasurers of the State Capitol together with the reproductions of its paintings and murals, and be it further

Resolved that the President Pro Tempore of the Senate appoint three (3) Senators and the Speaker of the House appoint (3) Representatives, who together shall form a Committee to write and to edit said chapter, and be it further

Resolved that a copy of this resolution be sent to his Excellency the Governor of Pennsylvania, and the Secretary of Property and Supplies.

BILLS OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 181, on third reading, entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 182 (House Bill No. 233), on third reading, entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. JASPAN. Mr. President, I ask unanimous consent that Senate Bill No. 388, on third reading, entitled:

An Act to further amend sections two, three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word 'drug'; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 652, entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties; and repealing existing legislation.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Chapman,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	Law,	Ruth,
Deitrick,	Heyburn,	Mallery,	Salus,
Dent,	Homsher,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Pytko,	Sones,
Eroe,	Jaspan,	Rankin,	Stiefel,
Frey,	Kahle,	Reed,	Thompson,
Gelder,	Kilgallen,	Rice,	Wolfenden,
Gilson,	Kunkel,	Roberts,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence

BILL OVER IN ORDER

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 671, on third reading, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 709, entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized; and prescribing the powers and duties of courts of common pleas in relation to such liquidations.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Buckman,	Gilson,	Kunkel,	Roberts,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	Law,	Ruth,
Deitrick,	Heyburn,	Mallery,	Salus,
Dent,	Homsher,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Pytko,	Sones,
Eroe,	Jaspan,	Rankin,	Stiefel,
Frey,	Kahle,	Reed,	Thompson,
Gelder,	Kilgallen,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 712 (House Bill No. 664), entitled:

An Act to amend section twenty-one of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways, and bridges," providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Buckman,	Gilson,	Kunkel,	Roberts,
Cavalcante,	Haluska,	Lanius,	Rodgers,
Dando,	Henney,	Law,	Ruth,
Deitrick,	Heyburn,	Mallery,	Salus,
Dent,	Homsher,	McCreesh,	Shapiro,
DiSilvestro,	Huffman,	McGinnis,	Sipe,
Ealy,	Jacobs,	Pytko,	Sones,
Eroe,	Jaspan,	Rankin,	Stiefel,
Frey,	Kahle,	Reed,	Thompson,
Gelder,	Kilgallen,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 775, entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	Mallery,	Ruth,
Deitrick,	Homsher,	McCreesh,	Salus,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Ealy,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Roberts,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 798 (House Bill No. 1564), entitled:

An Act to amend section four hundred thirty-nine of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth,

seventh and eight classes and revising, amending and consolidating the laws relating thereto," as amended, providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	Mallery,	Ruth,
Deitrick,	Homsher,	McCreesh,	Salus,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Ealy,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Roberts,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 800 (House Bill No. 1674), entitled:

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	Mallery,	Ruth,
Deitrick,	Homsher,	McCreesh,	Salus,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Ealy,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Roberts,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 827, entitled:

An Act to further amend section five of the act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred forty-four), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. EROE. Mr. President, for the information of the members of the Senate, this bill pertains only to sixth class counties. Under the present law the salary boards in sixth class counties may meet only once a year; and this bill provides that they may meet more than once a year.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	Mallery,	Ruth,
Deitrick,	Homsher,	McCreesh,	Salus,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Ealy,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Roberts,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present the said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 844 (House Bill No. 1659), entitled:

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Haluska,	Lanius,	Rodgers,
Cavalcante,	Henney,	Law,	Rupp,
Dando,	Heyburn,	Mallery,	Ruth,
Deitrick,	Homsher,	McCreesh,	Salus,

Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Pytko,	Sipe,
Ealy,	Jaspan,	Rankin,	Sones,
Eroe,	Kahle,	Reed,	Stiefel,
Frey,	Kilgallen,	Rice,	Thompson,
Gelder,	Kunkel,	Roberts,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECONSIDERATION OF SENATE BILL No. 372

Mr. RODGERS. Mr. President, I move to reconsider the vote by which Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class

was defeated.

The PRESIDENT. How did the Senator vote?

Mr. RODGERS. Mr. President, I voted "No".

Mr. REED. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. REED. Mr. President, I voted "No".

On the question,

Will the Senate agree to the motion?

Mr. GELDER. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. GELDER. Mr. President, I would like the Senator from Allegheny, Mr. Rodgers, to explain to us the purpose of this bill we are about to vote on.

Mr. RODGERS. Mr. President, this is a very simple bill and a very harmless one. It has to do with fourth class counties and fourth class school districts, and the purpose of the bill is given in this sentence at the end of Section 3: "If the court shall remove any board or any of its members in a district of the fourth class, in a county of the fourth class, it shall certify such action to the Governor, who shall fill such vacancy or vacancies for the unexpired term or terms."

Mr. GELDER. Mr. President, has the Senator from Allegheny, Mr. Rodgers, any fourth class districts in his district?

Mr. RODGERS. Mr. President, I have a few fourth class school districts in my Senatorial district, yes. This bill merely permits the Governor to fill the vacancy caused by an unexpired term of a school board member when there is no agreement as to who shall succeed that member.

Mr. GELDER. Mr. President, I would ask the Senator from Allegheny, Mr. Rodgers, whether the Governor is more competent to fill the vacancy than the local judge, who is acquainted with the district.

Mr. RODGERS. Mr. President, the difficulty lies, in some districts, in the inability of the group to get together on who shall constitute the board members; and I know of an instance, at this moment, where it is important to agree upon the proper, or agreeable, member of this board.

This pertains only to unexpired terms; and the bill is really a harmless one in every respect, I think.

Mr. EALY. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. RODGERS.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. EALY. Mr. President, I desire to ask the Senator in what class county his Senatorial district lies.

Mr. RODGERS. Mr. President, it lies in a second class county.

Mr. EALY. Then, Mr. President, this bill does not affect his county in any way?

Mr. RODGERS. Mr. President, I do not represent the county, you understand; but then, of course, the bill would apply to fourth class counties only.

Mr. EALY. Then, Mr. President, I understand this bill would not apply to any school district in the county from which the Senator comes.

Mr. RODGERS. Mr. President, that is correct; but, of course, I am legislating for the State, you understand.

Mr. HOMSHER. Mr. President, representing a fourth class county, as I do, I cannot see the use of this bill. In Lancaster we have no difficulty that we cannot overcome; and I cannot see why the Governor can better appoint a school director than the school directors themselves, which under the law, when there is avacancy, at this time they do.

Why should we further subvert local government when there is no necessity for it? I protest, as representing a fourth class county, that our rights should be usurped in a manner like this.

Mr. WOLFENDEN. Mr. President, I desire to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny, Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his point of order.

Mr. HALUSKA. Mr. President, my point of order is that the Senators are discussing the nature of the bill rather than the motion to reconsider the bill.

The PRESIDENT. The members are permitted to discuss the bill for five minutes.

Mr. WOLFENDEN. Mr. President, did I understand the Senator from Allegheny, Mr. Rodgers, to say that he is in a second class county?

Mr. RODGERS. Mr. President, that is correct.

Mr. WOLFENDEN. Mr. President, the Senator is not, therefore, affected by this bill?

Mr. RODGERS. Mr. President, that is correct.

Mr. WOLFENDEN. Mr. President, then the Senator said he was legislating for the State?

Mr. RODGERS. Mr. President, that is correct.

Mr. WOLFENDEN. Mr. President, would the Senator further the passage of a similar bill applicable to second class counties?

Mr. RODGERS. Well, Mr. President, I quite am of the opinion that such a bill would not be harmful.

Mr. WOLFENDEN. Mr. President, if I should introduce such a bill would the Senator from Allegheny support it?

Mr. RODGERS. Mr. President, the school directors, for thirty days, under this bill, are permitted to fill their own vacancies,—

Mr. WOLFENDEN. Mr. President, that does not answer my question.

The PRESIDENT. Let the Chair suggest that the Senator be permitted to answer in his own way.

POINT OF ORDER

Mr. HALUSKA. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Cambria, Mr. Haluska, will state his point of order.

Mr. HALUSKA. Mr. President, my point of order is that we are not permitted to solicit any votes on the floor of this Chamber.

Mr. RODGERS. Mr. President, I should be glad to vote for such a bill, for I know I should be the only member of the Senate to vote for it.

Mr. WOLFENDEN. Mr. President, for second class counties?

Mr. RODGERS. Mr. President, yes.

Mr. WOLFENDEN. Mr. President, I desire to interrogate the sponsor of the bill.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated?

Mr. FREY. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I desire to ask the Senator from Allegheny, Mr. Frey, if he thinks such a bill would be good for his county.

Mr. FREY. Mr. President, it might be; I cannot see how it could do any harm.

Mr. WOLFENDEN. Mr. President, in other words, the Senator from Allegheny, Mr. Frey, would be for such a bill?

Mr. FREY. Mr. President, I would give it very serious consideration.

Mr. WOLFENDEN. Mr. President, I repeat my objection of the other day—that this is a further invasion of the rights of local government.

We are asked to legislate here generally to cover some small specific wrong. Not only that, but we are asked by a member of the Senate, who admits that he does not have in his county any school district that would be affected by the bill under discussion, to vote for the bill. I ask the Senate to repeat its vote of the other day, and vote it down.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. CAVALCANTE and Mr. FREY, and were as follows:

YEAS—32

Cavalcante,	Henney,	Law,	Roberts,
Dando,	Huffman,	McCreesh,	Rodgers,
Dent,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Mundy,	Shapiro,
Eroe,	Kahle,	Pytko,	Sipe,
Frey,	Kilgallen,	Rankin,	Sones,
Gilson,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,

NAYS—9

Buckman,	Gelder,	Homsher,	Rupp,
Deitrick,	Heyburn,	Mallery,	Wolfenden,
Ealy,			

So the question was determined in the affirmative.

And the question recurring,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, I am opposed to this bill not only because it encroaches upon local government, but I think it is an unfair imposition upon the Governor of this Commonwealth. The Governor has many arduous duties to perform, and it seems to me to be unfair to saddle upon an already busy Executive matters that should be ironed out locally. This is purely a local affair, and I am led to believe, by reason of the fact that the bill has been introduced, that there is an unfortunate condition that exists in some part of the State; and while I sympathize with the people of that part of the State, it is a matter that I believe time will cure. It is unfair to put these petty matters on our Governor.

Mr. THOMPSON. Mr. President, I think that the apprehensions of some of the members, which have just been found, that this is an infringement on the powers of local government, are not justifiable by the facts. The bill itself states, in the first part, that for the first thirty days the school directors will have the right to fill this vacancy; and nothing could be made complete in the way of self-government than the school directors may fill vacancies in their own body. That is more in line with local self-government than to give the local judges a right to fill such vacancy.

I think we should all stop for a moment and recall that in cases of vacancies in the office of Justice of Peace throughout the different sections of the State the Governor is called upon to fill those vacancies.

I think our apprehensions are, to a large extent, unfounded.

Mr. GELDER. Mr. President, the very wording of the bill shows that this is merely an attempt to play politics with school districts in a certain class of counties; because the bill says "in a district of the second or third class the Court of Common Pleas of the proper county, and in a district of the fourth class in a county of the fourth class, the Governor * * * shall fill such vacancy * * *."

There is no reason why the Court of Common Pleas cannot fill the vacancies. Apparently there is a determination to avoid going to the Court of Common Pleas, because some persons, in some counties of the fourth class, feel they will not get the sort of appointment they want politically—of the persuasion they want politically; and the sudden change of opinion on the part of some of our friends on the left would suggest to me that the famous "midwife" spoken of during the early part of the week has again visited this Chamber.

Mr. EALY. Mr. President, there is another objection to this bill which has been raised, and which I simply desire to mention. This bill would provide a double classification, and therefore that would render the bill unconstitutional. In voting on it I hope the members will bear that in mind.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Henney,	McCreesh,	Rodgers,
Dando,	Huffman,	McGinnis,	Ruth,
Dent,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Sones,
Frey,	Kilgallen,	Reed,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Law,	Roberts,	

NAYS—9

Deitrick,	Heyburn,	Lanius,	Rupp,
Ealy,	Homsher,	Mallery,	Wolfenden,
Gelder.			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Mr. KILGALLEN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 235 (House Bill No. 50) on third reading, postponed, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend sec. 1 (Sec. 2446), page 3, line 14, by striking out the words S "shall sell the same" and insert in lieu thereof "may sell the same or any portion thereof at private sale to the United States of America or any agency, instrumentality or corporation thereof, or to the sinking fund of the township. Any bonds not so sold shall be sold."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. KILGALLEN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 236 (House Bill No. 51) on third reading, postponed, entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend sec. 1 Sec. 3251), page 3, line 13, by striking out the words S "shall sell the same" and inserting in lieu thereof "may sell the same or any portion thereof at private sale to the United States of America or any agency, instrumentality or corporation thereof, or to the sinking fund of the city. Any bonds not so sold shall be sold."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. KILGALLEN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 237 (House Bill No. 52) on third reading, postponed, entitled:

An Act to amend Article fifteen of the act, approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend sec. 1 (Sec. 1346), page 3, line 14, by striking out the words S "shall sell the same" and inserting in lieu thereof "may sell the same or any portion thereof at private sale to the United States of America or any agency, instrumentality or corporation thereof, or to the sinking fund of the township. Any bonds not so sold shall be sold."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. KILGALLEN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 238 (House Bill No. 53) on third reading, postponed, entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend sec. 1 (Sec. 2181), page 3, line 14, by striking out the words S "shall sell the same" and inserting in lieu thereof "may sell the same or any portion thereof at private sale to the United States of America or any agency, instrumentality or corporation thereof, or to the sinking fund of the borough. Any bonds not so sold shall be sold"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Mr. KILGALLEN. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 239 (House Bill No. 60) on third reading, postponed, entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

Mr. KILGALLEN. Mr. President, I move to amend title, page 2, line 5 from top of page, by inserting after the word "authority" the following: S "or private corporation"; amend sec. 1 (Sec. 1, line 4, by striking out the word S "constructed" and inserting in lieu thereof "construct"; amend sec. 1 (Sec. 1), page 3, line 12, by inserting after the word "law" the following: S "or with any private corporation"; amend sec. 1 (Sec. 1), page 3, line 18, by striking out the word S "importation" and inserting in lieu thereof "imposition"; amend sec. 1 (Sec. 2), page 4, line 15, by inserting after the word "authority" the following: S "or private corporation"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 274, entitled:

An Act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments reenactments and repeals of statutes

The Table of Contents of the bill was read as follows:

TABLE OF CONTENTS

Article		Sections
I	General Provisions	1-4
II	Editing and Publication of Laws and Bills	21-25
III	Construction of Words and Phrases	31-40
IV	Construction of Laws	51-66
V	Amendatory Laws	71-77
VI	Re-enactments	81-83
VII	Repealing Laws	91-97
VIII	Definitions of Words and Phrases	101
IX	Repeals	201

On the question,

Will the Senate agree to the Table of Contents?

Mr. THOMPSON. Mr. President, I move to amend Table of Contents, page 2, line 4 from top of page, by striking out the figure: S "201" and inserting in lieu thereof: "102"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the Table of Contents as amended?

It was agreed to.

The Articles I and II of the bill were read as folows and agreed to.

Article I

General Provisions

Section 1 Short Title This act shall be known and may be cited as the "Statutory Construction Act"

Section 2 Definitions the following words and phrases when used in this act shall have the meanings ascribed to them in this section

"Final enactment" or "enacted finally" means the time when the procedure required by the Constitution for the enactment of a bill into a law has been complied with

"Law" means an act of assembly of this Commonwealth

"Legislature" means the General Assembly of this Commonwealth

Section 3 Style and Position of Enacting Clause All laws shall begin in the following style "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows"

Such enacting clause shall be placed immediately after the table of contents of the law or if there be no table of contents then immediately after the title

Section 4 Effective Date and Time of Laws All laws hereafter enacted finally at a regular session of the Legislature except laws making appropriations shal be in full force and effect from and after the first day of September next following their final enactment unless a different date is specified in the law itself

Appropriations laws or laws having appropriation items enacted finally at a regular session of the Legislature shall be in full force and effect from and after the first day of June next following their final enactment unless a different date is specified in the law itself or unless any such appropriation law or law having an appropriation item is enacted finally after the first day of June in any year in which case it shall be in full force and effect immediately upon final enactment

All laws enacted finally at a special or extraordinary sesion of the Legislature shall be in full force and effect immediately upon final enactment unless a different date is specified in the law itself

Article II

Editing and Publication of Laws and Bills

Section 21 Publication of Notice of Application for Local and Special Legislation No local or special bill either to repeal or enact a local or special law shall be passed by the Legislature unless notice of the intention to apply therefor shall be published once a week for four successive weeks in not less than two newspapers of general circulation as defined by law and also in the legal journal as defined by law if any published in the county or in each of the several counties where the matter or thing affected may be Where the matter or thing affected is in a city or borough publication shall be made in two newspapers of general circulation as defined by law published in such city or borough if any and if none then in two newspapers published in the county and in either event also in the legal journal as defined by law if any published in the county Where only one newspaper of general circulation as defined by law is published in a county or in a city or borough publication in such one newspaper and in the legal journal if any shall be deemed sufficient

The first publication shall be at least thirty days prior to and within three months immediately preceding the introduction of the bill into the Legislature

The notice shall set forth the full title and the purpose of the bill and shall be signed by one of the parties applying therefor

Proof of publication in each newspaper and legal journal verified by affidavit shall be filed with the bill when it is introduced

Section 22 Preparation of Laws for Printing The Secretary of the Commonwealth shall as soon as any bill becomes a law prepare the same for printing affix thereto proper marginal notes stating the purport of each paragraph or section if the law contains no section headings cause the same to be printed immediately and collate with and correct the proof sheets by the original rolls He shall also have the laws printed and indexed in book form as early as possible succeeding each session of the Legislature for distribution in accordance with law

Section 23 Correction of Errors in Laws Where any law shall have been finally enacted and it shall be ascertained that such law is technically defective in form or contains misspelled words or typographical errors or the plural or singular numbers or the past present or future tense appears where another should be used or where a word clearly intended to be inserted has been omitted or where a word is correctly spelled but it clearly appears that another word was intended the Secretary of the Commonwealth in punctuating and editing such law shall have authority with the approval of the President pro tempore of the Senate the Speaker of the House of Representatives the Attorney General and the Director of the Legislative Reference Bureau to correct the orignial copy of such law as filed in the Department of State if such correction will not in any manner affect or change the meaning intent or substance of such law

Whenever any such correction on any law is made a notation thereof shall be made on the original copy by the Secretary of the Commonwealth together with his signature followed by the approval and signatures of the President pro tempore of the Senate the Speaker of the House of Representatives the Attorney General and the Director of the Legislative Reference Bureau

A notation of such corrections shall also be printed in the pamphlet laws as footnotes to the laws on which the corrections were made.

Section 24 Prothonotaries to Keep Files of Advance Copies of Laws The prothonotaries of the several counties shall file and keep in their offices advance copies of the laws enacted at each session of the Legislature as such advance copies are furnished to them in accordance with law for a period of one year from the date of receipt of the first of the said laws in such manner that they shall be accessible to the public during the office hours of the prothonotaries

Section 25 General and Appropriation Laws to be Printed Separately The general laws passed at each regular session of the Legislature shall be printed separately and apart from those containing solely an appropriation The Secretary of the Commonwealth shall be the sole judge of such separation The number of copies of the general laws and of the appropriation laws to be printed and the distribution thereof shall remain as is now or may hereafter be provided by law

Article III, section 31 to 38 inclusive, of the bill was read as follows and agreed to.

Article III

Construction of Words and Phrases

Section 31 Rules of Interpretation In the construction of the laws of this Commonwealth the rules set forth in this article shall be observed unless the application of such rules would result in a construction inconsistent with the manifest intent of the Legislature

Section 32 Number Gender Tense he singular shall include the plural and the plural the singular Words used in the masculine gender shall include the feminine and neuter Words used in the past or present tense shall include the future

Section 33 Words and Phrases Words and phrases shall be construed according to rules of grammar and according to their common and approved usage but technical words and phrases and such other as have acquired a peculiar and appropriate meaning or are defined in this act shall be construed according to such peculiar and appropriate meaning or definition

General words shall be construed to take their meanings and be restricted by preceding particular words

Section 34 Numerals The Roman numerals and the Arabic numerals shall be deemed parts of the English language

Section 35 Joint Authority Quorum Words in a law conferring a joint authority upon three or more public officers or other persons shal be construed to confer authority upon a majority of such officers or persons

A majority of any board or commission shall constitute a quorum

Section 36 Bonds A law requiring a bond or undertaking with sureties to be given by any person shall be construed to permit in lieu thereof a bond of indemnity or surety bond for the amount of such bond or undertaking given by any indemnity or surety company authorized to do business in this Commonwealth and approved by the proper authority

Section 37 Uniform Standard Time Every mention of or reference to any hour or time in any law shall be construed with reference to nad in accordance with the mean solar time of the seventy-fifth meridian of longitude west of Greenwich commonly called eastern standard time unless a different standard is herein expressly provided for or unless the standard time shall be advanced for any portion of the year by any act of Congress or law of this Commonwealth hereafter passed

Section 38 Computation of Time When any period of time is referred to in any law such period in all cases except as otherwise provided in sections thirty-nine and forty shall be so computed as to exclude the first and include the last day of such period Whenever the last day of any such period shall fall on Sunday or on any day made a legal holiday by the laws of this Commonwealth or of the United States such day shall be omitted from the computation

Section thirty-nine of Article III, of the bill was read as follows:

Section 39 Time Publication for Successive Weeks Whenever in any law providing for the publishing of notices the phrase "successive weeks" is used shall be construed as calendar weeks The publication upon any day of such weeks shall be sufficient publication for that week but at least five days shall elapse between each publication At least the number of weeks specified in "successive weeks" shall elapse between the first publication and the day for the happening of the event for which publication shall be made

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 39, page 8, line 19, by inserting after the word "used" the following: S "weeks"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fortieth section of Article III, of the bill was read as follows:

Section 40 Time Computation of Months Whenever in any law the lapse of a number of months after or before a certain day is required such number of months shall be computed by counting the months from such day excluding the calendar month in which such day occurs and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made unless there be not so many days in the last month so mounted in which case the period computed shall expire with the last day of month so counted

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 40, page 9, line 7, by striking out the word: S "mounted" and inserting in lieu thereof: "counted"; amend Sec. 40, page 9, line 8, by striking out the word: S "the" where it appears for the second time in said line, and inserting in lieu thereof: "such"; amend Sec. 40, page 9, line 9, by striking out the following: S "so counted"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the question as amended?

It was agreed to.

The fifty-first section of Article III, of the bill was read as follows:

ARTICLE IV

Construction of Laws

Section 51 Construction of Laws Legislative Intent Controls The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the Legislature Every law shall be construed if possible to give effect to all its provisions

When the words of a law are clear and free from all ambiguity the letter of it is not to be disregarded under the pretext of pursuing its spirit

When the words of a law are not explicit the intention of the Legislature may be ascertained by considering among other matters (1) the occasion and necessity for the law (2) the circumstances under which it was enacted (3) the mischief to be remedied (4) the object to be attained (5) the former law if any including other laws upon the same or similar subjects (6) the consequences of a particular interpretation (7) the contemporaneous legislative history and (8) legislative and administrative interpretations of the statute

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 51, page 9, line 29, by striking out the following: S "the statute" and inserting in lieu thereof: "such law"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Article IV, Sections 52 to 63 inclusive of the bill where read as follows and agreed to.

Section 52 Presumptions in Ascertaining Legislative Intent In ascertaining the intention of the Legislature in the enactment of a law the courts may be guided by the following presumptions among others

(1) That the Legislature does not intend a result that is absurd impossible of execution or unreasonable

(2) That the Legislature intends the entire statute to be exective and certain

(3) That the Legislature does not intend to violate the Constitution of the United States or of this Commonwealth

(4) That when a court of last resort has construed the language used in a law the Legislature in subsequent laws on the same subject matter intend the same construction to be placed upon such language

(5) That the Legislature intends to favor the public interest as against any private interest

Section 53 Grammar and Punctuation of Laws Grammatical errors shall not vitiate a law A transposition of words and clauses may be resorted to where a sentence is without meaning as it stands

In no case shall the punctuation of a law control or affect the intention of the Legislature in the enactment thereof

Words and phrases which may be necessary to the proper interpretation of a law and which do not conflict with its obvious purpose and intent nor in any way affect its scope and operation may be added in the construction thereof

Section 54 Construction of Titles Preambles Provisos Exceptions and Headings The title and preamble of a law may be considered in the construction thereof Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer Exceptions expressed in a law shall be construed to exclude all others The headings prefixed to chapters articles sections and other divisions of a law shall not be considered to control but may be used to aid in the construction thereof

Section 55 Constitutional Construction of Laws The provisions of every law shall be severable If any provision of a law is found by a court of record to be unconstitutional and void the remaining provisions of the law shall nevertheless remain valid unless the court finds the valid provisions of the law are so essentially and inseparably connected with and so depend upon the void provision that it cannot be presumed the Legislature would haye enacted the remaining valid provisions without the void one or unless the court finds the remaining valid provisions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent

Section 56 Presumption Against Retroactive Effect No law shall be construed to be retroactive unless clearly

and manifestly so intended by the Legislature

Section 57 Construction of Uniform Laws Laws uniform with those of other states shall be interpreted and construed to effect their general purpose to make uniform the laws of these states which enact them

Section 58 Rule of Strict and Liberal Construction The rule that laws in derogation of the common law are to be strictly construed shall have no application to the laws of this Commonwealth hereafter enacted

All provisions of a law of the classes hereafter enumerated shall be strictly construed

(1) Penal provisions
(2) Retroactive provisions
(3) Provisions imposing taxes
(4) Provisions conferring the power of eminent domain
(5) Provisions exempting persons and property from taxation
(6) Provisions exempting property from the power of eminent domain
(7) Provisions decreasing the jurisdiction of a court of record
(8) Provisions enacted prior to the effective date of this law which are in derogation of the common law

All other provisions of a law shall be liberally construed to effect their objects and to promote justice

Section 59 Penalties No Bar To Civil Remedies The provision in any law for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such law

Section 60 Penalties for Each Offense Whenever a penalty or forfeiture is provided for the violation of a law such penalty or forfeiture shall be construed to be for each such violation

Section 61 Intent to Defraud Whenever an intent to defraud is required in any law in order to constitute an offense the law shall be construed to require only an intent to defraud any person or body politic

Section 62 Laws in Pari Materia Laws or parts of laws are in pari materia when they relate to the same persons or things or to the same class of persons or things

Laws in pari materia shall be construed together if possible as one law

Section 63 Particular Controls General Whenever a general provision in a law shall be in conflict with a special provision in the same or another law the two shall be construed if possible so that effect may be given to both If the conflict between the two provisions be irreconcilable the special provisions shall prevail and shall be construed as an exception to the general provision unless the general provision shall be enacted later and it shall be the manifest intention of the Legislature that such general provision shall prevail

The sixty-fourth section of the bill was read as follows:

Section 64 Irreconcilable Clauses in the Same Law Whenever in the same law several clauses are irreconcilable the clause last in order of date or position shall prevail

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 64, page 13, line 26, by striking out the word: S "Whenever" and inserting in lieu thereof: "Except as provided in section sixty-three whenever"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Article IV, sections 65 and 66 inclusive, of the bill were read as follows and agreed to.

Section 65 Irreconcilable Laws Passed During The Same Session Whenever the provisions of two or more laws passed during the same session of the Legislature are irreconcilable the law latest in date of final enactment irrespective of its effective date shall prevail from the time it becomes effective except as otherwise provided in sections seventy-two and ninety-four

Section 66 Irreconcilable Laws Passed At Different Sessions Whenever the provisions of two or more laws passed at different sessions of the Legislature are irreconcilable the law latest in date of final enactment shall prevail

Article V, section seventy-one of the bill was read as follows and agreed to.

Article V

Amendatory Laws

Section 71 Printing and Interpretation of Amendatory Laws The Secretary of the Commonwealth shall in printing amendatory laws cause to be printed the section or part of the law only as reenacted In the section or part of the law reenacted the secretary shall cause to be printed between brackets the words phrases or provisions of the existing law if any which have been stricken out or eliminated by the adoption of the amendment and he shall cause to be printed in italics all new words phrases or provisions if any which have been inserted into or added to the law by the passage of such amendment

In ascertaining the correct reading status and interpretation of an amendatory law the matter inserted within brackets shall be omitted and the matter in italics shall be read and interpreted as part of the law

The seventy-second section of Article V, of the bill was read as follows:

Section 72 Effect of Separate Amendments on Code Provisions Enacted at Same Session Whenever any existing law incorporated into and repealed by a code is also amended by other legislation enacted at the same session of the Legislature such separate amendment shall be construed to be in force notwithstanding the repeal by the code of the act it amends and such amendment shall be construed to prevail over the corresponding provisions of the code

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 72, page 15, line 9, by striking out the word: S "act" and inserting in lieu thereof: "law"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventy-third section of Article V, of the bill was read as follows:

Section 73 Construction of Amendatory Laws Whenever a section or part of a law is amended the amendment shall be construed as merging into the original law become a part thereof and replace the part amended and the remainder of the original enactment and the amendment shall be read together and viewed as one act passed at one time but the portions of the law which were not altered by the amendment shall be construed as effective from the time of their first enactment and the new provisions shall be construed as effective only from the date when the amendment became effective

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec.

73, page 15, line 16, by striking out the word: S 'enactment" and inserting in lieu thereof: "law"; amend Sec. 73, page 15, line 17, by striking out the word: S "act" and inserting in lieu thereof: "law"; amend Sec. 73, page 15, line 20, by striking out the word: S "first" and inserting in lieu thereof: "original"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Article V, seventy-fourth section of the bill was read as follows and agreed to.

Section 74 Merger of Subsequent Amendments Whenever a law has been more than once amended the latest amendment shall be read into the original law as previously amended and not into such law as orginally enacted

Seventy-fifth section of Article V, of the bill was read as follows:

Section 75 Two or More Amendments to Same Section One Overlooking the Other Whenever two or more amendments to the same provision of a law are enacted at the same or different sessions one amendment overlooking and making no reference to the other or others the amendments shall be construed together if possible and effect be given to each If the amendments be irreconcilable the latest in date of final enactment shall prevail

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Sec. 73, page 13, line 29, by striking out the word: S "SECTION" and inserting in lieu thereof: "PROVISION"; amend Sec. 75, page 16, line 7, by inserting after the word "prevail" the following: S from the time it becomes effective.

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventy-sixth section of Article V of the bill was read as follows:

Section 76 Repeal of Amendatory and Original Laws Subsequently Amended The repeal of an amendatory law does not revive the corresponding provision or section of the original law or of any prior amendment Except as otherwise provided in section ninety-four the repeal of an original law or section or provision of an original law repeals all subsequent amendments to the original law or to the original section or provision as the case may be

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to Amend sec. 76, page 16, line 8, by inserting after the word "Amendatory" the following: S "Laws"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The article V section seventy-seven of bill was read as follows and agreed to.

Section 77 Ineffective Provisions not Revived By Re-enactment in Amendatory Laws Exception Provisions of a law no longer effective shall not be construed as being revived by re-enactment in an amendatory law unless it shall clearly appear that the Legislature intended to revive such provisions

The eighty-first section of article VI of the bill was read as follows:

ARTICLE VI

Re-enactments

Section 81 Effect of Re-enactment on Original Law Whenever a law re-enacts a former law the provisions common to both laws shall date from their first adoption Such provisions only of the former law are omitted from the re-enactment shall be deemed abrogated and only the new or changed provisions shall be deemed to be the law from the effective date of the enactment

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend sec. 81, page 10, line 28, by inserting after the word "law" the following: S "as"; amend sec. 81, page 17, line 2, by striking out the word: S "enactment" and inserting in lieu thereof: "re-enactment"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The eighty-second section of article VI of the bill was read as follows:

Section 82 Repeal and Re-enactment Whenever a law is repealed and its provisions are at the same time re-enacted in the same of substantially the same terms by the repealing law the earlier law shall he construed as continued in active operation All rights and liabilities incurred under such earlier law are preserved and may be enforced

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend sec. 82, page 17, line 5, by striking out the word: S "of" and inserting in lieu thereof: "or"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended?

It was agreed to.

The eighty-third section of article VI of the bill was read as follows:

Section 83 Effect of Re-enactment of Intervening Law A Law which re-enacts the provisions of an earlier law shall not be construed to repeal an intermediate law which modified such earlier law Such intermediate law shall be construed to remain in force and to modify the re-enactment in the same manner as it modified the earlier law

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend sec. 83-page 17, line 10, by striking out the word: S "OF" and inserting in lieu thereof: "ON"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Article VII sections 91 to 93 of the bill was read as follows and agreed to.

ARTICLE VII

Sections 91 to 93 of the bill was read and agreed to.

Section 91 Implied Repeal by Later Law Whenever a law purports to be a revision of all laws upon a particular subject or sets up a general or exclusive system covering the entire subject matter of a former law and is intended as a substitute for such former law shall be construed to repeal all former laws upon the same subject

Whenever a general law purports to establish a uniform and mandatory system covering a class of subjects such law shall be construed to repeal pre-existing local or special laws on the same class of subjects

In all other cases a later law shall not be construed to repeal an earlier law unless the two laws be irreconciable

Section 92 Non-Existence of Reason for Law does not Effect Repeal A law shall not be deemed repealed because the reason for its passage no longer exists

Section 93 No Implied Repeal by Non-User A law shall not be deemed repealed by failure to use such law

The ninety-fourth section of article VII of the bill was read as follows:

Section 94 Effect of Separate Repeals on Code Provisions at the Same Session Whenever a law repeals any provision of a law incorporated into a code adopted at the same session of the Legislature the law repealing the provision so incorporated into the code shall be construed to effect a repeal of the corresponding provision of the code

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend sec. 94, page 18, line 14, by striking out the word: S "a" and inserting in lieu thereof: "another"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The ninety-fifth section Article VII of the bill was read as follows:

Section 95 Effect or Repeal on Limitations Whenever a limitation or period of time prescribed in any law for acquiring a right or barring a remedy or for any other purpose has begun to run before a law repealing such law takes effect and the same or any other limitation is prescribed in any other law passed at the same session of the Legislature the time which has already run shall be deemed part of the time prescribed as such limitation in such law passed at the same sesion of the Legislature

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend sec. 95, page 18, line 19, by striking out the word: S "OR" and inserting in lieu thereof: "OF"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh article sections 96 to 97 of the bill was read as follows and agreed to.

Section 96 Effect of Repeal on Rights Et Cetera The repeal of any civil provisions of a law shall not affect or impair any act done or right existing or accrued or affect any civil suit action or proceeding pending to enforce any right under the authority of the law repealed Such suit action or proceeding shall and may be proceeded with and concluded under the laws in existence when such suit action or proceeding was instituted notwithstanding the repeal of such laws or the same may be proceeded with and concluded under the provisions of the new law if any enacted

Section 97 Repeal Does Not Revive Repealed Law The repeal of a repealing law shall not be construed to revive the law originally repealed

Article eight of the bill was read as follows:

Article VIII

Article eight of the bill was read as follows:

Section 101 Definitions The following words and phrases when used in any law hereafter enacted unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(1) "Action" any proceeding in any court of this Commonwealth

(2) "Administrator" a fiduciary appointed under authority of law by a register of wills or orphans' court to administer the estate of a decedent

(3) "Adult" an individual twenty-one years of age or over

(4) "Aeronautics" the art and science of transportation by aircraft including the facilities connected therewith

(5) "Affidavit" a statement in writing of a fact or facts signed by the party making it sworn to or affirmed before an officer authorized by the laws of this Commonwealth to take acknowledgments of deeds or authorized to administer oaths or before the particular officer or individual designated by law as the one before whom it is to or may be taken and officially certified to in the case of an officer under his seal of office

(6) "Aircraft" any contrivance used or designated for navigation of or flight in or to ascend into the air except a parachute or other contrivance designed and used primarily as safety equipment

(7) "Airman" any member of a crew of an aircraft

(8) "Airport" any place either water or land which is designed and used for the taking off and landing of aircraft including the facilities connected therewith

(9) "Almshouse" the county home poorhouse home for the destitute or any other building or place by whatever title designated where poor persons are maintained at the public expense

(10) "Apiary" any place where one or more colonies or nuclei of bees are kept

(11) "As now provided by law" reference to the laws in force at the time when the law containing the phrase was finally enacted

(12) "As provided by law" a reference to the laws in force at the particular time when the law containing the phrase is applied

(13) "Association" any form of unincorporated enterprise owned by two or more persons other than a partnership or limited partnership

(14) "Attorney-at-law and individual admitted to practice law by a court of record of this Commonwealth

(15) "Attorney of records" and attorney-at-law who is

entered on the docket or record of a court as appearing for or representing a party in a legal proceeding

(16) "Bequeath" includes devise

(17) "Bequest" includes devise and legacy

(18) "Bond" (a) and unconditional written undertaking under seal for the payment of money or (b) a conditional written acknowledgment of being bound for the payment of money to become void or effective on the performance of any act or the occurrence of any event therein expressed

(19) "Bridge" includes the actual bridge and the approaches thereto and the substructures and superstructures of both

(20) "Certified public accountant" and individual licensed under the laws of this Commonwealth to practice as a certified public accountant

(21) "Child" or "children" includes children by birth or adoption

(22) "Commission merchant" one who receives consignments of personal property to be sold for a commission or other compensation

(23) "Commonwealth" the Commonwealth of Pennsylvania

(24) "Convict" an individual who has been finally convicted of an indictable offense and is serving sentence in a penal institution

(25) "Creditor" one to whom the performance of an obligation is owed

(26) "Crime" any indictable offense

(27) "Crosswalk" that portion of a highway at an intersection or any portion of a highway clearly indicated for pedestrians crossing by lines or other markings on the surface

(28) "Day" comprises the time from midnight to the next midnight

(29) "Debtor" one who owes to another the performance of an obligation

(30) "Decedent" either a testator or person dying intestate

(31) "Dental hygienist" an individual licensed under the laws of this Commonwealth to practice as a dental hygienist

(32) "Dentist" an individual licensed under the laws of this Commonwealth to practice dentistry

(33) "Devise" includes bequeath

(34) "Devise" includes bequest and legacy

(35) "Devisee" includes legatee

(36) "Doctor of medicine" an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in all its branches

(37) "Domestic animal" any equine animal bovine animal sheep goat and pig

(38) "Effects" includes all personal property and any interest therein

(39) "Executor" a fiduciary named in a will to execute its provisions and administer the estate of the testator

(40) "Factor" one who receives consignments of personal property to be sold for a commission or other compensation

(41) "Farm product" any agricultural horticultural vegetable fruit and floricultural product of the soil livestock and meats wool hides poultry eggs dairy products nuts mushrooms and honey

(42) "Fiduciary" an executor administrator guardian committee receiver trustee asignee for the benefit of creditors and any other person association partnership or corporation acting in any similiar capacity

(43) "Fiscal year" the year by or for which accounts are reckoned

(44) "General election" the election held biennially on the Tuesday next following the first Monday of November in each even-numbered year

(45) "Grantee" one to whom any estate or interest in real property other than a leasehold passes by conveyance

(46) "Grantor" one from or by whom any estate or interest in real property other than a leasehold passes by conveyance

(47) "Guardian" a fiduciary who legally has the care and management of the person or the estate or both of another under legal disability

(48) "Guardian ad litem" a fiduciary who is appointed to represent in legal proceedings another under legal disability

(49) "Healing art" the science of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body

(50) "Hereafter" a reference to the time after the time when the law containing such word takes effect

(51) "Heretofore" a reference to the time previous to the time when the law containing such word takes effect

(52) "Highway" a way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular traffic

(53) "Individual" a natural person

(54) "Insane person" an individual of unsound mind

(55) "Intersection" the area embraced within the prolongation of the lateral boundary lines of two or more highway which join one another at an angle wether or not one such highway crosses the other

(56) "Issue" as applied to the descent of estates means all lawful lineal descedants of a common ancestor

(57) "Judicial sale" a sale conducted by an officer or person authorized for the purpose by some competent tribunal

(58) "Legacy" includes devise and bequest

(59) "Legatee" includes devisee

(60) "Legislature" the General Assembly of the Commonwealth of Pennsylvania

(61) "Lunatic" an individual of unsound mind

(62) "Majority" when used in reference to age means of the age of twenty-one years or over

(63) "Medicine and surgery" the art and science having for their object the cure of diseases of and the preservation of the health of man including all practice of the healing art with or without drugs

(64) "Midwife" an individual licensed under the laws of this Commonwealth to practice midwifery

(65) "Minor" an individual under the age of twenty-one-years

(66) "Money" lawful money of the United States

(67) "Month" a calendar month

(68) "Motor boat" any boat propelled by any type of internal combustion motor

(69) "Motor cycle' any vehicle of the bicycle or tricycle type operated by any type of internal combution motor

(70) "Motor vehicle" any self propelled device in upon or by which any person or property is or may be transported or drawn upon a public highway except tractors power shovels road machinery agricultural machinery and vehicles which move upon or are guided by a tract or trolley

(71) "Municipal corporation" a city borough or incorporated town

(72) "Municipal election" the election held on the Tuesday next following the first Monday in November in each odd-numbered year

(73) "Municipality" a city borough or incorporated town

(74) "Night time" the time from sunset to sunrise

(75) "Non compos mentis" of unsound mind

(76) "Notary" a notary public

(77) "Now" in any provision of a law referring to other laws in force or to persons in office or to any facts or circumstances as existing relates to the laws in force or to the persons in office or to the facts or circumstances existing respectively on the effective date of such provision

(78) "Oath" includes affirmation

(79) "Optometrist" an individual licensed under the laws of this Commonwealth to practice optometry

(80) "Osteopath" an individual licensed under the laws of this Commonwealth to practice osteopathy

(81) "Osteopathy surgeon" an individual licensed under the laws of this Commonwealth to practice osteopathy and osteopathic surgery

(82) "Parking" suffering a vehicle to stand on any highway while not actually engaged in a traffic movement

nor in taking up or setting down passengers or merchandise

(83) "Pedestrian" an individual afoot

(84) "Person" includes a corporation partnership and association as well as a natural person

(85) "Personal representative" the executor or administrator of a decedent

(86) "Pharmacist" an individual licensed under the laws of this Commonwealth to practice as a pharmacist

(87) "Physician" an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in any or in all of its branches

(88) "Political subdivision" any county city borough incorporated town township school district and poor district

(89) "Poultry" includes all domestic fowl

(90) "Primary election" any election at which the members of qualified political parties nominate their candidates for public office

(91) "Professional engineer" an individual licensed under the laws of the Commonwealth to practice as a professional engineer

(92) "Property" includes both real and personal property

(93) "Publish" or "published" as applied to the publication of a newspaper of general circulation means the place where such newspaper is originally issued and circulated

(94) "Real estate broker" one licensed under the laws of this Commonwealth to act as a real estate broker

(95) "Real estate salesman" an individual licensed under the laws of this Commonwealth to act as a real estate salesman

(96) "Registered architect" an individual licensed under the laws of this Commonwealth to practice architecture

(97) "Registered nurse" an individual licensed under the laws of this Commonwealth to practice nursing

(98) "Safety zone" the area or space officially set aside within a highway for the use of pedestrians

(99) "Signature" includes mark when the individual cannot write his name being written near it and witnessed by another who writes his own name

(100) "Special election" any election authorized by law other than a general municipal or primary election

(101) "State" when used in reference to the different parts of the United States includes the District of Columbia and the several territories of the United States

(102) "Surveyor" an individual licensed under the laws of this Commonwealth to practice land surveying

(103) "Sworn" includes affirmed

(104) "Trustee" one in whom some estate interest or power in or affecting property of any description is vested for the benefit of another

(105) "Undertaker" one who is licensed under the laws of this Commonwealth to practice as an undertaker undertaker and embalmer embalmer funeral director or mortician

(106) "Vehicle" a conveyance in or on which persons or property may be carried

(107) "Verified" when used in reference to writings means supported by oath or affirmation

(108) "Veterinarian" an individual licensed under the laws of this Commonwealth to practice veterinary medicine and surgery

(109) "Will" includes codicil

(110) "Written" every legible representation of letters or numerals upon a material substance except when used in reference to the signature of an instrument

(111) "Year" a calendar year

On the question,

Will the Senate agree to the article?

Mr. THOMPSON. Mr. President, I move to amend sec. 101 (11), page 20, line 23, by inserting before the word "reference" the follows: S a; Amend sec. 101 (27), page 22, line 9, by striking out the word: S "pedestrians" and inserting in lieu thereof: pedestrian.

Mr. KUNKLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the article as amended?

Mr. KUNKEL. Mr. President, I move to Amend, line 6, page 25, by inserting after the word "drugs" the following: "except healing by spiritual means or prayer."

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the article as amended.

It was agreed to.

Article nine of the bill was read as follows and agreed to.

ARTICLE IX

REPEALS

Article nine of the bill was read as follows and agreed to.

Section 102 REPEALS The following laws or parts of laws are hereby repealed absolutely

The act approved the twenty-first day of January one thousand eight hundred and nineteen (Pamphlet Laws 14) entitled "An act to provide for the more speedy publication and distribution of the laws of this Commonwealth"

The act approved the twelfth day of February one thousand eight hundred and seventy-four (Pamphlet Laws 43) entitled "An act regulating the publication of applications for local or special legislation"

The act approved the eighteenth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 102) entitled "An act to provide for the immediate printing distribution filing and keeping of unbound copies of the laws of this Commonwealth as they are enacted from time to time"

The act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws 664) entitled "An act regulating the printing of the laws of this Commonwealth"

The act approved the tenth day of June one thousand nine hundred and eleven (Pamphlet Laws 872) entitled "An act in relation to the printing of appropriation bills in the Pamphlet Laws"

Section one of the act approved the twenty-ninth day of April one thousand nine hundred and fifteen (Pamphlet Laws 204) entitled "An act regulating the printing of the laws of this Commonwealth"

The act approved the sixteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws 11) entitled "An act providing the method in which amendatory legislation shall be printed in the session laws and for the interpretation thereof"

The act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1808) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

The act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 946) entitled "An act authorizing the Secretary of the Commonwealth with the approval of the presiding officers of the General Assembly the Attorney General and Director of the Legislative Reference Bureau to correct certain errors in the original copies of laws"

The act approved the tenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 293) entitled "An act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled 'An act fixing the time when statutory law hereafter enacted shall become effective' "

All other laws or parts of laws inconsistent with this law are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 320, entitled:

An Act relieving certain lands acquired by counties cities boroughs towns or townships from liens in favor of the Commonwealth for corporation taxes in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of theWholebeingin this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 325, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being inthis case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 359, as follows:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth to acquire the corporate powers franchises property rights and credits of such company

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any street railway company or any motor power company now or hereafter incorporated under any law of this Commonwealth owning the entire capital stock of any company having power to transport persons in common carriage by trackless trolley car now or hereafter incorporated under the law of this Commonwealth to acquire and to thereafter be possessed of own hold exercise and enjoy all the corporate powers franchises property rights and credits then possessed owned held or exercised by such company transporting persons in common carriage by trackless trolley car Provided Any such acquisition shall be subject to the approval of the Public Service Commission of the Commonwealth of Pennsylvania

Section 2 Such acquisition shall be affected in the manner and upon the conditions hereinafter stated to wit

First The companies shall pursuant to resolution duly adopted by the directors of each respectively and execute under their respective corporate seals duly attested an agreement providing for such acquisition upon the surrender and cancellation of all the capital stock of the vendor company

Second Said agreement shall be submitted for approval or disapproval to the stockholders of each company at separate meetings either annual or special duly convened and if at such meetings said agreement shall be approved by the holders of a majority of the stock of each company then that fact shall be certified by the secretary of each company under its corporate seal and a copy of the agreement with said certificates attached shall be filed in the office of the Secretary of the Commonwealth and immediately upon the filing thereof together with a certificate of public convenience evidencing the approval of such acquisition by the Public Service Commission of the Commonwealth of Pennsylvania all the corporate powers franchises and privileges and immunities and all the property real personal and mixed rights and credits owned possessed held used or otherwise exercised by the vendor company shall become and be vested in the acquiring company subject to all the debts liabilities and duties of said vendor company and shall thereafter be possessed held used exercised and enjoyed by said acquiring company as fully completely and absolutely in all respects as the same had been theretofore owned held exercised and enjoyed by said vendor company and said acquiring company may also with respect to the property so acquired have exercise and enjoy all the rights powers privileges and franchises which it has and may exercise respecting its other property Upon the filing in the office of the Secretary of the Commonwealth of said copy of agreement and attached certificates as herein required and upon the surrender of certificates of stock of the vendor company to the acquiring company for cancellation and upon cancellation thereof the capital stock of said vendor company shall be wholly extinguished and thereupon the corporate existence of the said vendor company shall terminate

Section 3 That the copy of said agreement with said certificates attached filed in the office of the Secretary of the Commonwealth shall be evidence of the lawful holding of the meetings of stockholders of each company and of the due approval of the said agreement as required by this act as well as the precedent action of the directors of each approving thereof

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 435, as follows:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws 88) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws 88) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended by section one of the act approved the nineteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws 14) is hereby further amended to read as follows

Section 5 The defendant or party intervening shall within fifteen days after the filing of such declaration file an affidavit of defense thereto setting up the facts denying plaintiff's title and showing his own title to said goods and chattels and in event of his failure so to do upon proof that a copy of said declaration was served upon him or his attorney judgment may be entered for the plaintiff and against the defendant or party intervening which judgment shall operate to forfeit any counter bond

given by him The court may enter judgment with like effect for want of a sufficient affidavit of defense or for such goods and chattels as may be admitted to be the property of the plaintiff in the affidavit of defense or may enter judgment with like effect for such goods and chattels as to which the court may adjudge the affidavit of defense insufficient And in the event of judgment being rendered in favor of the plaintiff for a portion of such goods and chattels replevied he may proceed to recover such goods and chattels by writ of retorno habendo or the value thereof after assessment of damages on a writ of inquiry of damages issued and the case shall be proceeded in for recovery of the balance If the defendant has been duly summoned and does not appear at the return-day of the writ the plaintiff having filed his declaration may file a common appearance for the defendant and proceed in the cause as in other cases. Where the writ has been returned nihil habet as to the defendant it shall be lawful for the plaintiff at and after [the third term of the court] forty-five days after the execution of the writ to take judgment against the defendant for default of appearance Provided That the plaintiff fifteen days prior to the entry of said judgment shall have filed his declaration.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule rerquiring bills to be considered in the Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 438, as follows:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 568) entitled "An act relating to the commencement of actions' as amended fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is enacted by the authority of the same That section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 568) entitled "An act relating to the commencement of actions" as amended by the act approved the tenth day of May one thousand eight hundred and eighty-nine (Pamphlet Laws 183) is hereby further amended to read as follows

Section 53 It shall be lawful for the plaintiff at and after [the third term of the court] forty-five days after the execution of the writ to take judgment aganist the defendant for default of appearance unless the attachment before that time be dissolved Provided That the said plaintiff fifteen days prior to the entry of said judgment shall have filed his declaration

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 439, as follows:

An Act to amend Section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws 8) entitled "An act relative to fraudulent debtors" fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service residence or appearance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws 8) entitled "An act relative to fraudulent debtors" is hereby amended to read as follows

Section 4 In case of a personal service of said attachment upon the party defendant or if he she or they shall be residents of the county at the time the attachment was issued or shall appear to the action the court shall proceed in the case in like manner as in a case of summons for debt regularly issued and duly served and in case there shall not be a personal service residence or appearance as aforesaid the plaintiff or plaintiffs may at [any time after the first day of the second term after] and after forty-five days from the date of issuing said attachment proceed in like manner against the party defendant and against the garnishee or garnishees by rules interrogatories or otherwise as is now practiced in cases of foreign attachment and attachment execution and the said court shall have like powers to decree the sale of perishable property as they now have in cases of foreign attachment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 485, as follows:

An Act to re-enact and amend the act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws 365) entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers or other persrons" by extending and changing the provisions thereof imposing an annual fee on such associations and exempting them from State taxation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the entire act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws 365) entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers or other persons" section eight of which was amended by section one of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 511) are hereby re-enacted and amended to read as follows

An Act to encourage and authorize the formation of co-operative associations productive consumptive and distributive [by farmers mechanics laborers or other persons]

Section 1 Be it enacted et cetera That A The following terms whenever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context

(a) "Corporation" shall mean any corporation not formed under this act but organized or admitted to do business under the laws of the Commonwealth of Pennsylvania

(b) "Person" shall mean and include natural persons firms associations corporations business trusts partnerships and bodies politic

(c) "Member" shall mean and include each person as defined in this act who is the holder of one share or more of the common stock in such association

(d) "Cooperative" shall mean a qualification as applied to organizations or efforts including but not exclusively democracy of control the limitation of the value of the wage or earnings of capital as such to be a fixed maximum annual amount not exceeding six per centum

and the conduct of affairs in connection therewith on the basis of cost and not for profit as in this act defined through the return of any and all excess by means of reserves and patronage refunds

(e) "Net proceeds" shall men the total current income of an association minus the cost of goods sold and the amount paid as dividends on prefered stock and the sum of its expense of operation

(f) "Dividend" shall mean that current expense of doing business which is paid to the holders of common stock for the use of capital represented by such stock but not exceeding the limit thereon as provided in this act as and when declared by the board of directors

(g) "Patronage refunds" shall mean the several sums belonging to the patrons whether members or not in proportion to their patronage as when all the items of cost and expenses and deductions have lawfully been made and approved by the board of directors

(h) "Subscription" shall mean any agreement or undertaking accepted by the association for membership in the association

B Co-operative associations productive consumptive and distributive may be incorporated under this act upon compliance with its requirements by any five or more [farmers machanics laborers or other] persons who shall have associated themselves together by written articles of association such as are hereinafter described [for the purpose of carrying on any agricultural horticultural mining quarrying building mechanical manufacturing or commercial or for the purpose of manufacturing cultivating raising trading or dealing in all kinds of goods wares merchandise chattels grain vegetables roots fruits and other produce or animals for sale food or other purposes or for the purpose of buying selling holding leasing or improving lands tenements or buildings and that such] to operate on a co-operative basis as defined in this act and in such case have any lawful purpose or purposes with respect to the needs or desires of members and others for providing or furnishing any necessities conveniences and services or any or all of them desired by them and which natural persons are permitted by law to obtain Such persons so associating may adopt any corporate name indicating their co-operative character and which has not been previously adopted by any other coporation formed under [this act] the laws of this Commonwealth Provided That the two last words of such name shall be "co-operative association" and that it shall not be lawful to use in such name either the words "society" or "company" [and that any violation of this proviso by any corporation formed under this act shall render each member thereof personally liable for all its debts]

Section 2 That before any association formed under this act shall commence its business its articles of association shall be filed and recorded in the office of the Secretary of [State of this State and two copies of said articles shall be made which the said Secretary of State shall certify by his official signature and the seal of this State as being correct copies of said articles so filed and recorded one of said certified copies shall be filed and recorded in the office of the recorder of deeds of the county in which the principal office of the association shall be located and the said recorder of deeds shall certify by his official signature and the seal of his office that the said certified copy of said articles has been filed and recorded in his office and the other certified copy of said articles] the Commonwealth and a duly certified copy thereof shall be delivered to and held by the association named therein and the said articles or [copies] a copy thereof duly certified by [either of the aforesaid officers] the Secretary of the Commonwealth may be used as evidence in all courts and places of the incorporation of as well as for or against such association and the said Secretary of [State and the said recorder of deeds shall each] the Commonwealth shall be paid for said filing recording and certifying at the rate of ten cents for each one hundred words contained in said articles and after such articles of association shall have been made and filed [and recorded] as herein required the persons signing the same and such other persons [partnership or corporations] who shall from time to time own and possess any share or shares [in the stock capital] of the common stock of such association and their several successors and assigns shall be deemed and taken to be a body cooperate and politic by the name and for the purposes mentioned in such articles of association

Section 3 That the articles of association shall be signed by the persons originally associating themselves together and shall be acknowledged by at least five of them before a notary public and shall state distinctly

First The name by which such association shall be known

Second The place in this state where its principal office is to be located

Third The purpose or object for which is is formed

Fourth Whether the amount of its capital stock [capital] is fixed and if so what amount or whether such capital stock is to be of an amount carrying from time to time as the business may require

Fifth The [amount] par value of each share of [permanent] common stock and [ordinary] preferred stock of such capital and how such capital and how such shares be paid for

Sixth The amount of capital that will be actually paid in before commencing business

Seventh The terms on which persons may become members

Eighth [On what days in January April July and October regular or quarterly meetings of the members are to be held

[Ninth] Such other maters not repugnant to this act as may be deemed proper and necessary

[Tenth] Ninth The term of its existence [not to exceed thirty years and] if such period is to be limited

[Eleventh] Tenth The name of the first associates their respective residences and the number and class of shares held by each of them

Section 4 That the [stock] capital stock of any such association shall consist of the amounts standing to the credit of members or other persons on account of the shares allotted to them certificates for which shall be issued from time to time as such shares may become fully paid up and there may be two classes of shares one of which classes shall be styled and known as [permanent] "common stock" which shall [not] be withdrawable [but] and may be transferred only subject to the bylaws of such association and each member thereof shall take and hold at least one share of said [permanent] common stock and the other class of shares [may] shall be styled and known ["ordinary] "preferred stock" which may be repaid transferred or withdrawn in accordance with the by-laws of such association and the shares of either class may be of amounts not less than five nor more than twenty-five dollars each and may be paid for in one sum or by [periodical installments or by occasional subscriptions or by the interest thereon or by profit dividends] installments or by patronage refunds as the by-laws may provide

Section 5 That [it shall be the duty of any such association to exhibit in some conspicuous place in its principal office not later than three o'clock post meridian on the first business day of every month and to continue the same in such place until the next exhibit shall be thus made a statement showing correctly and distinctly the amount of such invested stock capital and what proportion such stock capital bears to such loans or deposits such statement to be made up to the close of the next preceding month and to be signed by the president and treasurer or by any two of the directors and to be attested by the secretary and auditors of such association and if any of such officers as aforesaid wilfully make or knowingly consent to any false statement in such exhibit he shall be so doing be deemed to have committed a misdemeanor and shall upon conviction thereof be punished as provided in section thirteen of this act Provided Any member or other person having an interest in the funds of such association or any person legally authorized to assess property for taxes may inspect its books and accounts during the official business hours but no such member person or assessor unless he be an officer of such association or be specially authorized by a resolution thereof shall have the right to inspect the

share or other account of any member or person without his written consent] it shall be unlawful for any association organized under this act to pay any commission for the sale of its stock or securities No dealer shall be authorized to sell such stock or securities or solicit sales therefor No person other than the officers and duly authorized employes or members shall receive payments in the name of the association on stock subscriptions and then only as an incident to their activities and not a principal activity

Such association shall be execpt in any and all respects from the jurisdiction and control of the Securities Commission and the Public Service Commission of this Commonwealth or similar bodies hereafter created with like powers and duties to said commissions

Section 6 That the amount of common stock [capital] of such association to be taken held or claimed at any one time by any person [or persons jointly or by partnerships or by corporations] shall not exceed [one thousand dollars except consent therefor be voted by the members at any regular quarterly meeting thereof] such amount as may be established by the by-laws nor shall any member upon any subject at any meeting be entitled to more than one vote which shall be given in person and not by proxy and any common stock [capital] held by persons jointly [or by partnerships or by corporations] shall be voted upon as if held by one person only [respectively] and subject to the by-laws of such association

Section 7 That it shall be lawful if the by-laws so provide for any minor to take and hold shares in or to make [loans or] deposits of money to or with any such association and for such association to pay to any minor any moneys that may be due to him in respect of any such shares [loans] or deposits standing in his name and his receipt therefor shall be in all respects valid in law but such minor shall not be eligible to hold any office in such association though he may subject to its by-laws vote at any meeting of its members

Section 8 That any such association may buy from sell to render services to and trade or deal with any of its members or other persons [partnerships or corporations] Any association may upon resolution adopted by its board of directors enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations agreements and contracts and arrangements with any other cooperative corporation or association formed in this or in any other state for the cooperartive and more economical carrying on of its business or any part or parts thereof Any two or more associations may by agreement between them unite in employing and using or may separately employ and use the same personnel methods means and agencies for carrying on and conducting their respective business

Section 9 That [the members shall be severally and jointly liable for all debts for labor or other services of any kind performed for such association and for any other debts lawfully incurred under the provisions of this act each of the members shall be liable to the amount of his unpaid stock capital and no more but no suit shall be brought or any execution issued against any member individually until a judgment be first obtained for such labor services or any other lawful debts against such association and execution thereon be returned unsatisfied in whole or in part and in case any member shall be compelled to pay any such judgment or any part thereof beyond his pro rata liability therefor he shall have the right to call upon all the members to pay their pro rata share of the same or up to their pro rata liability therefor and may sue them jointly or severally or any number of them and recover in such action the ratable amount due from the member or members so sued And it is hereby provided That stock capital to the extent of twenty-five dollars belonging to any member in such association who is a householder and has a family shall not be subject to attachment or execution or liable in garnishment for his individual debts] no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his subscription to the capital stock Nothing herein shall be construed to relieve any member from paying any debt due by him to the association

Any association organized under this act shall have the prior lien upon the common stock of any member regardles of whether the certificates therefor are in the possession of the association or the member to whom issued to the amount of any just claim against such member Before cancelling any stock on account of past due indebtednes of any member to the association thirty days time shall be given after the association has mailed a notice in writing to such member at his last known address of the intention of the association to enforce such lien against such common stock

An association may provide by by-laws that no holder of common stock may transfer the same without the prior consent and approval of the association and may stipulate in said by-law how and under what circumstances such transfers may be made

If the location or address of any member of an association shall be unknown to the association for a period of seven consecutive years the association may thereafter mail a notice to his or her last known address that at the end of thirty days such stock will be cancelled and the value thereof set over to the educational fund and post a copy thereof at its principal office In such event if such member shall not within the period of such notice furnish the association his address and resume patronage his stock shall automatically be cancelled and the value thereof added by such association to its educational fund

An association may provide by by-laws for the trial of any member for the violation of any provision of its by-laws after full hearing before the board of directors as in such by-law provided In the event that the board of dircetors shall determine that a violation has been proved such board may forthwith cancel all rights of such member and fix the value of such member's stock at its par or book value whichever is lower such payment to be made at the convenience of the association not exceeding one year from the date of such finding Upon the making of such payment such holder of stock shall cease to have any right therein and such certificate shall be wholly void and of no effect

Section 10 That [any such association may carry on its business or any part thereof at any one or more places within this State and may take hold lease and convey such personal and mixed estate as may be necessary for the purpose of its organization and may sue and be sued in its corporate name and may submit any matter in dispute to arbitration and shall have a common seal which shall not be altered or imitated and shall bear the corporation name of together with such device or motto as may be adopted by such association and such seal shall be impressed upon the articles of association and any such association may for all and every and any of the purposes of its organization and for every and any other purpose incidental thereto or in this act mentioned or referred to lay out and use its capital or other moneys and property for the time being or any part thereof with power to do authorize and exercise all acts and powers whatsoever in the opinion of the directors of such association requisite or expedient to be done or exercised in relation thereto] each association shall have the capacity to act possessed by natural persons but shall have authority to perform only such acts as are necessary convenient or expedient to accomplish the purposes for which it is formed Subject to any limitations or restrictions imposed by this act or the articles of incorporation or any amendment thereto each association shall have the following general rights privileges and powers

(a) To continue as an association under its corporate name for the period limited in its articles of incorporation or if the period is not so limited then perpetually

(b) To sue and be sued in its corporate name

(c) To have a corporate seal and to alter the same at pleasure

(d) To acquire own hold use lease mortgage pledge sell convey or otherwise dispose of property real or personal tangible or intangible

(e) To borrow money and to issue sell or pledge its obligations and evidences of indebtedness and to mortgage its property to secure the payment thereof

(f) To carry out its purposes in this State and elsewhere to have one or more offices out of this State and to acquire own hold and use and to lease mortgage, pledge sell convey or otherwise dispose of property real or personal tangible or intangible out of this State

(g) To acquire own and vote and to sell assign transfer mortgage pledge or otherwise dispose of the capital stock bonds securities or evidences of indebtedness of any other association or corporation domestic or foreign in so far as the same shall be consistent with the purposes of the association

(h) To appoint such officers and agents as the affairs of the association may require and to define their duties and fix their compensations

(i) To make by-laws for the government and regulation of its affairs

(j) To cease its activities and to dissolve and surrender its corporate franchise and

(k) To do all acts and things necessary convenient or expedient to carry out the purposes for which it is formed

Section 11 That any such association may be a majority vote of its [members at any meeting specially convened therefor authorize the directors thereof to] board of directors invest in the name of such association such an amount of its [stock] capital [or] and reserve fund and on such terms as [such meetings] the board of directors shall determine in the capital stock capital if! of any other [duly! incorporated cooperative associations or other corporations any of whose purpose or activities are of mutual interest to such associations in this State or in any other State or County and any such association may by a like vote permit an investment in its [stock] capital stock by any other cooperative association [duly! incorporated in this State or in any other State or Country Provided That the [original laws] articles of association or by-laws of such [associations] association permit or authorize such investments

Section 12 That the first meeting of any such association [may] shall be called within thirty days after the receipt of the certified copy of the articles of association from the Secretary of the Commonwealth by a notice signed by any two of the associates who signed its articles of association setting forth the time place and objects of such meeting such notice to be mailed to the address of each [associate] subscriber to stock in the association at least [four clear] six days prior to such meeting and a majority of [such associates] the members present at such meeting shall be competent to make all such by-laws as they may deem necessary for the proper management of the business property and affairs of such association so that such by-laws are not repugnant to or inconsistent with the provisions of this act or of any law of this State and of the United States to elect [the first president and secretary both of whom shall be directors ex officio treasurer and either six eight or ten directors and two auditors] a board of not less than five directors all of whom shall be members of such association [and] or duly accredited representatives of members of such association in the event that such members be other than natural persons One-half or as nearly as may be of the number of the directors so elected shall be elected for the term of one year the remainder for a term of two years They shall hold their offices until their successors shall have been elected [in accordance with section fifteen of this act and to transact any other business necessary for the organization of such association and appropriate to such meeting and the secretary of such meeting shall make full and correct minutes of its proceedings upon the books of such association and the same being signed by its chairman shall be deemed and taken to be prima facie evidence of the action of such meeting] and qualified At the expiration of the terms of any of the directors their successors shall be elected by the members at the next annual meeting for a term of two years

Section 13 That every such association shall hold regular [quarterly] annual meetings of its members [in the months of January April July and October] at such place and time as the directors shall determine and publish for the purpose of considering and determining upon any matter [not requiring special notice] relating to the business of such association and at each [quarterly] annual meeting the directors shall present a full and complete report signed by the president of such association's transactions during the last preceeding [quarter] year accompanied by such information and suggestions in relation to the affairs of such association and to the future management thereof as may be for the best interests of the association and they shall also present at each [quarterly] annual meeting an account of all cash receipts and payments and of the losses and gains of such association for the last preceeding [quarter] year and also a general statement or balance sheet of such association's funds and effects liabilities and assets as at the close of the last business day of said [quarter] year and such account and general statement shall be signed by the president and treasurer and be attested by [the secretaries and auditors of such association and a copy of such report account and general statement shall be kept posted up for three months at least in a conspicuous place in the principal office and other places of business of such association and any director president treasurer secretary auditor or other officer who shall include or knowingly consent to any false statement in such report account or general statement or in any other statement required to be made by this act or by any vote of the members at any meeting thereof shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment in the State Prison for not more than one year or both such fine and imprisonment in the discretion of the court] a competent auditor appointed by the board

Section 14 That [after the first election of the directors officers and auditors as provided in section twelve of this act the president secretary treasurer and one-half of the directors and auditors shall be elected at the quarterly meeting in January and the other half of the directors and auditors shall be elected at the quarterly meeting in July and shall hold the several offices for one year or until their successors are elected and the directors shall decide by lot or otherwise as they may deem best who shall constitute the first half of the directors and auditors to retire at the first election that may be made at a quarterly meeting aforesaid The] the by-laws of such association shall provide how nominations shall be made and votes be taken for [president secretary treasurer] directors [and auditors and] also their eligibility [and] qualifications [for their several duties] responsibilities and remuneration and for their removal from office for good and sufficient cause Provided That [each of the official! no acts of the board of directors shall be [by a majority vote of all the directors elect and shall be recorded with the yeas and nays thereon in the minute book of such association] official except majority action at a meeting where a majority of the directors elect are present

The officers of every association shall include a president vice-president secretary and treasurer who shall be appointed annually by the board of directors The president and vice-president shall be appointed from among the directors The secretary and treasurer may be non-members The office of secretary and treasurer may be combined and one individual appointed thereto Vacancies in said offices shall be filled for the unexpired term by the board of directors in the manner provided for the original appointment of officers Such officers shall hold their offices until their successors are appointed and qualified and shall have entered upon the discharge of their duties The board of directors shall require the treasurer and may require such other officers agents and employes charged by the association with responsibility for the custody of funds or property to give bond with sufficient surety for the faithful performance of their duties as such the premium on such bond to be paid by the association

Section 15 That [the profits shall be ascertained and declared on all business carried on in each department or branch or by or for or on account of any such association for each quarter year ending with the months of March June September and December and the profits realized shall be applied as follows

First In reduction of the value of the fixed stock and

plant of such association at the annual rate of ten per centum or more on fixtures machinery tools et cetera and of two and one-half per centum or more on warehouses stores or other buildings as the directors shall determine and order

Second In the reduction of the preliminary expenses if any incurred in the formation of such association and remaining unwritten off in its books at such rate being not less than five per centum per annum as the directors shall determine and order

Third In the providing for or payment of interest at the annual rate of six per centum on permanent stock and five per centum on ordinary stock and the reserve fund Provided however That such interest shall be created to each member but shall not be paid until his stock is fully paid up

Fourth In forming by applying such sum or percentage of the net or remaining profits after providing for the preceding charges as the directors shall determine and order a reserve fund to which also all fines and forfeitures shall be carried applicable as folows First to the equalization of dividend second to meet any other contingency affecting the business of such association and third to any other purpose as may be voted by the members on the recommendation of the directors

Fifth In forming and maintaining a propaganda and social fund to which shall be credited such sum being not less than two and one-half per centum of the net profits as the directors shall determine and order

Sixth And the remainder of the net profits shall be divided as follows On the wages and salaries of employe the same rate and on the purchases by non-members one-half of the rate that may be allotted on the purchases by members such wages or salaries to be the amount earned and such purchases to be the amount actually paid for in cash during the period to which such division relates Provided That no profit dividends shall be allowed on the purchases of such articles as the directors may have given previous notice of their intention to exclude from participation in profits And provided further That all such profit dividends shall be created to such members non-members and employes respectively to accumulate and be applied in or toward the payment of shares of permanent stock or ordinary stock as the directors may from time to time determine and order the issue of paid-up certificates therefor until the amount of stock capital held by such members individually reaches the limit allowed by this act after which the profit dividends may be paid to such members as shall be provided for in the by-laws of such association the directors of any such association shall after making provision for the payment of dividends on preferred stock apportion the net proceeds of the business at least once annually by first setting aside not less than ten per centum of the net proceeds for a reserve fund until the reserve fund shall equal at least thirty per centum of the paid up capital stock Provided That any reserve for depreciation if reasonable in amount or for any other purpose which may properly constitute an expense is to be figured before computation of net proceeds The directors may then declare a dividend upon the paid-up common stock at a rate per annum not to exceed six per centum The directors may then set aside not to exceed five per centum of the remaining net proceeds as an educational fund for such purposes as provided in the by-laws but a larger sum may be ordered by a two-thirds majority of a duly called members' meeting The directors may then grant a bonus to employes who are in the employ of the association at the time of the apportionment of proceeds which bonus shall be based in amount upon the amount of compensation received by said employes during the year at a rate not to exceed the rate of patronage distribution hereinafter described The directors shall distribute all remaining net proceeds uniformly to patrons of the association in cash or stock of the association or both in proportion to the volume of business conducted by such patrons with the association Provided That any such distribution to a non-member may be entirely in the form of common or preferred stock or credits for the purchase thereof until the amount of such credit equals the par value of one share of the association's common or preferred stock as the case may be distribution thereafter to such patron if he has received a common stock distribution being made in the same manner as distribution to members generally Provided further That such a distribution to a non-member if it is less in amount than the par value of one share shall be credited to the non-member's stock account during the first five years but may revert to the educational fund if after five years an amount less than the par value of one share has accumulated

Any bonus to employes mentioned in this section may in the discretion of the directors be wholly or partly in the form of stock of the association

Section 16 That every such association shall have a regular business office to which all communications and notices shall be addressed and service of any legal process on any such association shall be made by leaving at such office a true copy of such process with any director officer clerk or agent of such association and in case such office shall be kept closed against such service then service of such process may be made on such association by giving a true copy thereof to any of its directors or officers if found in the county wherein such office is located and if on a return of such a process it appears that such office is kept closed or that such directors or officers could not be found within the said county then such process may be served on such association by serving a true copy thereof on any of its directors or officers wherever found in this State and failing in that and on a return made to such effect the court may order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper published at or as near as may be to the place where the principal office of such association is located and proof of such publication shall be held to be due service on such association

Section 17 That every person appointed to any position in any association requiring the receipt payment management or use of money belonging to such association shall before entering upon the discharge of his duties become bound with two or more good and sufficient sureties in such sum and form as the directors shall require and approve and the directors may also require from any other employes of such association bonds with good and sufficient sureties for the faithful discharge of their duties it is a fundamental principal of every such association that regardless of what price or charge may be originally collected from any patron for any commodity or service the actual charge to such patron is the net cost of such commodity or service and any excess above such net cost is the property of the parton By accepting membership in an association organized or re-organized under this act each member and his successors have conferred upon the board of directors the right to return such excess fully in stock and cash or either or to return to each patron his pro rata balance of such excess after first deducting the reserves educational funds and other deductions made by the board of directors under authority conferred upon such boards by this act It is hereby declared that no profit accrues or shall accrue to the benefit of the association as such but that all surplus and unexpended reserves are at all times the property of the patrons in proportion to their patronage subject nevertheless to right of the board of directors to set aside such reserves and make such deductions as are by this act authorized

Section 18 That any such association may charge any of its members employes or other persons doing business with it by way of fine for any breach or non-observance of its by-laws or any of its business rules and regulations such reasonable sum not more than five dollars for each offense as the directors may determine and order and all such fines shall be due and payable forthwith and if not paid the same may be deducted from any moneys due credited or accruing to the parties so offending such associations shall pay annually on or before May first to the Department of Revenue a fee of ten dollars for each one hundred members or fraction thereof but shall be exempt from all other State taxes of what ever kind or nature

Such association shall not be required to file with the Secretary of Revenue the reports relative to such other taxes as are or may be by law required of corporations not exempt from the payment of such taxes

Section 19 That if any director officer clerk agent or other person in the employment of any such association shall embezzle or fraudulently dispose of or convert to his own use or shall take or secrete with intent to embezzle and convert to his own use any money or other property of such association or of any of its dealers or customers which shall have come into his possession or shall be under his charge by virtue of such office or employment or otherwise he shall be deemed by so doing to have committed the crime of embezzlement and shall upon conviction thereof be punished as the law directs

Any person or persons or any corporation whose officers or employes maliciously and knowingly spread false reports about the finances or management of any association organized under the terms of this act shall be guilty of a misdemeanor and be subject to a fine of not less than one hundred dollars and not more than one thousand dollars for each such offense and shall be liable to the association aggrieved in a civil suit in the penal sum of five hundred dollars for each such offense

Section 20 That any such association may alter or amend its articles of association and may alter or rescind any by-laws or make any additional by-laws not contrary to law with the consent of a majority of its members present at a regular meeting or at a special meeting convened for such purpose but the notice calling such meeting shall set forth fully and clearly the subject matter to be affected by the proposed alteration amendment rescission or addition and any alteration or amendment of the articles of association shall be filed recorded and certified in the same manner as the original articles of association

Section 21 That the articles of association and by-laws and any amendments thereto or alterations therein respectively of any such association shall be recorded in a book to be kept for that purpose and such book shall be open during business hours at the principal office of such association for the inspection of its members and other persons having an interest in its funds or dealing with such association and such articles of association by-laws and amendments thereto and alterations therein respectively so recorded shall be binding on such association its directors officers members and employes on all other persons having an interest in the funds of or dealing with such association and all persons claiming on account of any or either of them or under such articles of association by-laws or amendments thereto or alterations therein respectively to the same extent as if each and every such person had subscribed his name and affixed his seal thereto and there were in such articles of association by-laws or amendments thereto or alterations therein respectively contained a covenant on the part of himself his heirs executors administrators and assigns to conform to such articles of association by-laws and amendments thereto or alterations therein respectively subject to the provisions of this act all of whom shall be deemed and taken to have full notice thereof by such record as aforesaid and the entry of such articles of association by-laws and amendments thereto or alterations therein respectively in the books of such association or a true copy of the same examined with the original and proved to be a true copy shall be received as evidenced thereof in all courts and places

Section 22 That any cooperative association now in existence in this State whether incorporated or unincorporated shall be entitled to all the benefits of this act by complying with its provisions and may by a vote of the majority of the members of such cooperative association to be taken according to its existing articles of association or by-laws determine to avail itself of the provisions of this act and to take and assume corporate name and powers thereunder and may by a like vote transfer to such association so formed under this act all its property real personal and mixed and thereupon such association to which said property is so transferred shall take the same in the same manner to the same extent and with the like effect as the same was previously owned and held by the association so transferring the same and may in its corporate name sue for and collect all dues and demands subscriptions and other benefits belonging to such original incorporated or unincorporated association Provided however That such association so taking such property as aforesaid shall take the same subject to all liens and trusts both legal and equitable to which the same was subject before such transfer and shall also be liable for all debts and obligations of such previous association and shall pay the same to the full extent of the value of such property at the same time of so taking the same

Any association incorporated and existing under the provisions of the act to which this act is an amendment shall be entitled to all the benefits of such amendments by amending its articles of association in conformity therewith and filing and recording such amendments as provided by law

Section 23 That any such association desiring for any reason to be dissolved prior to the expiration of the term of years specified in its articles of association may by a resolution passed at a special meeting therefor by a majority vote of all the members of such association authorize its directors or a special committee of members to prepare or have prepared a full and true exhibit of the affairs property and condition of such association including an itemized statement of all its assets and liabilities and also to report whether in the opinion of such directors or committee it would be best to continue or close up any or all of the business of such association and in the latter case to recommend such methods and means as in their judgment would be best adapted for closing up such business such exhibit report and recommendation to be printed and a copy thereof to be mailed postage prepaid to the last recorded address of every member of such association together with a notice from the president of such directors or chairman of such committee as the case may be convening a special meeting of the members to be held at such time being not less than ten or more than fifteen days from the date of mailing such notice as such directors or committee shall determine and order for the purpose of considering and acting on such exhibit report and recommendation as to such special meeting shall deem best Provided That all votes taken on such recommendation at such special meeting shall be by ballot and that it shall require three-fourths of all the ballots cast to carry any motion for the winding up and dissolution of such association Provided also That such president or chairman as aforesaid shall mail to every member of such association along with the notice for the last-mentioned special meeting a printed form of ballot for the use of such members as may be unable to attend at such special meeting on which shall be printed two questions as near as may be in the following words Are you in favor of the winding up and dissolution of the association? Answer yes or no Are you in favor of the plan as recommended for those purposes? Answer yes or no And such answers shall be signed by the members so answering and such ballots may be addressed and mailed postage prepaid or be peronally delivered to such president or chairman as aforesaid at the principal office of such association and all such ballots so receiver prior to or at the time appointed for such special meeting shall be opened and counted by the scrutineers or tellers appointed by such special meeting along with the ballots cast on the same or like questions by the members present at such special meeting And provided further That in the event of a resolution being passed as aforesaid by such special meeting for the winding up and dissolution of such association a copy of such resolution duly certified by the official signatures of the president and secretary and sealed with the common seal of such association shall be given to and shall contain full instructions and authority for the parties to be named therein to assume and discharge the duties entrusted to them by such resolution and upon the completion of such duties by said parties they shall make a certificate signed and sworn to by them before a notary public upon such certified copy of the aforesaid resolution that they have truly and faithfully discharged all the duties entrusted to them thereby and that they have realized all the assets and settled all the liabilities of such association in accordance

with the instructions and authority given to them by such resolution and such certificate and certified copy of such resolution shall be filed by such parties in the offices of the Secretary of State of this State and of the recorder of deeds of the county wherein the principal office of such association was located and such certificate and certified copy of resolutions shall be recorded by the said secretary and the recorder of deeds in like manner as the articles of association of such association were recorded] dissilution proceedings voluntary and involuntary of or for any such association shall be in accordance with the provisions of the laws governing business corporations in this Commonwealth Provided however That all voting therein required shall be on the basis of one vote for each member regardless of the amount of common stock held by any member and a majority vote of the members shall have the same force and effect as if it were a majority vote of the common stock

Section 24 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 25 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 584, entitled:

An Act requiring counties of the fourth class to establish a retirement fund for the employes of such counties and the poor districts thereof and providing for the administration of such funds and the payment of retirement allowances therefrom

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Definition A "county employe" for the purpose of this act is any person employed by the county or by the county poor district at a wage or salary payable at stated intervals that is to say semi-monthly monthly quarterly or annually The term may at the option of the Retirement Board include any person elected by the vote of the people In all cases of doubt the Retirement Board shall determine who is an employe within the meaning of this act

Section 2 Retirement System and Fund to be Established Each county of the fourth class shall provide a county employe's retirement system for such county for employes of the county and the county poor district and shall establish and administer a retirement fund in connection therewith

Section 3 Retirement Board The retirement system shall be under the sole direction of a retirement board hereinafter designated the board which shall consist of the county commissioners the treasurer and the controller of the county and two persons elected from among the members of the retirement system one to serve for two years and one for four years Folowing the completion of the initial term the stated terms of such elected members shall be four years A vacancy occurring during the term of any member of the retirement board shall be filled for the unexpired term by the appointment or election of a successor in the same manner as his predecessor A majority of the members of the retirement board shall consitute a quorum for the transaction of any business

Section 4 Treasurer and Secretary of the Board The county treasurer shall be the treasurer of the board and shall give such bond for the proper performance of his duties as is required by the board The premium on said bond shall be paid from the retirement fund on warrants of the board The treasurer shall receive for his services the sum of one hundred dollars ($100) per annum from the retirement fund payable on warrants of the board The county controller shall be the secretary of the board

Section 5 Register of Employes Regulation of Board The board shall keep a register of employes containing the names ages residence nature of employment time of entering the employ of the county or of the county poor district and such other information as the board deems necessary in the preformance of its duties The board may adopt amend revise and abolish in its discretion such regulations not inconsistent with law as it deems necessary

Section 6 List of Employes The head of each departpartment or office of the county or of the county poor district shall file with the board a list of all employes of such department or office with the amount of the salary or wage received by each the age of the employe time of entering the county or county poor district employ and such other information relative to such employes as is required by the board From time to time and whenever requested by the board all dismassals apointments resignations transfers changes in salaries or in employment and other information relative to employes shall be furnished to the board by the head of each such department or office

Section 7 Appropriations to Retirement Fund The county commissioners and the directors of the poor shall prior to February fifteenth of each year appropriate out of county taxes and poor taxes of said county and county poor district a certain sum of money which shall be equal to an amount paid in by employes of said county and county poor district The county and county poor district shall pay into the fund the full amount of their appropriation on or before August fifteenth of each years The portion of such sum to be paid by the county and county poor district into such fund shall be such part thereof as the amount paid by the employes of such county or county poor district bears to the total amount paid into the retirement fund by the respective employes

Section 8 Payment by Employes Each county employe shall each month pay into the retirement fund five per centum of the amount received by him or her as salary or wages from the county or the county poor district during the preceding calendar month In no event however paying at a rate greater than ten dollars ($10) a month Such amount shall be collected by the county treasurer and by him paid into the retirement fund No employe shall be entitled to a retirement allowance who does not make a monthly payment herein required

Section 9 Investment or Deposit of Funds The board may in its discretion invest the money of the retirement fund or any part thereof in obligations of the United States or of this State or of any political subdivision of this State or it may deposit such moneys or any part thereof in one or more banks or trust companies of the county selected by the board The banks or trust companies offering to pay the highest rate of interest and that have a paid-in capital and surpluse of not less than three hundred thousand dollars ($300,000) shall be selected A contract with a depository shall be for a period covering the term of the county treasurer No moneys shall be paid to a depository until it shall have executed to the board a bond for the proper safe-guarding of the funds so deposited The bonds shall have such surety as is approved by the court of common pleas No moneys exceeding in the aggregate the amount of the bond shall be paid to any depository

Section 10 Persons Entitled to Retirement Allowances Every person now or hereafter in the employ of the county or of the county poor district who has reached the age of sixty years or upwards and who shall have been in the employ of the county or the county poor district during a period of not less than twenty years shall upon application to the board be retired from service and shall thereafter receive during life a retirement

allowance as herein provided for The time spent in the employ of the county or county poor district need not necessarily have been continuous Provided that when any employe has had twenty or more years of service and has reached the age of fifty years and shall be or shall have been separated from the service by reason of no cause or act of his own he shall thereafter receive during life a retirement allowance as herein provided for The term spent in the employ of the county or the county poor district need not necessarily have been continuous

Section 11 Exception in Favor of Persons Totally and Permanently Disabled Any present employe who has been in the county or county poor district employ for a period of not less than fifteen years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled even though such employe has not reached the age of sixty years

ny employe entering the employment of the county or the county poor district after the effective date of this act who shall be employed for a period of not less than twenty years shall be entitled to a retirement allowance if he or she becomes totally and permanently disabled even though such employe has not reached the age of sixty years

Proof of total and permanent disability shall be by the sworn statement of three practicing physicians of the county designated by the board to the effect that such employe is totally and permanently disabled from performing the duties of his or her position or office

Section 12 Retirement Allowances The retirement allowance paid under the provisions of this act shall equal annually fifty per centum of the average annual amount received by the employe as salary or wages during the two years immediately preceding the date of retirement of the employe receiving the retirement allowance except that ten per centum of such amount shall be deducted in equal monthly installments and be paid into the retirement fund as the contribution of the person receiving such retirement allowance to the ;othe said fund for such length of time as may be required by the retirement board No retirement allowance shall exceed the sum of one hundred dollar ($100) per mouth Retirement allowances shall be paid in monthly installments on warrant on the board

Section 13 Retirement Allowance After Leaving County or County Poor District Service If any employe after twenty years in the county or county poor district employ is dismissed or retires voluntarily or is in any other manner deprived of his or her employment before attaining the age of fifty or sixty years as the case may be such employe if he continues to contribute to the retirement fund monthly a sum equal to the last monthly contribution paid while in the county or county poor district employ shall when he or she reaches the age of fifty or sixty years as the case may be be entitled to a retirement allowance

Section 14 Refund of Contributions If any county or county poor district employe contributing monthly to a retirement fund shall for any cause cease to be an employe of the county or county poor district before he shall receive the benefits of the retirement allowances the total amount of the contributions paid into the retirement fund by such employe shall upon demand in writing be repaid to him or her or to his or her personal representatives or to such person or persons as are legally entitled thereto out of the fund

Section 15 Re-instatement Should any county or county poor district employe who has withdrawn his contribution paid into the retirement fund desire to be reinstated and again become a beneficiary he or she may do so by the payment in full of the amount withdrawn and by paying the assessments provided for in section eight of this act

Section 16 Retirement Allowance Not Subject to Attachment or Assignment Suspension or Retirement Allowance No retirement allowance herein provided for shall be subject to execution or to attachment It shall be payable only to the beneficiary herein provided for and shall not be subject to assignment or transfer

If any member of the retirement system is receiving a retirement allowance and he or she shall or may hereafter be employed by the government of the United States or the Commonwealth of Pennsylvania or any political subdivision thereof then the retirement board shall and is hereby given the outhority to suspend the retirement allowance to such members of the retirement system during such employment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 584, the bill just read, be recommitted to the Committee on County Government.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 618, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers, fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania system of coordinates.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 621, entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such pronthonotaries.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. RODGERS. Mr. President, I move that Senate Bill No. 584, on second reading, entitled:

An Act requiring counties of the fourth class to establish a retirement fund for the employes of such counties and the poor districts thereof; and providing for the administration of such fund and the payment of retirement allowances therefrom.

be postponed.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 676, as follows:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies with the approval of the Governor is hereby authorized to sell and convey to the City of Allentown for a consideration of two hundred eighty dollars ($280.00) certain land now owned by the Commonwealth the City of Allentown being desirous of using such land together with other land for the erection and construction of a reservoir for the use of the City of Allentown It is agreed the above sum of two hundred eighty dollars ($280.00) is a fair and equitable price for this land A description of the land to be conveyed is as follows

Lot number twenty-eight (28) Beginning at a point eighty (80) feet from the southwest corner of Gordon and Halstead Streets thence extending southwardly along said Halstead Street twenty (20) feet to Number 212 Halstead Street thence westwardly along said lot one hundred twenty (120) feet to a ten (10) foot wide alley thence northwardly along said alley twenty(20) feet to Number 208 Halstead Street thence eastwardly along said lot one hundred twenty (120) feet to the place of beginning

Lot number twenty-nine (29) Bounded on the north by Number 210 Halstead Street on the east by South Halstead Street on the west by a ten (10) foot wide alley containing a frontage on South Halstead Street of twenty (20) feet and extending in depth of equal width to said alley one hundred twenty (120) feet more or less

Both of the above lots being located in the fourteenth ward of the City of Allentown lot twenty-eight (28) being designated as Number 210 Halstead Street and lot twenty-nine (29) being designated as Number 212 Halstead Street The deed for this conveyance shall be executed by the Secretary of Property and Supplies and approved by the Governor

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 677, as follows:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that townships of the first class shall have the power to develop their own water supply

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 2701 Contract with Water Companies and Municipality Development of own Water Supply Townships may contract with any adjoining municipality owning a waterworks system or with a private company for a supply of water for public and private uses to be delivered into the lines of the township at or near or within the boundaries thereof

This section does not [authorize] prohibit a contract between a township and a municipality or a private company for the supply of water in territory being supplied by any other private company A township shall have full power by contract to develop an independent supply of water at any time and it is not required to purchase such water supply as the township shall need from either an adjoining municipality or private company

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 678, as follows:

AN Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that townships of the second class shall have the power to develop their own water supply

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1601 Contracts with Water Companies and Municipalities Development of Own Water Supply The supervisors of any township may by contract with any private corporation or any adjacent municipality owning a waterworks system provide for a supply of water for public and private uses to be delivered into the lines of the township at or near the boundary thereof or to be delivered through lines owned by such company or municipality within such township or any part thereof The supervisors of any township shall have full power by contract to develop an independent supply of water at any time and are not required to purchase such water supply as the township shall need from either a private corporation or an adjacent municipality

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills t obe considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 679, as follows:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville Lebanon County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Property and Supplies with the consent of the Governor and the Secretary of Highways is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell and convey for such consideration as may be agreed upon and to make and execute a deed conveying the following described property now under the control of the Department of Highways situate in North Annville Township Lebanon County and bounded and described as follows to wit

Beginning at a stake on the North Side of the said Berks and Dauphin Roadway a corner of other lands of said David H Meyer thence along said other land of David H Meyer North seventeen degrees (17°) West one hundred and fifty (150) feet to a stake thence by the same South sventy-three degrees (73°) West forty (40) feet to a stake thence by the same South seventeen degrees (17°) East one hundred and fifty (150) feet to a stake on the North side of said Berks and Dauphin Turnpike roadway thence along the North side of said Berks and Dauphin Turnpike roadway North seventy-three degrees (73°) East forty (40) feet to a stake the place of beginning

Being a part of the same premises which the Berks and Dauphin Turnpike Road Company by deed dated August 30, 1917 and recorded in the office of the Recorder of Deeds for the County of Lebanon in Corporate Deed Book Volume 2 Page 755 granted and conveyed unto the Commonwealth of Pennsylvania in fee

Section 2 The cost of such conveyance shall be paid by the grantee The moneys derived from such sale shall be paid into the Motor License Fund

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 685, as follows:

An Act to amend section one of the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-two) entitled "An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions regulating future commitments by the courts of counties having unsuitable institutions and imposing the cost of maintenance and transfer of such prisoners upon the county from which committed" by permitting the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions without the consent of the court by which the prisoners were committed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-two) entitled "An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions regulating future commitments by the courts of counties having unsuitable institutions and imposing cost of maintenance and transfer of such prisoners upon the county from which committed" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the Department of Welfare upon investigation by its agents or representatives finds any condition to exist in any county prison workhouse or house of correction in this State which in its opinion is unsuitable to the proper maintenance custody welfare or training of the male inmates thereof or of the males committed thereto or being treated detained or confined therein it shall have power to require and to supervise the transfer of such male prisoners to any other county prison workhouse house of correction or State penal or correctional institution which has facilities for the proper maintenance custody welfare and training of male persons treated detained or confined therein [Provided That such transfer shall be made only with the consent of the court by which the prisoner was committed] Thereafter the courts of the county having such unsuitable prison workhouse or house of correction shall commit all male prisoners to the institution or institutions which have been designated by the Department of Welfare until such time as the condition requiring the transfer shall have been remedied The county from which any such male prisoner has been committed shall be liable for the cost of maintenance and transfer of any such transferred or committed prisoner

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 707, as follows.

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1, 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That officers of any corporation created by special act of assembly prior to January 1, 1874 which shall have accepted the provisions of the Constitution of the Commonwealth of Pennsylvania and classified its directors in accordance with the provisions of the Act of Assembly approved the seventeenth day of June eighteen hundred and eighty-seven (Pamphlet Laws four hundred and eleven) shall be elected either by the shareholders or the Board of Directors at such times in such manner and for such terms as the by-laws duly adopted by its shareholders may prescribe

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 720 (House Bill No. 1130), on second reading, entitled:

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of nad to add section two hundred eighty-two and two hundred eighty-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected nad the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes

be recommitted to the Committee on Game and Fisheries.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 725, (House Bill No. 1284), on second reading, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 768, (House Bill No. 1635), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 284) entitled as amended "An act imposing a State tax payable by those herein defined as manufactures and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. FREY. Mr. President, I move that Senate Bill No 769, on second reading, entitled:

An Act to amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fourteen), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

be recommitted to the Committee on State Boards for further consideration.

Mr. RODGERS. Mr. President, I second the motion

The motion was agreed to.

Mr. RODGERS. Mr. President, I move that Senate Bill No. 770, on second reading, entitled:

An Act to re-enact and amend the act, approved the first day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand forty-six), entitled "An act appropriating the moneys in the Motor License Fund," as amended, by making the moneys in the Motor License Fund available to the Pennsylvania Motor Police to defray all expenses required by such agency in the proper conduct of its work.

be recommitted to the Committee on State Boards for further consideration.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 771 on second reading, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing co-operative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears no.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 780, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 782, as follows:

An Act to amend the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" by consolidating the Pennsylvania State Police and the State Highway Patrol and their powers and duties into one agency to be known as the Pennsylvania Motor Police and establishing as part of such agency a Motor Police Force and making provision for the number selection qualifications promotion training and discipline of the members of such force

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred one two hundred five two hundred seven two hundred eight five hundred seventeen seven hundred ten seven hundred eleven seven hundred twelve and two thousand five hundred two of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officesr fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" are hereby amended or further amended as the case may be to read as follows

Section 201 Executive Officers Administrative Departments and Independent Administrative Boards and Commissions The executive and administrative work of this Commonwealth shall be performed by the Executive Department consisting of the Governor Lieutenant Governor Secretary of the Commonwealth Attorney General Auditor General State Treasurer Secreatry of Internal Affiairs and Superintendent of Public Instruction by the Executive Board and the Pennsylvania [State] Motor Police by the following administrative departments Department of State Department of Justice Department of the Auditor General Treasury Department Department of Internal Affiairs Department of Public Instruction Department of Military Affiairs Insurance Department Department of Banking Department of Agriculture Department of Forests and Waters Department of Mines Department of Highways Department of Health Department of Labor and Industry Department of Welfare Department of Property and Supplies and Department of Revenue and by the following independent administrative boards and commissions Board of Game Commissioners Board of Fish Commissioners and the Public Service Commission of the Commonwealth of Pennsylvania

All of the provisions of this act which apply generally to administrative departments or generally except to the Department of the Auditor General and the Treasury Department shall apply to the Executive Board and to the Pennsylvania [State] Motor Police

Section 205 Pennsylvania [State] Motor Police The Pennsylvania [State] Motor Police shall consist of a [superintendent] Commissioner a Deputy Commissioner the State police force and the State Highway Patrol as now [or hereafter] authorized by law which are hereby consolidated into one force to be known as the Motor Police Force and such [deputies] chiefs statisticians clerks experts and other assistants as the [superintendent] Commissioner with the approval of the Governor shall deem necessary for the work of the force

The [superintendent] Commissioner of the Pennsylvania [State] Motor Police shall receive a salary at the rate of [seven] eight thousand [five hundred] dollars per annum

[The State police force shall receive such compensation as is now or may hereafter be fixed by law]

The Deputy Commissioner of the Pennsylvania Motor Police shall be appointed by the Commissioner of Pennsylvania Motor Police with the approval of the Governor and shall receive a salary at the rate of seven thousand five hundred dollars per annum

The Motor Police Force shall consist of such member of officers and men and shall be organized in such manner as the Commissioner of Pennsylvania Motor Police with the approval of the Governor shall from time to time determine Provided however That the number of officers and men shall not exceed in the aggregate at any time one thousand six hundered persons

The [deputies] members of the Motor Police Force and the chiefs statisticians clerks experts and other assistants engaged in the work of the Pennsylvania [State] Motor Police shall be appointed by the [superintendent] Commissioner and shall receive such compensation as shall be fixed by the [superintendent] Commissioner with the approval of the Governor which compensation shall however conform to the standards established by the Executive Board

[The members of the State police force shall be appointed by the superintendent]

Section 207 Appointment The Governor shall nominate and by and with the advice and consent of two-thirds of all the members of the Senate appoint

(a) The Secretary of the Commonwealth the Attorney General the Superintendent of Public Instruction the Adjutant General the Insurance Commissioner the Secretary

of Banking the Secretary of Agriculture the Secretary of Forests and Waters the Secretary of Mines the Secretary of Highways the Secretary of Health the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police the Secretary of Labor and Industry the Secretary of Welfare the Secretary of Property and Supplies the Secretary of Revenue and the members of all independent administrative boards and commissions

The Adjutant General shall have the rank of Brigadier General of the Adjutant General's Department in the Pennsylvania National Guard No Adjutant General shall be appointed who shall not have served at least ten years as a commissioned officer in the Pennsylvania National Guard or equivalent length of service in the United States Army at least five years of which service shall have been as a commissioned officer In ascertaining the service herein required the time a person served in the army of the United States during any war in which the United States was engaged shall be computed double

(b) Except as in this act otherwise provided the members of all departmental administrative bodies boards and commissions and the officers who shall fill the departmental administrative offices mentioned in this article

(c) Except as in this act otherwise provided the members of all advisory boards and commissions

Section 208 Terms of Office The terms of office of the persons appointed by the Governor under the preceding section shall be as follows

(a) The Secretary of the Commonwealth and the Attorney General shall serve during the pleasure of the Governor

(b) The term of the Superintendent of Public Instruction shall be four years

(c) Except as in this act otherwise provided the heads of other administrative departments the [Superintendent] Commissioner of the Pennsylvania [State] Motor Police the members of independent administrative boards and commissions of departmental administrative boards and commissions and of advisory boards and commissions and departmental administrative officers shall hold office for terms of four years from the third Tuesday of January next following the election of a Governor and until their successors shall have been appointed and qualified Providing That the [terms of any persons whose terms of office are fixed by this subsection who are] term of the Commissioner of the Pennsylvania Motor Police appointed prior to the third Tuesday of January one thousand nine hundred and [thirty-one] thirty-nine shall expire upon that date or as soon thereafter as [their successors] his successor shall have been appointed and qualified

Section 517 Administering Oaths The head of every administrative department all deputy heads of administrative departments every member of an independent administrative or departmental administrative board or commission the [Superintendent Commissioner of the Pennsylvania [State] Motor Police every workmen's compensation referee and such officers or employes of the several administrative departments boards or commissions as the heads of such departments or such boards or commissions shall designate shall have the power to administer oaths or affirmations anywhere in this Commonwealth with regard to any matter or thing which may properly come before such department board commission [superintendent] Commissioner or referee or any member of a board or commission as the case may be

Section 710 Pennsylvania [State] Motor Police The Pennsylvania [State] Motor Police shall have the power and its duty shall be

a) Subject to any inconsistent provisions in this act contained to continue to exercise the powers and perform the duties by law vested in and imposed upon the Department of State Police the Pennsylvania State Police and the State Highway Patrol

(b) To assist the Governor in the administration and enforcement of the laws of the Commonwealth in such manner at such times and in such places as the Governor may from time to time request

(c) With the approval of the Governor to assist any administrative department board or commission of the State Government to enforce the laws applicable or appertaining to such department board or commission or any organization thereof

(d) Whenever possible to cooperate with counties and municipalities in the detection of crime the apprehension of criminals and the preservation of law and order throughout the State

(e) To aid in the enforcement of all laws relating to game fish forests and waters

(f) To collect and classify and keep at all times available complete information useful for the detection of crime and the identification and apprehension of criminals Such information shall be available for all police officers within the Commonwealth under such regulations as the [Superintendent] Commissioner of [State] Pennsylvania Motor Police may prescribe

(g) To enforce the laws regulating the use of the highways of this Commonwealth and to assist the Department of Revenue in the collection of motor license fees fees for titling vehicles and tractors operators' license fees and the tax on liquid fuels and the issuance of certificates of title and motor and operators' licenses

Section 711 [Superintendent] Commissioner of Pennsylvania [State] Motor Police The [Superintendent] Commissioner of Pennsylvania [State] Motor Police shall be the head and executive officer of the Pennsylvania [State] Motor Police He shall provide for the members of the [police force] Motor Police Force suitable uniforms arms equipment and where it is deemed necessary horses or motor vehicles and make [such] rules and regulations subject to the approval of the Governor prescribing qualifications prerequisite to or retention of membership in the force for the enlistment training discipline and conduct of the members of the force for the selection and promotion of such members on the basis of merit for the filing and hearing of charges against such members and such other rules and regulations as are deemed necessary for the control and regulation of the [police force] Motor Police Force The Commissioner shall maintain a training school to be known as the Pennsylvania Motor Police Training School for the proper instruction of members of the Motor Police Force which shall be situated at such place or places as the Commissioner with the approval of the Governor may determine It shall also be the duty of the [superintendent] Commissioner to establish local headquarters in various places so as best to distribute the force through the various sections of the Commonwealth where they will be most efficient in carrying out the purposes of this or any other act to preserve the peace [and] prevent and detect crime and to police the highways

Section 712 The Pennsylvania [State] Motor Police Force The various members of the Pennsylvania [State] Motor Police are hereby authorized and empowered

(a) To make arrests without warrant for all violations of the law including laws regulating the use of the highways which they may witness and to serve and execute warrants issued by the proper local authorities They shall have all the powers and prerogatvies conferred by law upon members of the police force of cities of the first class and upon constables of the Commonwealth

(b) To act as game protectors and as forest fish or fire wardens and for the better performance of such duties

(1) Seize all guns boats decoys traps dogs game fish shooting paraphernalia or hunting or fishing appliances or devices used taken or had in possession contrary to the laws of this State Any Article so seized shall be held subject to such disposition as the Commissioner of Fisheries or the Secretary of the Board of Game Commissioners or the Secretary of Forests and Waters may respectively determine

(2) Seize and take possession of all birds animals or fish which have been taken caught or killed or had in possession or under control or which have been shipped or are about to be shipped contrary to any law of this State

(3) Search without warrant any boat conveyance vehicle or receptacle when there is good reason to believe that any law has been violated the enforcement or administration of which is imposed on or vested in the

Board of Fish Commissioners or the Board of Game Commissioners on in the Department of Forests and Waters

(4) Serve subpoenas issued for any examination investigation or trial had pursuant to any law as aforesaid

(5) Purchase game or fish for the purpose of securing evidence

Section 2502 [Enforcement of] Vehicle [Code] and Tractor Codes In [connection with] the collection of motor license fees fees for titling [automobiles] vehicles and tractors and operators' license fees and the issuance of certificates of title and motor and operators' licenses the Department of Revenue shall [enforce the laws regulating the use of vehicles on the highways of this Commonwealth] be entitled to such assistance from the Pennsylvania Motor Police as the department may deem necessary

The Secretary of Revenue may designate the person in charge of the work to which this section refers as the Commissioner of Motor Vehicles [and shall establish within his department for the purpose of assisting in the collection of fees the enforcement of the title provisions of the Vehicle Code and the laws regulating the use of the highways by vhicles a force to be knwn as the State Highway Patrol which shall consist of such number of officers and men and be organized trained and disciplined in such manner as the Secretary of Revenue with the approval of the Governor may determine]

Section 2 (a) All books papers mays charts plans records and equipment in the possession of the Pennsylvania State Police and the State Highway Patrol or any officer or member thereof shall upon the effective date of this act be delivered and turned over to the Pennsylvania Motor Police

(b) All officers and employes of the Pennsylvania State Police and the State Highway Patrol and all officers and other members of the State Police Force and the State Highways Patrol on the effective date of this act shall continue to perform their usual duties upon the same terms and conditions as theretofore until removed or appointed to other positions by the Commissioner of Pennsylvania Motor Police Persons who upon the effective date of this act are connected with the Pennsylvania State Police or the State iHghway Patrol shall retain all retirement rights that shal have accured to them and their Police or the State Highway Patrol shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if
the Pennsylvania State Police and the State Highway Patrol had not been consolidated

(c) All pending proceedings and all investigatons begun by the Pennsylvania State Police and the State Highway Patrol or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force as if the Pennsylvania State Police and the State Highway Patrol had not been consolidated and may be completed by the Pennsylvania Motor Police

(d) Whenever the term "Pennsylvania State Police" or "State Police" or "State Highway Patrol" or "Highway Patrol" occurs in any law or whenever in any law reference is made to the same such term or reference shall be deemed to refer to and include the Pennsylvania Motor Police created by this act so far as such law pertains to such matters which are within the jurisdiction of such body

Section 3 All acts or parts of acts inconsistent with this act are hereby repealed

Section 4 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. McGINNIS. Mr. President, I move that Senate Bill No. 784, on second reading, entitled:

An Act to amend the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, one thousand three hundred fourteen), entitled "An act authorizing the utilization of the school of the Pennsylvania State Police for training persons to act as policemen in the political subdivisions of the Commonwealth; prescribing the qualifications for admission of such persons to such school; providing for the payment of certain costs by such students; conferring certain powers upon the Pennsylvania State Police; and making an appropriation", by imposing upon the Pennsylvania Motor Police the duties formerly imposed upon the Pennsylvania State Police, and providing for the payment into the Motor License Fund of moneys received or collected under the act.

be recommitted to the Committee on State Government.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to .

RECONSIDERATION OF SENATE BILL No. 782

Mr. McGINNIS. Mr. President, I move to reconsider the vote by which Senate Bill No. 782, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined", by consolidating the Pennsylvania State Police and the State Highway Patrol, and their powers and duties, into one agency to be known as the Pennsylvania Motor Police, and establishing as part of such agency a Motor Police Force; and making provision for the number, selection, qualifications, promotion, training and discipline of the members of such force.

Passed second reading.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on second reading?

BILL RECOMMITTED

Mr. McGINNIS. Mr. President,, I move that Senate Bill No. 782 be recommitted to the Committee on State Government.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

RECONSIDERATION OF MOTION TO RECOMMIT

Mr. FREY. Mr. President, I move to reconsider the vote by which Senate Bill 769, was recommitted to the Committee on State Boards.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Mr. FREY. Mr. President, I move to amend by striking out the words "state boards" and inserting in lieu thereof the words "state govrernment."

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the motion as amended?

It was agreed to.

RECONSIDERATION OF MOTION TO RECOMMIT

Mr. FREY. Mr. President, I move to reconsider the vote by which Senate Bill 770, was recommitted to the Committee on State Boards.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Mr. FREY. Mr. President, I move to amend by striking out the words "state boards" and inserting in lieu thereof the words "state government."

Mr. LAW. Mr. President, I second the motion.

On the question,,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the motion as amended?

It was agreed to.

BILLS ON SECOND READING

Agreeable to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 796, entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or on farms; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case despensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act, approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 806, as follows:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (P. L. 147) entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors

Section 1 Be it enacted by the Senate and House of Represenatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (P. L. 147) entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" is hereby amended to read as follows

Section 1 Be it enacted etc. That all persons hereafter summoned or notified to serve as coroner's jurors in this commonwealth shall be entitled to receive as compensation the sum of one dollar] [three] two dollars per day [when the time employed does not exceed six hours and in all cases where the time employed exceeds six hours the compensation shall be one dollar and fifty cents per day and the same compensation for all additional days] and no mileage these fees to be paid in the same manner that the fees of coroner's jurors are now paid

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 817, as follows:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances

due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of the decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated of fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds trancripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended to read as follows

An Act Relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment or the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein [and suits against fiduciaries] the survival of causes of action and suits thereupon by or against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiducaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents"

Section 2 That clause (b) of section thirty-five of said act at last amended by the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 442) is hereby reenacted to read as follows

(b) Executors or administrators shall have power either alone or jointly with other plaintiffs to commence and prosecute all actions for mesne profits or for the trespass to real property and all personal actions which the decedent whom they represent might have commenced and prosecuted exempt actions for slander and for libels and they shall be liable to be sued either alone or jointly with other defendants in any such action except as aforesaid which might have been maintained against such decedent if he had lived

All such rights of action which were not barred by the statutes of limitation at the time of the deah of decedent may be brough tagainst his executors or administrators at any time within one year after the death of the decedent notwithstanding the provisions of any statutes of limitations whereby they would have been sooner barred

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 830, as follows:

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and useable for the payment of taxes due for said year

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any political subdivision shall have power by ordinance or resolution to provide for the issue and sale during any fiscal year of revenue bills which bills may be issued at a discount if purchased in advance of the due date of the taxes for such fiscal year or at face if purchased after the due date of such taxes The discount allowed on such revenue bills shall not exceed five per centum and the discounts on such bills shall vary according to the date at which the same are purchased

Section 2 Such revenue bills shall be issued in multiples of ten dollars (10) each and shall be issued only for the fiscal year during which they are sold The total issue of revenue bills in any fiscal year shall not exceed the amount of taxes levied or to be levied for that fiscal year including any special taxes Such revenue bills shall be negotiable by the holder thereof

Section 3 The revenue bills issued and sold in any fiscal year shall not be redeemable by the political subdivision in money but shall be used by the holder thereof only for the payment of taxes due the political subdivision for the year for which such revenue bills were issued and shall be received by the collector or receiver of taxes or any other person authorized to receive payment of taxes for the political subdivision at face value in payment of any taxes for such fiscal year or any penalties interest or costs due thereon Such revenue bills may be received in payment of taxes at any time so long as they shall be credited against any taxes due the political subdivision for the year for which they were issued and sold

Section 4 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 853, as follows:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever after the effective date of this act two or more sentences to run consecutively are imposed by any court of this Commonwealth upon any person convicted of crime therein there shall be deemed to be imposed upon such person a sentence the minimum of which shall be the total of the minimum limits of the several sentences so imposed and the maximum of which shall be the total of the maximum limits of such sentences

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 858, as follows:

An Act to amend subsections h and m of Section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1141) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the counties including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to their counties for certain fees and commissions collected and repealing inconsistent laws general special or local" reducing the mileage chargeable by sheriffs for their official acts and the services of their deputies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection h of section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1141) entitled "An act fixing and regulating the fees commissions mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies watchmen appraisers and other agents requiring prepayment of same unless secured or chargeable to the county and delivery of itemized receipts therefor requiring certain payments by the counties including the compensation of special deputies providing for the taxation and collection of fees commissions mileage and other costs requiring salaried sheriffs to account to their counties for certain fees and commissions collected and repealing inconsistent laws general special or local" is hereby amended to read as follows

(h) For executing any process warrant capias attachment decree sentence or order of court issued out of any court where person or the defendant's body is taken into custody to be paid by the county when the Commonwealth is interested otherwise by the party procuring such process writ order or decree as follows

For receiving docketing and making return thereof one dollar

For each arrest one dollar and mileage in addition to necessary help and expenses including the compensation of any special deputies required who shall be paid at the rate of five dollars for eight hours' service

For transportation of each prisoner [ten] six cents per mile in addition to necessary help and expenses including the compensation of any special deputies required who shall be paid at the rate of five dollars for eight hours' service

For each commitment to jail correctional institution asylum or place of detention of any juvenile court in any criminal or civil case fifty cents to be paid by the county unless otherwise provided by law

For discharging any person or prisoner from any such place of confinement in any case fifty cents to be paid by the county

For executing bail-piece or taking bond in any matter whether civil or criminal one dollar to be paid by the person benefited unless otherwise provided by law

In addition the sheriff shall receive for the indictment in each oyer and terminer case the sum of three dollars and in each quarter sessions court or other county court case the sum of one dollar and fifty cents to be paid by the county

For each bill ignored by the grand jury one dollar and fifty cents to be paid by the county

For each case acted upon by any juvenile court one dollar and fifty cents to be paid by the county

For each non-support or desertion case acted upon by any court the sum of one dollar and fifty cents to be paid by the county

Section 2 That subsection m of section one of said act is hereby amended to read as follows

(m) For mileage in serving or executing any of the writ official notices rules decrees order or processes or copies thereof or performing any of the duties or services herein specified or authorized by law the sheriff shall be entitled to charge and receive and may tax as official costs [ten] six cents a mile circular for each mile necessary to be traveled by him or any of his deputies or employes and the same shall be allowed upon each separate writ rule order decree process or notice served or service performed Provided That he shall not receive more than one mileage where the plaintiff and defendant in two or more contemporaneous writs are the same or when conducting two or more persons or prisoners at one time to or form a place of detention or correction but he shall also receive the aforesaid mileage for transporting such prisoners and his deputies guarding them and meals and lodging during the journey and the return of his deputies

Section 3 The provisions of this act shall become effective immediately upon its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. McGINNIS Mr. President, I move that Senate Bill No. 886, on second reading, entitled:

An Act to amend the title and certain sections of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," by

imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

be recommitted to the Committee on State Government.

Mr. ROBERTS. Mr. President, I second the motion.

The motion was agreed to.

Mr. KUNKEL. Mr. President, I move that Senate Bill No. 887, on second reading, entitled:

An Act to further amend sections two, four and six, and to amend section seven of the act, approved the seventh day of May, one thousand nine hundred twenty-three (Pamphlet Laws, one hundred fifty-one), entitled "An act defining and regulating the business of dry cleaning and dyeing; providing for the maintenance, construction, and inspection of dry cleaning and dyeing buildings and establishments; providing for enforcing the act, and penalties for violation thereof," by imposing upon the Pennsylvania Motor Police the duty of administering and enforcing the act.

be recommitted to the Committee on State Government.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 916, as follows:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there shall be and hereby is established in the County of Philadelphia a distinct and separate court of common pleas to be designated court of common pleas number seven of Philadelphia County composed of three judges learned in the law who shall hold office for the same term and with like powers duties authority and compensation and with like and equal constitution and coodinate jurisdiction with courts of common pleas numbers one two three four five and six of said county and the judges thereof respectively

Section 2 Three judges of the said court of common pleas number seven of Philadelphia County learned in the law shall be elected by the duly qualified electors of said county at the next municipal election in November one thousand nine hundred thirty-seven and the three candidates who then receive the highest vote shall be delcared elected one of said judges to be designated as required by the Constitution of the Commonwealth shall be president judge of said court Said judges shall be duly commissioned as judges aforesaid and shall enter upon the discharge of their duties respectively on the first Monday of January next following their election The successors of said judges respectively shall be elected or appointed as required by law

Section 3 The Governor is hereby authorized to appoint three competent persons learned in the law as judges of said court until the first Monday of January succeeding the next municipal election one of whom shall be designated as president judge for said period

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 920, as follows:

An Act requiring corporations incorporated under the laws of this Commonwealth (other than nonprofit corporations) to designate the Secretary of the Commonwealth as their agent for the service of process and regulating the issuance manner of service and effect of such process

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That every corporation incorporated under the laws of this Commonwealth (other than a none-profit corporation) shall designate the Secretary of the Commonwealth and his successor in office as its agent upon whom process in any action or proceeding may be served within this State In the case of corporations hereafter incorporated such designation shall be made in the articles of incorporation and in the case of existing corporations such designation shall be made in a certificate of designation in its corporate name filed with the Department of State within ninety days after the effective date of this act Such certificate shall be signed and acknowledged by its president or vice-president or its secretary or treasurer under its corporate seal The designation shall set forth an address to which the Secretary of the Commonwealth shall mail a copy of any process which may be served upon him pursuant to law

Section 2 Any existing corporation that shall have failed to file a certificate of designation within the period prescribed by this act shall be deemed to have designated the Secretary of the Commonwealth as its agent upon whom process in any action or proceeding against it may be served and the Secretary of the Commonwealth shall upon the expiration of said period of time become such agent and until a certificate of designation shall have been filed the corporation shall be deemed to have directed the Secretary of the Commonwealth to mail copies of process served upon him to the corporation in care of any one of the officers or directors of the corporation at his address as shown on the most recent information on file in the office of the Secretary of the Commonwealth When a certificate of designation has been filed by such corporation the Secretary of the Commonwealth shall mail copies of process thereafter served upon him to the address set forth in said certificate

Section 3 Any corporation may from time to time change the address to which the Secretary of the Commonwealth is directed to mail copies of process by filing a certificate to that effect executed signed and acknowledged in like manner as a certificate of designation as herein provided

Section 4 Service of process against a domestic business corporation upon the Secretary of the Commonwealth shall be made by the Sheriff of Dauphin County by leaving the fee the plaintiff is required by law to pay for this service and two copies of the process at the office of the Secretary of the Commonwealth The sheriff shall make due return of his service of the process to the court magistrate or justice of the peace issuing the same Such process may be issued by any court magistrate or justice of the peace having jurisdiction of the subject matter of the controversy in any county of the Commonwealth in which the corporation shall have its registered office or in the county in which the right of action arose

Section 5 When legal process against any such corporation has been served upon the Secretary of the Commonwealth he shall immediately mail postage prepaid one copy of such process directed to the corporation at its regis- necessitating the service of the process The Secretary of the Commonwealth at the time of the service shall be taxed in the plaintiff's costs if he prevails in the suit necessitating the service of the process The Secretary of the Commonwealth shall keep a record of the day and hour of the service of such process on him and a certified copy of such record shall be sufficient evidence thereof

Section 6 The service of process on the Secretary of the Commonwealth under this action shall be of the same legal force and validity as if the process had been served on the corporation The authority for such service of process shall continue in force as long as any liability remains outstanding against the corporation in the Commonwealth Nothing herein contained shall limit or affect the right to serve any process notice or demand required or permitted by law to be served upon a domestic corporation in any other manner now or hereafter permitted by law

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS INTRODUCED

Mr. SHAPIRO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, read in place and presented to the Chair Senate Bill No. 957 entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County: providing for trial without jury and for the filing of agreements therefore: providing for the payment of jury fees.

Which was committed to the Committee on Judiciary Special.

QUESTION OF PERSONAL PRIVILEGE

Mr. LAW. Mr. President, in connection with the introduction of this bill I would like to say that this is a further work of the Attorney General's Conference on Crime. There has been, for years, a movement on foot for uniform statutes to assist in the protection of the public by making it easier to recall criminals who have gone beyond State lines, to obtain the return of witnesses who have gone beyond State lines, and to permit interstate contacts on the matter of the control of paroled criminals.

In the 1935 Session there was a bill introduced, and passed, for the securing of the attendance of witnesses. For some reason or other it appears to have been mistaken for a parole administration bill, and to have been sterilized in the course of its passage. We are now endeavoring to bring this into conformity with the law of New York, New Jersey and numerous other States.

These other Acts, providing for the arrest and custody of persons pursued, and to the making of contacts for the control of persons on parole, are for the purpose of making our law conform to the law of New York, New Jersey and other States; and they will provide for immediate reciprocity upon enactment.

BILLS INTRODUCED

Mr. LAW, read in his place and presented to the Chair Senate Bill No. 958 entitled:

An Act to amend sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (P. L. 1017), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses; and limiting the powers with respect thereto to judges learned in the law.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 959 entitled:

An Act providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states; and imposing certain duties on magistrates, aldermen and justices of the peace, and the Secretary of the Commonwealth.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 960 entitled:

An Act providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons.

Which was committed to the Committee on Judiciary General.

REPORTS FROM COMMITTEE

Mr. HENNEY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HENNEY from the Committee on State Boards re-reported as amended, Senate Bill No. 341, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (Pamphlet Laws fifteen, 1933-34), entitled as amended, "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the disposition thereof; further regulating the establishment of State liquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; prohibiting certain interlocking business; and providing penalties.

Mr. HENNEY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Also from the Committee on State Boards reported as amended, Senate Bill No. 342, entitled:

An Act to re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twety-six (Pamphlet Laws, sixteen), entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits;also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" further regulating the manufacture, sale, use and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties and forfeitures; regulating the jurisdiction of courts; and providing penalties.

Mr. HENNEY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Also from the Committee on State Boards reported as amended, Senate Bill No. 343, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May one thousand nine hundred and thiry-three (P. L. 252), entitled as amended "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers; providing penalties; and repealing existing acts;" defining and further defining and regulating licensees, application for licenses and sales by licensees; and providing for the licensing of package retailers, and fixing fees for such licenses, and for amusement permits; regulating the granting, suspension, revocation and transfer of licenses and the procedure therefor; and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended and for the disposition of application, license, permit fees, forfeitures and penalties; and providing penalties.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 1027

The Clerk of the House of Representatives being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1027, entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class; fixing the fees therefor; and imposing certain powers and duties on the recorders of deeds of such counties.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL NO. 1344

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1344, entitled:

An Act to amend Sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by extending authority therein granted to include leasing of real property.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1027, entitled:

An Act regulating the recordation of assignments of mortgages in counties of the second class; fixing the fees therefor; and imposing certain powers and duties on the recorders of deeds of such counties.

HOUSE BILL No. 1344, entitled:

An Act to amend Sections five hundred and fifty-one, six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "General County Law," by extending authority therein granted to include leasing of real property.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following appointments;

BOARD OF TRUSTEES OF STATE INDUSTRIAL HOME FOR WOMEN

Myron B. Savidge, of Turbotville, Northumberland County, for the term of four years, and until his successor is qualified.

BOARD OF TRUSTEES OF EAST STROUDSBURG STATE TEACHERS COLLEGE

Mary B. McAndrew, of Carbondale, Lackawanna County, for the term of four years, and until her successor is qualified, vice Thomas Heffernan, of Wilkes-Barre, resigned.

BOARD OF TRUSTEES OF MOTHERS' ASSISTANCE FUND OF LACKAWANNA COUNTY

(Mrs.) Anna Golden Kelly, of Drumore, until June 1, 1939, and until her successor is duly appointed and qualified, vice Mrs. Victoria Yanoshat, of Scranton, resigned.

(Mrs.) Margaret Christian, of Scranton, until June 1, 1939, and until her successor is duly appointed and qualified, vice Mrs. Margaret Milkman, of Dunmore, resigned.

(Mrs.) Natalie Reisman Friedman, of Jermyn, until June 1, 1937, and until her successor is duly appointed and qualified, vice Mrs. Clare P. Fitzgerald, of Drumore, resigned.

GEORGE H. EARLE.

REPORTS FROM COMMITTEE

Mr. RODGERS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS from the Committee on Forests and Waters reported as committed, Senate Bill No. 894, entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational and park purposes.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KILGALLEN from the Committee on Forests and Waters reported as committed, Senate Bill No. 670, entitled:

An Act to further amend Section 4 of the Act approved the seventh day of August, one thousand nine hundred and thirty-six (P. L. 106) entitled, "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and co-operation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for Flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken, damaged or destroyed.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 664, entitled:

An Act to amend section twenty-one of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six, (P. L. 551), entitled "An act relating to roads, highways, and bridges," providing for the vacation of parts of former state roads and turnpike roads where state highways are changed or relocated.

House Bill No. 1564, entitled:

An Act to amend section four hundred thirty-nine of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law" as amended; providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men, shall be prescribed but not furnished by the Department of Military Affairs.

House Bill No. 659, entitled:

An Act to amend section one thousand seven hundred seven of the act, approved the eighteen day of May, one thousand nine hundred eleven (P. L. 309), entitled "Public School Code," as amended, providing for contribution by the Commonwealth towards the tuition of pupils of certain districts.
attending high schools in other districts.

House Bill No. 1674, entitled:

An Act directing the Department of Military Affairs to select, procure, award and provide for the furnishing of certain service medals.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 9, entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 104, entitled:

An Act authorizing boroughs that have, relying on invalid bond issues authorized by the electors, entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed, to provide for the payment of the reasonable value of such performance, to contract for completion, and to increase their indebtedness therefor; and validating ordinances, agreements, increases of indebtedness and bonds heretofore adopted, entered into, issued or to be issued to accomplish such purposes.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consid-

eration of Senate Bill No. 520 (House Bill No. 555), entitled:

An Act to amend sections two, four, five, eight, thirteen, fifteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076) entitled, "An act to provide for the organization, incorporation, operation and supervision of cooperative savings and credit associations, to be termed credit unions designating such credit unions as corporations and defining their powers and duties, conferring certain power and duties on the Department of Banking and providing penalties," changing certain requirements for incorporation, providing for the scope of membership, permitting compensation to directors and committee members, clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers, directors and committee members a limited right of borrowing, further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 560, entitled:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies, and for its management and development by the Pennsylvania Historical Commission; and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographer to the President of the Senate, and the clerk to the President Pro Tempore of the Senate.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 670, entitled:

An Act to further amend section 4 of the act approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106) entitled, "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements, conferring the power of eminent domain imposing certain charges upon the Commonwealth, providing for appeals and conferring certain powers on municipalities, counties and townships, the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken, damaged or destroyed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 682, entitled:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred and six, approved March sixteenth, one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 688 (House Bill No. 1134), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 689 (House Bill No. 1137), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 690 (House Bill No. 1139), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 691 (House Bill No. 1140), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 692 (House Bill No. 1142), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the

obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensaion from the Game Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 693, (House Bill No. 1150), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 713, (House Bill No 904), entitled:

An Act relating to industrial police and corporation guards, prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing, regulating their conduct at elections and providing penalties.

And said bill having been read at length the first time.
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 721 (House Bill No. 1131), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 722, (House Bill No. 1143), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 727 (House Bill No. 1302), entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041) entitled, "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants, conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 763, (House Bill No. 1304), entitled:

An Act to amend section eight of the act approved the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75) entitled, "An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property, resulting therefrom the assessment of the damages, costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILLS ON FIRST READING

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 811, entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change, under certain conditions, the locations of the sewers and sewer system by amending ordinances; and providing that abutting property owners shall be liable in such cases.

An said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 840 (House Bill No. 1273), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (P. L. 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 845 (House Bill No. 1685) entitled:

An Act to amend section one thousand fifty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" further defining the powers of controllers with respect to accounts of borough departments, bureaus and officers; and imposing certain duties in reference thereto on banks, banking institutions and trust companies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 866 (House Bill No. 1625) entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes), cities of the third class, boroughs, towns, townships, school districts and poor districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 894, entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio, relative to the development, use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational and park purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 902, (House Bill No. 2067) entitled:

An Act to amend section five hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class, and amending, revising, consolidating and changing the law relating thereto," prohibiting auditors from becoming surety for certain officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 925 (House Bill No. 1359), entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled, "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 926 (House Bill No. 1361), entitled:

An Act to amend section five hundred and fifty-three of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred and three), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," extending the times within which appeals from auditors' reports may be taken.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

COMMUNICATIONS FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 22.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives, recalling from the Governor Senate Bill No. 22, Printer's No. 157, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF SENATE BILL NO. 22

Mr. LAW. Mr. President, I move to reconsider the vote by which Senate Bill No. 22 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "Aye".

Mr. McCREESH. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. McCREESH. Mr. President, I voted "Aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. LAW. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The question recurring,

Will the Senate agree to the bill on third reading.

Mr. LAW. Mr. President, I ask unanimous consent to amend Title, page 1, line 9 of title, by inserting after the word "industrial" the following: "educational"; amend Title, page 1, line 9 of title, by striking out the following: "educational"; amend Sec. 1 (Sec. 1), page 2, line 22, by inserting after the word "industrial" the following: "educational"; amend Sec. 1 (Sec. 1), page 2, lines 22 and 23, by striking out the following: "educational"; amend Sec. 2 (Sec. 2), page 3, line 13, by inserting after the word "industrial" the following: "educational"; amend Sec. 2 (Sec. 2), page 3, line 13, by striking out the following: "educa-

tional"; amend Sec. 2 (Sec. 3), page 3, line 19, by inserting after the word "industrial" the following: "educational"; amend Sec. 2 (Sec. 3), page 3, line 20, by striking out the following: "educational".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

ANNOUNCEMENTS BY THE SECRETARY

For the convenience of the various Members of the Senate, a mimeograph copy of all meetings of the committes will be on their desks one hour after adjournment each day. Copies of these meetings are already on the desks.

There will be a meeting of the Finance Committee on Tuesday April 20th, at 11:00 a. m. in Room 400.

There will be a short meeting for five minutes of the Committee on Forests and Waters in the Room on my left, immediately.

The Committee on Municipal Government will meet on Tuesday, April 20th, in the Senate Caucus Room at 4:00 p. m., on Senate Bills 769, 770, 782, 884, 886, 887. All these bills referring to the majority of the State Boards and Highway Patrol.

There will be a meeting of the Judiciary General on Tuesday, April 20th, at 9:30 a. m., in Room 302.

A meeting on State Boards, Tuesday April 20th, at 10:30 a. m., in Room 265.

A meeting of the Committee on City Government, on Monday April 19th, at 5:30 p. m., in Room 265.

ADJOURNMENT

Mr. KILGALLEN. Mr. President, I move that the Senate do now adjourn.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 3:05 p. m. until nine o'clock Monday evening, April 19, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, APRIL 14, 1937

The House met at 12:00 o'clock noon.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

O Thou great and loving Father, we learn through Thy servant of old that they that wait upon the Lord shall renew their strength; they shall mount upon wings as eagles. The eye of the Lord is upon them that fear Him and upon them that hope in His mercy. Our soul, therefore waiteth for the Lord. He is our help and shield.

O Lord, our Lord, blessed be Thy name. In Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. SNYDER the further reading was dispensed with and the Journal approved.

REPORTS FROM COMMITTEES

Mr. BROAD, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 716, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. SHAW, from the Committee on Elections, reported as committed, House Bill No. 2070, entitled:

An Act to repeal the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 851), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

Mr. VALIBUS, from the Committee on State Government, reported as committed, House Bill No. 978, entitled:

An Act creating the "Valley Forge Peace Memorial Fund" in the State Treasury for the receipt of contributions by this and other states and the Federal Government, for the purpose of providing, erecting and dedicating on the Valley Forge Camping Ground of an Eternal Light Peace Memorial; appropriating the moneys in said fund to the Valley Forge Park Commission; and making an appropriation into said fund.

Mr. TRONZO, from the Committee on State Boards, reported as amended, House Bill No. 589, entitled:

An Act providing for the appointment, promotion, compensation, tenure, rights and privileges of employes of the Pennsylvania Liquor Control Board; conferring powers and imposing duties on the Pennsylvania Civil Service Commission and the Pennsylvania Liquor Control Board; and establishing boards of arbitration, and defining their powers and duties.

Mr. SPROUL, from the Committee on Welfare, reported as committed, House Bill No. 1639, entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

Mr. WAGNER, from the Committee on State Boards, reported as committed, House Bill No. 1800, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of engineers having charge of stationary steam of mercury boilers, engines, turbines, refrigerating machinery and such power hoisting and portable machinery, irrespective of the motive power, as shall be used in all construction work; designating the requirements necessary to secure the licensure; providing for the collection of fees; making it a misdemeanor to operate or cause to be operated such apparatus without licensure; and providing penalties.

Mr. GILLETTE, from the Committee on Elections, reported as amended, House Bill No. 1769, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of the right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspector of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Mr. HABBYSHAW, from the Committee on Elections, reported as amended, House Bill No. 1642, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and their appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Mr. TROUT, from the Committee on Motor Vehicles, reported as committed, House Bill No. 10, entitled:

An Act to amend clause (a) of section seven hundred and seven of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 1005), entitled "An act relating to and regulating tractors and trailers and their operation; providing for their registration, and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and clerks thereof, owners of tractors and trailers; providing that records are admissable as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, and townships, within the Commonwealth, liability for damages caused by the negligent operation of tractors and trailers; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds," by providing for the payment of fifty per centum of certain fines, penalties and bail forfeited to counties.

Mr. JIROLANIO, from the Committee on Cities, reported as committed, House Bill No. 1521, entitled:

An Act to amend section two thousand one hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class, an amending, revising and consolidating the law relating thereto," by fixing the minimum salaries or compensation for paid firemen and paid employes of the fire department in such cities.

Mr. SHEPARD, from the Committee on Education, reported as amended, House Bill No. 1158, entitled:

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the qualifications of recipients of teachers' certificates; providing for lapsing of permanent certificates; and requiring additional health certificates.

Mr. MELCHIORRE, from the Committee on State Boards, reported as amended, House Bill No. 621, entitled:

An Act relating to the business of painting, paperhanging and decorating; defining, regulating and providing for the licensing of contractors engaged in such business, and for the revocation of such licenses subject to appeal; and creating the Painting, and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry.

Mr. COAKLEY, from the Committee on Education, reported as committed, House Bill No. 2157, (Senate Bill No. 638), entitled:

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for the transportation of pupils to and from consolidated schools," by making certain changes in the provisions for reimbursements by the Commonwealth.

Mr. BROWN, from the Committee on Judiciary General, reported as committed, House Bill No. 2125, (Senate Bill No. 64), entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

Mr. HIRSCH, from the Committee on Education, reported as committed, House Bill No. 2152, (Senate Bill No. 558), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

Mr. SARRAF, from the Committee on Constitutional Amendments, re-reported as amended, House Bill No. 817, entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Mr. LONGAKER, from the Committee on State Government, re-reported as amended, House Bill No. 1651, entitled:

An Act to amend the act, approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board and providing for contributions by members.

SENATE MESSAGES

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 13, 1937.

Resolved (if the Senate concur), That House Bill No. 1051, Printer's No. 502, entitled "An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entilted 'An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water," be recalled from the Governor for the purpose of amendment.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 13, 1937.

Resolved (if the House of Representatives concur), That Senate Bill No. 22, Printer's No. 157, entitled An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1348) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and calabrations be recalled from the Governor for the purpose of amendment.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 6.

An Act to amend section two hundred sixty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" making Sunday fishing with rods and lines lawful under certain circumstances

HOUSE BILL No. 542.

An Act to amend sections five nine and thirty-six as amended sections six forty-one forty-seven forty-nine and fifty-one and sections fifty-two and sixty-five as amended and to repeal sections twenty and forty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" providing for the use of the National Guard in case of disaster harmonizing the provisions of said act with the National Defense Act and its procedures changing clothing allowance regulating payments of armory rent light heat water and janitor services providing allowances for rifle practice regulating payment of expenses when the National Gaurd is called into service making further exemptions from jury duty regulating the settlement of accounts providing for the disposition and expenditure of fines and penalties recovered from court-martial and repealing certain existing laws

HOUSE BILL No. 556.

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" exempting credit unions from the provisions of the act

HOUSE BILL No. 750.

An Act conferring on the Department of Highways powers to enter upon private property for the purposes of making surveys of proposed highway improvements providing for the payment of damages and providing penalty for interference

HOUSE BILL No. 855.

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions

HOUSE BILL No. 1167.

An Act to further amend sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 6.

An Act to amend section two hundred sixty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" making Sunday fishing with rods and lines lawful under certain circumstances

HOUSE BILL No. 542.

An Act to amend sections five nine and thirty-six as amended sections six forty-one forty-seven forty-nine and fifty-one and sections fifty-two and sixty-five as amended and to repeal sections twenty and forty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" providing for the use of the National Guard in case of disaster harmonizing the provisions of said act with the National Defense Act and its procedures changing clothing allowance regulating payments of armory rent light heat water and janitor services providing allowances for rifle practice regulating payment of expenses when the National Guard is called into service making further exemptions from jury duty regulating the settlement of accounts providing for the disposition and expenditure of fines and penalties recovered from court-martial and repealing certain existing laws

HOUSE BILL No. 556

An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two) entitled "An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships" exempting credit unions from the provisions of the act

HOUSE BILL No. 750.

An Act conferring on the Department of Highways power to enter upon private property for the purposes of making surveys of proposed highway improvements providing for the payment of damages and providing penalty for interference.

HOUSE BILL No. 855.

An Act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions.

HOUSE BILL No. 1167.

An Act to further amend sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation.

Mr. CAPUTO in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1325, entitled:

An Act to add section 48.1 to the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" by providing for the apportionment of estate taxes in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1575, entitled:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws ten hundred forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1977, entitled:

An Act to amend sections three seven eight fifteen twenty-four and twenty-eight sections fourteen thirty-four and thirty-eight as amended sections eighteen and sixty-one as amended sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred sixty-nine) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division changing the designation Staff Corps and Departments to State Staff and Detachment defining the powers of the division commander providing for the vacation of commissions upon transfer to the Inactive National Guard making the period of enlistment and qualifications conform to the National Guard Bureau requirements defining the duties of the Adjutant General providing for the elimination of officers or warrant officers by courts of inquiry changing the basic annual allowance for mounted troops and increasing the minimum allowance providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms providing that any sheriff or constable may receive and confine military offenders providing that any division commander may appoint a general court-martial providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding obsolete provisions referring to staff officers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1028, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygenists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as detal hygienists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1216, entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal investments for certain corporations and certain funds.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2073, entitled:

An Act limiting the duration of any franchise given or granted by any city of the first class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1477, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 563, entitled:

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred twelve) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" requiring licenses for all bakeries further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1921, entitled:

An Act to amend sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws ninety) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city

and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1567, entitled:

An Act to amend section two and section nine as amended of the act, approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred twenty-three one thousand nine hundred thirty-three and one thousand nine hundred thirty-four) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" further regulating the making of payments to representatives of persons who cannot personally receive compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1113, entitled:

An Act to enable tax collectors and receivers of taxes to make returns of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2147 (Senate Bill No. 626), entitled:

An Act to amend section one of the act, approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2133 (Senate Bill No. 573), entitled:

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2144 (Senate Bill No. 651), entitled:

An Act to amend section one two and three of article seventeen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" advancing the dates for the submission of budget estimates the adoption of financial program and the fixing of the tax rate and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 812, entitled:

An Act relating to cities of the first class authorizing the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1765, entitled:

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such county public school psychologists.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1712, entitled:

A Supplement to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred ninety-eight), entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1981, entitled:

An Act to amend the act, approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred sixteen) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice ceam and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2143 (Senate Bill No. 607), entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2141 (Senate Bill No. 515), entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1416, (Senate Bill No. 177), entitled:

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous wines or brewed and malt liquors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1358, as follows:

An Act abolishing the Municipal Court of Philadelphia and transferring actions books records documents and papers in the possession of said court to other courts of the County of Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Municipal Court of Philadelphia created by and now existing by virtue of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws 711) entitled "An act establishing a court for the County of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the County or City of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" and its amendments is hereby abolished as of the effective date of this act and the terms of the judges thereof are hereby terminated on said date

Section 2 All books records documents and papers in the possession of the Municipal Court of Philadelphia and all action pending in said court shall on said date be transferred to the courts of common pleas of the County officers of the County or City of Philadelphia regulating of Philadelphia or to such other courts as may have been created and in which has been vested some of the jurisdiction heretofore vested in the Municipal Court of Philadelphia

The courts of common pleas of the County Philadelphia and such other court or courts as may have been created are hereby authorized to hear determine and to dispose of the actions so transferred from the Municipal Court of Philadelphia and shall have full power and authority to enforce any and all orders decrees judgments or sentences heretofore entered or imposed in said actions by the said municipal court with the same force and effect as if such actions had been originally instituted in the court or courts to which transferred

Section 3 The provisions of this act are severable and if any provisions hereof are held unconstitutional such decision shall not be construed to impair any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1733, as follows:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet

Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class and the rate of interest to be paid by such depositories to such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" are hereby amended to read as follows

Section 406 Meeting Number of Depositories The board shall meet at the office of the county controller not later than noon of the third Wednesday following the first Monday of January following the election of the county treasurer and thereafter as may be necessary and shall there decide upn the number of banks and banking institutions not less than three in number as depositories of county funds for such period of time as the board may determine but not to exceed the term for which the treasurer is elected

Section 407 Designation and Qualification of Depositories Rate of Interest At said meeting or at any subsequent meeting agreed upon said board shall designate the depositories and the rate of interest to be paid by them to the county Such rate of interest shall be [not less than two per centum per annum] the highest rate obtainable calculated on daily balances Deposits shall be made with the depositories designated as soon as satisfactory bonds approved by the county commissioners are filed with the controller The bank or banking institutions selected shall have paid-in capital and surplus of not less than five hundred thousand dollars

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2154, as follows:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

Whereas the present Session of the General Assembly has provided revenues of the Commonwealth amounting to three hundred fifty-four million dollars ($354,000,000) for general purposes for the biennial fiscal period beginning June first one thousand nine hundred thirty-seven and

Whereas such revenues though levied and assessed will not be available in large part for the current and other expenses of the State government until the later parts of the two fiscal years respectively of the said biennial fiscal period and the collectible revenues will not be sufficient to defray the current and other expenses of the State government during the earlier parts of such fiscal years respectively and

Whereas in order that the obligations of the Commonwealth may be met promptly and in order that the State government might not fail through lack of funds it is necessary temporarily to obtain funds to defray the current and other expenses of the State government during the fiscal period aforesaid until the revenues that are subsequently accruing to the State Treasury during said fiscal period are available for this purpose

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor the Auditor General and the State Treasurer on behalf of the Commonwealth of Pennsylvania are hereby authorized and directed during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven from time to time to borrow on the credit of the current revenues of the Commonwealth of Pennsylvania such sum or sums of money not exceeding in the aggregate the sum of one hundred seventy-five million dollars ($175,000,000) as may be necessary to defray the current and other expenses of the State government during such fiscal years

Section 2 (a) Such loans shall be evidenced by notes of the Commonwealth of Pennsylvania All of said notes shall mature not later than the thirty-first day of May one thousand nine hundred thirty-nine Such notes are hereby declared to be tax anticipation notes Such notes or renewals thereof shall be issued from time to time for such total amounts in such sums and subject to such terms and conditions rates of interest not in excess of four and one half per centum (4½%) per annum and time of payment of interest as the Governor Auditor General and State Treasurer shall determine and direct

(b) All notes issued under the authority of this act shall bear the facsimile signatures of the Governor the Auditor General and the State Treasurer and a facsimile of the great seal of the Commonwealth

(c) The current revenues of the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-seven are pledged for the payment of principal and interest of such notes which shall be payable in lawful money of the United States All notes issued under the provisions of this act shall be exempt from taxation for State and local purposes

Section 3 The proceeds derived from the negotiation of loans under the provisions of this act shall be paid into the General Fund of the State Treasury and shall be used for the payment of appropriations made from such fund to defray the current and other expenses of the State government for the biennial fiscal period beginning the first day of June one thousand nine hundred thirty-seven

Section 4 Any loans negotiated under the provisions of this act shall be secured by the current revenues levied and assessed for revenue purposes of every kind or character accruing to the General Fund of the State Treasury during the two fiscal years beginning June first one thousand nine hundred thirty-seven and shall be paid out of such revenues and so much of such revenues as may be necessary for the payment of the principal and interest of such loans are hereby specifically appropriated The Department of Revenue shall allocate such revenues to said payments The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated for the purpose of providing tax anticipation notes and incidental expenses in connection with the issuing of the same

Section 5 The provisions of this act are severable and if any of its provisions are held unconstitutional the decision so holding shall not be construed to impair any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1129, as follows:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(a) "Dealer in farm produce" means any person association copartnership or corporation engaged in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of any farm produce and includes every person association copartnership or corporation receiving or purchasing farm produce on consignment or on a net return basis

(b) "Department" means the Department of Agriculture of this Commonwealth

(c) "Farm produce" includes all agricultural horticultural vegetable fruit and floriculture products of the soil poultry eggs nuts flowers and honey but shall not include timber products tea coffee or livestock

(d) "Net return basis" means a purchase for sale of farm produce from a producer or shipper at an unfixed or unstated price at the time the produce is shipped from the point of origin and it shall include all purchases made "at the market price" "at net worth" and on similar terms which indicate that the buyer is the final arbiter of the price to be paid

(e) "On consignment" means any receiving or sale of farm produce for the account of a person other than the seller wherein the seller acts as the agent for the owner

(f) "Producer" means any producer of farm produce in this Commonwealth

Section 2 The provisions of this act shall not apply to

(a) The sale of farm produce for cash cash to mean settlement in full on or before delivery

(b) Farmers who sell farm produce raised by themselves and with and who at the same time of such sales sell farm produce raised by their neighbors on behalf of such neighbors

(c) Seeds sold at retail

(d) Agricultural cooperative associations which market farm produce for their members

Section 3 On and after December thirty-first one thousand nine hundred and thirty-seven it shall be unlawful for any dealer in farm produce to engage in business in this Commonwealth unless he or it shall hold a license issued by the department as provided in this act

Section 4 Every dealer in farm produce desiring to transact business within this Commonwealth shall annually on or before December first file an application for such license with the department The application shall be on a form furnished by the department and together with such other information as the department shall require shall state

(a) The kind or kinds of farm produce which the applicant proposes to handle

(b) The full name or title of the applicant or if the applicant be an association or copartnership the name of each member of such association or copartnership or if the applicant be a corporation the name of each officer of the corporation

(c) The names of the local agent or agents of the applicant if any

(d) The cities boroughs towns and townships within which places of business of the applicant will be located together with the street or mailing address of each

Section 5 Unless the department refuses the application on one or more of the grounds hereinafter provided it shall issue to such applicant upon the payment of proper fees and the execution and delivery of a bond as hereinafter provided a license entitling the applicant to conduct business as a dealer in farm produce at each place named in the application until the thirty-first day of December in the year next following The fee for such license shall be ten dollars ($10.00) for each place of business which the applicant desires to conduct and names in the application

Section 6 Before any license shall be issued the applicant therefor shall make and deliver to the department a surety bond in the amount of at least three thousand dollars ($3,000) or in such greater amount as the department may determine based on the amount of business done or estimated to be done in the future by the applicant executed by a surety corporation authorized to transact business in this Commonwealth to the Commonwealth of Pennsylvania to the use of producers of farm produce handled by the applicant Such bond shall be conditional to secure the faithful accounting for and payment to producers of the proceeds of all farm produce handled or sold by such dealer Actions or suits upon the appropriate bond may be brought directly by any producer his representatives successors or assigns to whom the principal named in such bond has failed to render an account or to make payment for farm produce in any court of competent jurisdiction to recover for any loss or damage resulting from such breach of the condition of such bond Provided however That in lieu of such bond the department may accept and hold sufficient collateral of the applicant which shall in all respects be subject to the same claims and actions as would exist against the bond

Section 7 Every dealer in farm produce shall upon the receipt of farm produce for which payment is not made on delivery and as he handles and disposes of the same make and preserve for at least two years a record thereof specifying the name and address of the producer consigning such farm produce the date of receipt the kind and quality of such produce the amount of gods sold the name and address of the purchaser except that where sales total less than five dollars ($5.00) in value such sales may be made to order of "cash" the selling price thereof and the items of expenses connected therewith An "account sales" together with payment in settlement for said shipment shall be mailed to the producer within forty-eight hours after the sale of such farm produce unless otherwise agreed in writing

Section 8 The department shall have power to investigate upon complaint in such form as it may require of an interested persons or upon its own initiative the record of any applicant or licensee or any transaction involving the solicitation receipt sale or attempted sale of farm produce the failure to make proper and true accounts and settlements at prompt and regular intervals the making of false statements as to condition quality or quantity of goods received or while in storage the making of false statements as to market conditions with intent to deceive or the failure to amge payment for goods received or other alleged injurious transactions For such purposes the department may examine at the place or places of business of the applicant or licensee his ledgers books of accounts memoranda and other documents which relate to the transaction involved and may take testimony thereon under oath

Section 9 The department may decline to grant a license or may suspend or revoke a license already granted if it is satisfied that the applicant or licensee has either

(1) Suffered a money judgment to be entered against him upon which execution has been returned unsatisfied or

(2) Made false charges for handling or services rendered or

(3) Failed to account promptly and properly or to make settlements with any producer or

(4) Made any false statement or statements as to condition quality or quantity of goods received or held for sale when he could have ascertained the true condition quality or quantity by reasonable inspection or

(5) Made any false or misleading statement or statements as to market conditions or service rendered or

(6) Been guilty of a fraud in the attempt to produce or the procurement of a license or

(7) Directly or indirectly purchased farm produce re-

ceived on consignment or on a net return basis for his own account without prior authority from the producer consigning the same or without notifying such producer

Section 10 Before the department shall refuse suspend or revoke any license it shall give ten days' notice by registered mail to the applicant or licensee of a time and place of hearing At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses If the department shall find the applicant or licensee shall have been guilty of any of the acts provided in section nine of this act the department may refuse suspend or revoke such license and shall give immediate notice of its action to the applicant or licensee

Section 11 Any applicant or licensee aggrieved by any decision of the department shall have the right of appeal therefrom within thirty days from the date of notice to hte Court of Common Pleas of Dauphin County

From a decision of the Court of Common Pleas of Dauphin County an appeal may be taken by either party to the Superior or Supreme Court of Pennsylvania as in other cases

No appeal shall act as a supersedeas but pending final disposition of an appeal under this section the department may for special cause shown grant in writing temporary permission revocable at any time and subject to such terms and conditions as the department may prescribe to transact business as a dealer in farm produce but unless such permission be garnted any applicant to whom a license has been refused and any licensee whose license has been revoked by the department who shall do business as a dealer in farm produce shall be liable therefor to the same extent as if no application had been filed

Section 12 Any dealer in farm produce violating the provisions of section three of this act or interferring with an agent of the department in the enforcement of this act shall for the first or second offense upon conviction in a summary proceeding be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for a period not exceeding sixty (60) days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000) or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 13 The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 14 The Department shall enforce and shall adopt rules and regulations deemed necessary to carry out the provisions of this act

Section 15 All moneys received from license fees and fines shall be immediately paid by the department into the State Treasury through the Department of Revenue and credited to the General Fund

Section 16 The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision of the court shall not affect the validity of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1572, as follows:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thoussand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providpenalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler and shall also be construed to include unfired pressure vessels except where the context clearly indicates otherwise

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inpect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Wherever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 8 Frequency of Inspection Every boiler shall be inspected both internally and externally while not under pressure at least once in every twelve months and while under operating conditions at least once in every twelve months miniature boilers shall be inspected at least once in every twelve months unfired pressure vessels shall be inspected as required by the rules and regulations of the department except that in no case shall regular inspections be required more than once in every twelve months

Section 11 Fees for Inspection and Certificate The fees for the certificate of operation for all insured and uninsured boilers shall be one dollar When boilers are inspected by inspectors of the department the following fee shall be charged in addition to the certificate fee

For the internal and external inspection while not under pressure of a boiler having a grate area of not more than

ten square feet the fee shall be five dollars For the internal and external inspection of a boiler while not under pressure having a grate area of more than ten square feet the fee shall be five dollars and in addition ten cents for every square foot of grate area in excess of ten feet

For the external inspection of a boiler while under operating conditions the fee shall be two dollars and fifty cents

For the inspection of a miniature boiler the fee shall be two dollars

For a hydrostatic test of any boiler a fee of five dollars shall be charged in addition to the inspection fees hereinbefore provided for

For unfired pressure vessels the fee for an external inspection shall be two dollars

For the internal inspection of an unfired pressure vessel having a superficial area of not more than forty square feet the fee shall be two dollars and fifty cents

For the internal inspection of an unfired pressure vessel having a superficial area of more than forty square feet the fee shall be two dollars and fifty cents and in addition five cents for every square foot of superficial area in excess of forty square feet not to exceed a maximum fee of fifteen dollars

Section 13 Registration of Boilers The owner or user of every boiler in this Commonwealth except as exempted from the provisions of this act in section two shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every boiler operated by him giving the type size description name of manufacturer and purpose for which each is used except that unfired pressure vessels shall be registered before June first one thousand nine hundred thirty-eight Such registration shall be on forms to be furnished by the department If the location of any boiler is subsequently changed such change of address shall be registered with the department within ten days and if the purpose for which any boiler is used is changed from that shown on the original registration the department shall be notified within ten days of such change

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—194

Achterman,	Fiss,	McDevitt,	Shepard,
Alexander,	Fitch,	McElroy,	Shoemaker,
Allen,	Flanagan,	McFall,	Shugarts,
Arnold,	Flannery,	McGee,	Simpson,
Allmond,	Flinchbaugh,	McShane,	Skale,
Atkins,	Ganser,	Melchiorre,	Sloan,
Aukerman,	Gerard,	Mellott,	Smith, James A.,
Baine,	Gillette,	Mihm,	Smith, John A.,
Baker, F. T.,	Gorski,	Moomaw,	Snyder,
Baker, J. J.,	Habbyshaw,	Mooney,	Sollenberger,
Balthaser,	Haberlen,	Moran,	Spengler,
Bierly,	Hagerty,	Moul,	Sproul,
Blank,	Hall,	Munley,	Stackpole,
Bohn,	Hamilton, F. P.,	Murrin,	Stank,
Boles,	Hamilton, R. S.,	Nagel,	Stewart,
Boltz,	Harkins,	O'Brien,	Strode,
Boose,	Harmuth,	O'Connor,	Thomas,
Boyer,	Hays,	O'Keefe,	Thompson,
Bradley,	Hering,	Ominsky,	Toole,
Brancato,	Hess,	O'Neill,	Tronzo,
Brigerman,	Hetrick,	Ostroff,	Trout,
Broad,	Hindman,	Patterson, C. S.,	Tumelty,
Brown,	Hirsch,	Patterson, J. W.,	Valibus,
Brownfield,	Holland,	Peale,	VanAllsburg,
Burrows,	Holmes,	Pearson,	VanSickle,
Cadwalader,	Holstrom,	Perry,	Vogt,
Caesar,	Hontz,	Pershing,	Wagner,
Caputo,	Horting,	Piole,	Wall,
Chervenak,	Huntley,	Powers,	Walsh,
Coakley,	Imbrie,	Preston,	Wampole,
Cohen, H. B.,	Jirolanio,	Readinger,	Watkins,
Cohen, R. E.,	Keenan,	Reese,	Weidemann,
Coleman,	Kelso,	Reising,	Weiss, D. H.,
Coolahan,	Kilroy,	Richter,	Weiss, S. A.,
Corrigan,	Kline,	Robinson,	Welliver,
Costanzo,	Kroll,	Rothenberger,	Welsh,
Davies,	LaRue,	Royer,	Westrick,
Decker,	Leisey,	Ruffennach,	Whalen,
DeNote,	Long,	Rush,	Whitenight,
Dickinson,	Longaker,	Sarraf,	Wilson,
Donohoe,	Lopresti,	Scanlon,	Winner,
Dougherty,	Lovett,	Schor,	Woodside,
Downey,	Lyons,	Schrock,	Wright,
Dubbs,	Marino,	Schrope,	Yanoshat,
Dyson,	Matthews, H. T.,	Schumacher,	Yeakel,
Eckels,	Matthews, J. F.,	Serrill,	Yourishin,
Elpern,	McArdle,	Shaw,	Zappala,
Falkenstein,	McCullough,	Shea,	Furman,
Finnerty,	McDermott,		

NAYS—6

McKinney,	Muir,	Simon,	Stockham,
Merrell,	Siegel,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1705, as follows:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" are hereby re-enacted and amended to read as follows

An Act relating to the grading and sale of grapes and potatoes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture

Section 1 Be it enacted etc That the term "closed package" wherever used in this act shall mean a basket box bag or other container the contents of which cannot be adequately inspected without opening it The terms "shipment" or "ship for sale" wherever used in this act shall mean movement to market in a railroad car motor truck or other medium of transportation but shall not be construed to include process of delivery to a local warehouse or shipping station

Section 2 The Secretary of Agriculture of the Department of Agriculture of this Commonwealth is hereby authorized and empowered after investigation to establish and promulgate official standards of quality for grading classifying and packing grapes and potatoes packed or repacked within the State and to change any of them from time to time In establishing such standards he shall in the case of grapes take into account among other things the factors of maturity color firmness of attachment to capstems compactness of bunches and in all cases damages caused by freezing or by disease or insects The official standards so established and promulgated shall be the same in their requirements as the requirements of the official standards for corresponding grades of grapes or potatoes as promulgated from time to time by the Secretary of Agriculture of the United States which standards are commonly known as "United States Grades"

From and after the establishment of specific grades or

standards of quality as hereinbefore provided grapes and potatoes in closed packages shall not be shipped for sale or thereafter sold or exposed for sale except by the grades or standards so established Provided however That grapes and potatoes not graded and classified as to quality may be shipped for sale or sold exposed for sale as "unclassified" if so marked in a conspicuous manner in accordance with rules to be adopted by the Secretary of Agriculture of the Department of Agriculture of this Commonwealth as hereinafter provided

Section 3 Grapes and potatoes in closed packages if not definitely marked as unclassified as hereinbefore provided shall prior to shipment be marked in a plain and conspicuous manner with a statement of (1) the grade (2) [the net quantity for weight of contents the contents in cubic measure or weight (3) the name and address of the person or association under whose authority the grapes or potatoes are packed

In case the marking is changed the person making the same shall cancel the name and address included in the original marking and substitute therefor his own name and address

Section 4 (a) No person shall sell expose for sale or transport for sale grapes or potatoes in closed packages if the package containing them the label on them or any advertising accompanying them shall bear any statement design or device regarding the grapes or potatoes which shall be false or misleading in any particular

(b) No person shall sell expose for sale or transport for sale in closed packages grapes or potatoes packed in such manner that the face or shown surface shall not be an average of the contents of the package

(c) When grapes or potatoes in closed packages are delivered to a common carrier for shipment such delivery shall be presumptive evidence that the grapes or potatoes are intended for sale

Section 5 Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for the first offense and not less than one hundred dollars nor more than five hundred dollars for each subsequent offense upon summary conviction thereof for the first offense be sentenced to pay a fine of not less than twenty-five dollars nor more than fifty dollars and the costs of prosecution and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and the costs of prosecution or in default of such fine and costs be imprisoned in the county jail for not less than ten days nor more than thirty days All penalties costs and fines collected under this act shall be paid to the Secretary of Agriculture of the Department of Agriculture of this Commonwealth or his agent and by him shall be paid into the State Treasury for the use of the Commonwealth

Section 6 The enforcement of this act shall be vested in the State Department of Agriculture and its officers employes and agents are authorized to enter upon the premises of any person within this State for the purpose of purchasing packages of grapes or potatoes and securing evidence of violation of this act and the Secretary of Agriculture of this Commonwealth is hereby authorized to make such rules and regulations as may be necessary for enforcing its provisions

Section 7 This act as amended shall take effect June first one thousand nine hundred and [twenty-nine] thirty-seven

Section 8 All acts and parts of acts inconsistent with this act are repealed

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McElroy,	Shepard,
Alexander,	Flannery,	McFall,	Shoemaker,
Allen,	Flinchbaugh,	McGee,	Shugarts,
Allmond,	Ganser,	McKinney,	Siegel,
Arnold,	Gerard,	McShane,	Simon,
Atkins,	Gillette,	Melchiorre,	Simpson,
Aukerman,	Gorski,	Mellott,	Skale,
Baine,	Habbyshaw,	Merrell,	Sloan,
Baker, F. T.,	Haberlen,	Milun,	Smith, James A.,
Baker, J. J.,	Hagerty,	Moomaw,	Smith, John A.,
Balthaser,	Hall,	Mooney,	Snyder,
Bierly,	Hamilton, F. P.,	Moran,	Sollenberger,
Blank,	Hamilton, R. S.,	Moul,	Spengler,
Bohn,	Harkins,	Muir,	Sproul,
Boies,	Harmuth,	Munley,	Stackpole,
Boltz,	Hays,	Murrin,	Stank,
Boose,	Hering,	Nagel,	Stewart,
Boyer,	Hess,	O'Brien,	Stockham,
Bradley,	Hetrick,	O'Connor,	Strode,
Brancato,	Hindman,	O'Keefe,	Thomas,
Brigerman,	Hirsch,	Ominsky,	Thompson,
Broad,	Holland,	O'Neill,	Tronzo,
Brown,	Holmes,	Ostroff,	Trout,
Brownfield,	Holstrom,	Patterson, C. S.,	Tumelty,
Burrows,	Hontz,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Keenan,	Piole,	Wall,
Cohen, H. B.,	Kelso,	Powers,	Walsh,
Cohen, R. E.,	Kilroy,	Preston,	Wampole,
Coleman,	Kline,	Readinger,	Watkins,
Coolahan,	Kroll,	Reese,	Weidemann,
Corrigan,	LaRue,	Reising,	Weiss, D. H.,
Costanzo,	Leisey,	Richter,	Weiss, S. A.,
Davies,	Levy,	Robinson,	Welliver,
Decker,	Lewis,	Rothenberger,	Welsh,
DeNote,	Long,	Royer,	Westrick,
Dickinson,	Longaker,	Ruffennach,	Whalen,
Donohoe,	Lopresti,	Rush,	Whitenight,
Dougherty,	Lovett,	Sarraf,	Wilson,
Downey,	Lyons,	Scanlon,	Winner,
Dubbs,	Marino,	Schor,	Woodside,
Dyson,	Matthews, H. T.,	Schrock,	Wright,
Eckels,	Matthews, J. F.,	Schrope,	Yanoshat,
Elpern,	McArdle,	Schumacher,	Yeakel,
Falkenstein,	McCullough,	Serrill,	Yourishin,
Finnerty,	McDermott,	Shaw,	Zappala,
Fiss,	McDevitt,	Shea,	Furman,
Fitch,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2080 (Senate Bill No. 586), entitled:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 1, page 2, line 4 by inserting after the word: "man" the words "or an accountant or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the Board."

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instruction of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 2081, Senate Bill No. 587, Printer's No. 206 was passed over at the request of Mr. OMINSKY.

There being no objection House Bill No. 2082, Senate Bill No. 588, Printer's No. 207 was passed over at the request of Mr. OMINSKY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2083 (Senate Bill No. 589), as follows:

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraiser and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall after the first day of May one thousand nine hundred and thirty-seven consist of seven members who shall be appointed for terms of six years as provided by law

Section 2 The respective members of the board shall have the following qualifications

Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county and shall have practiced law in the county for the last five years immediately preceding their appointment.

One of such members shall be a construction engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment

One of such members shall be a civil engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment

One of such members shall be a real estate appraiser and shall have had at least five years' practical experience

One of such members shall be a real estate broker licensed as such under the laws of this Commonwealth and shall have had at least five years' practical experience

One of such members shall be a business man or an accountant with at least five years' practical experience or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board

Section 3 No person shall be appointed a member of the board of revision of taxes unless he shall have filed with the appointing authority a written application for such appointment setting forth in detail sufficient information to show that the applicant possesses the qualifications required of him by this act All such facts shall be sworn to or affirmed by the applicant All such applications shall remain on file in the office of the appointing authority as a public record

Section 4 The board shall organize each year by electing a chairman and a secretary from among its members In the absence of the chairman a member designated by him shall act as chairman

The chairman of the board shall receive a salary of twelve thousand five hundred dollars ($12,500) per annum Each of the other members shall receive salaries of ten thousand dollars ($10,000) per annum None of the members shall receive any other compensation for any service required of them by law

Each member of the board shall give bond in such amount and with such surety or sureties as the tax levying body of the county shall approve conditioned upon the faithful performance of all of their duties as members of the board They shall not be required to give any other bond for any purpose

The members of the board shall not during their terms of office engage in any other employment hold any other public office or other public employment

Section 5 The board shall appoint a chief deputy appraiser who shall receive a salary of seven thousand five hundred dollars ($7,500) per annum Such chief appraiser shall at the time of his appointment have had not less than ten years' practical experience in making real estate appraisals It shall be his duty to supervise and assist in the setting up and maintaining of a scientific and modern system of appraisement and records thereof and to supervise the making of assessments and the keeping of the records of the board in accordance with the directions rules and regulations of the board

Section 6 The board shall appoint two deputy appraisers whose salaries shall be five thousand dollars ($5,000) per annum each and two personal property appraisers and as many senior assistants as it deems necessary but not more than twenty whose salaries shall be four thousand dollars per annum Each of such [deputy appraisers and] and assistant appraisers shall have not less than five years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade Each of the personal property appraisers shall have not less than five years' practical experience in valuing securities and other personal property subject to taxation

The board shall appoint as many junior assistant appraisers as it deems necessary but not more than ten whose salaries shall be fixed by the board subject to the approval of the tax levying body of the county and shall range in amount from one thousand eight hundred dollars ($1,800) to two thousand seven hundred and fifty dollars ($2,750) Each of such junior assistant appraisers shall have had not less than three years' practical experience as a draftsman or real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade or shall be a graduate of or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed

The board shall also appoint such number of clerks stenographers and other employes and at such compensation as shall be allowed and fixed by the tax levying body of the county

All salaries and compensation shall be paid out of the county treasury

Section 7 The board of revision of taxes may by general rules and regulations prescribe additional qualifications not inconsistent with the provisions of this act to be possessed by the chief appraiser deputy appraisers personal property appraisers senior assistant appraisers junior assistant appraisers and other employes of the board

No person shall be employed by the board in any position except pursuant to written application under oath or affirmation setting forth in detail his qualifications

for the office or position which he seeks which applications shall be preserved among the records of the board All appointments shall be made pursuant to competitive examinations conducted by the board which shall be open to all persons possessing the requisite experience and qualifications Appointments shall as far as possible be made by advancement from among the employes of the board

Section 8 The terms of the members of the board of revision of taxes now in office in counties of the first class are hereby terminated as of the effective date of this act The several assessors and personal property assessors heretofore provided for by law in counties of the first class are hereby abolished and the terms or employment of the present assessors are hereby terminated

Section 9 The following acts and their amendments are hereby repealed

The act approved the twenty-fourth day of March one thousand nine hundred and three (P. L. 51) entitled "An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred fifty thousand or over"

The act approved the thirty-first of May one thousand nine hundred and seven (P. L. 329) entitled "An act fixing the salary of real estate assessors in counties having a population of one million or over" and

The act approved the seventh day of April one thousand nine hundred and twenty-seven (P. L. 149) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries"

The act approved the eighteenth day of February one thousand nine hundred and thirty-seven (Act Number 3) entitled "An act providing for the appointment of assessors and clerks by boards of revision of taxes in cities of the first class fixing their salaries and repealing inconsistent acts"

All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 5, page 4, line 10, by striking out the word: "deputy"

Amend sec. 5, page 4, lines 11 and 12 by striking out the words: "seven thousand five hundred dollars" and inserting in lieu thereof: "eight thousand five hundred dollars"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideraion of House Bill No. 2084, (Senate Bill No. 590), entitled:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 3, page 3, line 3, by striking out the word "shall" and inserting in lieu thereof the word "may"

Amend sec. 11, page 7, line 3, by striking out the word: "subjtcd" and inserting in lieu thereof the word "subjected"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 731, entitled:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flanagan.	McFall,	Shoemaker,
Allen,	Flannery,	McGee,	Shugarts,
Allmond,	Flinchbaugh,	McKinney,	Siegel,
Arnold,	Ganser,	McShane,	Simon,
Atkins,	Gerard,	Melchiorre,	Simpson,
Aukerman,	Gillette,	Mellott,	Skale,
Baine,	Gorski,	Merrell,	Sloan,
Baker, F. T.,	Habbyshaw,	Mihm,	Smith, James A.,
Baker, J. J.,	Haberlen,	Moomaw,	Smith, John A.,
Balthaser	Hagerty,	Mooney,	Snyder,
Bierly,	Hall,	Moran,	Sollenberger,
Blank,	Hamilton, F. P.,	Moul,	Spengler,
Bohn,	Hamilton, R. S.,	Muir,	Sproul,
Boies,	Harkins,	Munley,	Stackpole,
Boltz,	Harmuth,	Murrin,	Stank,
Boose,	Hays,	Nagel,	Stewart,
Boyer,	Hering,	O'Brien,	Stockham,
Bradley,	Hess,	O'Connor,	Strode,
Brancato,	Hetrick,	O'Keefe,	Thomas,
Brigerman,	Hindman,	Ominsky,	Thompson,
Brood,	Hirsch,	O'Neill,	Tronzo,
Brown,	Holland,	Ostroff,	Trout,
Brownfield,	Holmes,	Patterson, C. S.,	Tumelty,
Burrows,	Holstrom,	Patterson, J. W.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Keenan,	Piole,	Wall,
Cohen, H. B.,	Kelso,	Powers,	Walsh,
Cohen, R. E.,	Kilroy,	Preston,	Wampole,
Coleman,	Kline,	Readinger,	Watkins,
Coolahan,	Kroll,	Reese,	Weidemann,
Corrigan,	LaRue,	Reising,	Weiss, D. H.,
Costanzo,	Leisey,	Richter,	Weiss, S. A.,

Davies,	Levy,	Robinson,	Welliver,
Decker,	Lewis,	Rothenberger,	Welsh,
DeNote,	Long,	Royer,	Westrick,
Dickinson,	Longaker,	Ruffennach,	Whalen,
Donohoe,	Lopresti,	Rush,	Whitenight,
Dougherty,	Lovett,	Sarraf,	Wilson,
Downey,	Lyons,	Scanlon,	Winner,
Dubbs,	Marino,	Schor,	Woodside,
Dyson,	Matthews, H. T.,	Schrock,	Wright,
Eckels,	Matthews, J. F.,	Schrope,	Yanoshat,
Elpern,	McArdle,	Schumache	Yeakel,
Falkenstein,	McCullough,	Serrill,	Yourishin,
Finnerty,	McDermott,	Shaw,	Zappala,
Fiss,	McDevitt,	Shea,	Furman,
Fitch	McElroy,	Shepard,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 923, entitled:

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flanagan	McElroy,	Shepard,
Allen,	Flannery,	McFall,	Shoemaker,
Allmond,	Flinchbaugh,	McGee,	Shugarts,
Arnold,	Ganser,	McKinney,	Siegel,
Atkins,	Gerard,	McShane,	Simon,
Aukerman,	Gillette,	Melchiorre,	Simpson,
Baine,	Gorski,	Mellott,	Skale,
Baker, J. J.,	Habbyshaw,	Merrell,	Sloan,
Baker, F. T.,	Haberlen,	Mihm,	Smith, James A.,
Balthaser,	Hagerty,	Moomaw,	Smith, John A.,
Bierly,	Hall,	Mooney,	Snyder,
Blank,	Hamilton, F. P.,	Moran,	Sollenberger,
Bohn,	Hamilton, R. S.,	Moul,	Spengler,
Boles,	Harkins,	Muir,	Sproul,
Boltz,	Harmuth,	Munley,	Stackpole,
Boose,	Hays,	Murrin,	Stank,
Boyer,	Hering,	Nagel,	Stewart,
Bradley,	Hess,	O'Brien,	Stockham,
Brancato,	Hetrick,	O'Connor,	Strode,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Hirsch,	Ominsky,	Thompson,
Brown,	Holland,	O'Neill,	Tronzo,
Brownfield,	Holmes,	Ostroff,	Trout,
Burrows,	Holstrom,	Patterson, C. S.,	Tumelty,
Cadwalader,	Hontz,	Patterson, J. W.,	Valibus,
Caesar,	Horting,	Peale,	VanAllsburg,
Caputo,	Huntley,	Pearson,	VanSickle,
Chervenak,	Imbrie,	Perry,	Vogt,
Coakley,	Jirolanio,	Pershing,	Wagner,
Cohen, H. B.,	Keenan,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Watkins,
Coolahan,	Kline,	Readinger,	Weidemann,
Corrigan,	Kroll,	Reese,	Weiss, D. H.,
Costanzo,	LaRue,	Reising,	Weiss, S. A.,
Davies,	Leisey,	Richter,	Welliver,
Decker,	Levy,	Robinson,	Welsh,
DeNote,	Lewis,	Rothenberger,	Westrick,
Dickinson,	Long,	Royer,	Whalen,
Donohoe,	Longaker,	Ruffennach,	Whitenight,
Dougherty,	Lopresti,	Rush,	Wilson,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Lyons,	Scanlon,	Woodside,
Dyson,	Marino,	Schor,	Wright,
Eckels,	Matthews, H. T.,	Schrock,	Yanoshat,
Elpern,	Matthews, J. F.,	Schrope,	Yeakel,
Falkenstein,	McArdle,	Schumacher,	Yourishin,
Finnerty,	McCullough,	Serrill,	Zappala,
Fiss,	McDermott,	Shaw,	Furman,
Fitch	McDevitt,	Shea,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 33, entitled:

An Act to amend clause (b) of section two thousand one hundred and twenty of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" as amended providing for compensation for members of joint sewer boards

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flannery,	McFall,	Shepard,
Allen,	Flinchbaugh,	McGee,	Shoemaker,
Allmond,	Ganser,	McKinney,	Shugarts,
Arnold,	Gerard,	McShane,	Siegel,
Atkins,	Gillette,	Melchiorre,	Simon,
Baine	Gorski,	Mellott,	Simpson,
Baker, F. T.,	Habbyshaw,	Mellott,	Skale,
Baker, J. J.,	Haberlen,	Merrell,	Sloan,
Balthaser,	Hagerty,	Mihm,	Smith, James A.,
Bierly,	Hall,	Moomaw,	Smith, John A.,
Blank,	Hamilton, F. P.,	Mooney,	Snyder,
Bohn,	Hamilton, R. S.,	Moran,	Sollenberger,
Boles,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Muir,	Sproul,
Boose,	Hays,	Munley,	Stackpole,
Boyer,	Hering,	Murrin,	Stank,
Bradley,	Hess,	Nagel,	Stewart,
Brancato,	Hetrick,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Tronzo,
Brownfield,	Holmes,	O'Neill,	Trout,
Burrows,	Holstrom,	Ostroff,	Tumelty,
Cadwalader,	Hontz,	Patterson, C. S.,	Valibus,
Caesar,	Horting,	Patterson, J. W.,	VanAllsburg,
Caputo,	Huntley,	Peale,	VanSickle,
Chervenak,	Imbrie,	Pearson,	Vogt,
Coakley,	Jirolanio,	Perry,	Wagner,
Cohen, H. B.,	Keenan,	Pershing,	Wall,
Cohen, R. E.,	Kelso,	Piole,	Walsh,
Coleman,	Kilroy,	Powers,	Wampole,
Coolahan,	Kline,	Preston,	Watkins,

Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Marino,	Scanlon,	Woodside,
Eckels,	Matthews, H. T.,	Schor,	Wright,
Elpern,	Matthews, J. F.,	Schrock,	Yanoshat,
Falkenstein,	McArdle,	Schrope,	Yeakel,
Finnerty,	McCullough,	Schumacher,	Yourishin,
Fiss,	McDermott,	Serrill,	Zappala,
Fitch,	McDevitt,	Shaw,	Furman,
Flanagan,	McElroy,	Shea,	

NAYS—1

Aukerman,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1775, entitled:

An Act to amend clause (g) section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined "To authorize the Pennsylvania Historical Commission at its discretion to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flanagan,	McElroy,	Shepard
Allen,	Flannery,	McFall,	Shoemaker,
Allmond,	Flinchbaugh	McGee,	Shugarts,
Arnold,	Gauser,	McKinney,	Siegel,
Atkins,	Gerard,	McShane,	Simon,
Aukerman,	Gillette,	Melchiorre,	Simpson,
Baine	Gorski,	Mellott,	Skale,
Baker, F. T.,	Habbyshaw,	Merrell,	Sloan,
Baker, J. J.,	Haberlen,	Mihm,	Smith, James A.,
Balthaser,	Hagerty,	Moomaw,	Smith, John A.,
Bierly,	Hall,	Mooney,	Snyder,
Blank,	Hamilton, F. P.,	Moran,	Sollenberger,
Bohn,	Hamilton, R. S.,	Moul,	Spengler,
Boies,	Harkins,	Muir,	Sproul,
Boltz,	Harmuth,	Munley,	Stackpole,
Boose,	Hays,	Murrin,	Stank,
Boyer,	Hering,	Nagel,	Stewart,
Bradley,	Hess,	O'Brien,	Stockham,
Brancato,	Hetrick,	O'Connor,	Thomas,
Brigerman,	Hindman,	O'Keefe,	Thompson,
Broad,	Hirsch,	Ominsky,	Tronzo,
Brown,	Holland,	O'Neill,	Trout,
Brownfield,	Holmes,	Ostroff,	Tumelty,
Burrows,	Holstrom,	Patterson, C. S.,	Valibus,
Cadwalader,	Hontz,	Patterson, J. W.,	VanAllsburg,
Caesar,	Horting,	Peale,	VanSickle,
Caputo,	Huntley,	Pearson,	Vogt,
Chervenak,	Imbrie,	Perry,	Wagner,
Coakley,	Jirolanio,	Pershing,	Wall,
Cohen, H. B.,	Keenan,	Piole,	Walsh,
Cohen, R. E.,	Kelso,	Powers,	Wampole,
Coleman,	Kilroy,	Preston,	Watkins,
Coolahan,	Kline,	Readinger,	Weidemann,
Corrigan,	Kroll,	Reese,	Weiss, D. H.,
Costanzo,	LaRue,	Reising,	Weiss, S. A.,
Davies,	Leisey,	Richter,	Welliver,
Decker,	Levy,	Robinson,	Welsh,
DeNote,	Lewis,	Rothenberger,	Westrick,
Dickinson,	Long,	Royer,	Whalen,
Donohoe,	Longaker,	Ruffennach,	Whitenight,
Dougherty,	Lopresti,	Rush,	Wilson,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Lyons,	Scanlon,	Woodside,
Dyson,	Marino,	Schor,	Wright,
Eckels,	Matthews, H. T.,	Schrock,	Yanoshat,
Elpern,	Matthews, J. F.,	Schrope,	Yeakel,
Falkenstein,	McArdle,	Schumacher,	Yourishin,
Finnerty,	McCullough,	Serrill,	Zappala,
Fiss,	McDermott,	Shaw,	Furman,
Fitch,	McDevitt,	Shea,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1557 Printer's No. 564 was passed over at the request of Mr. McDEVITT.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2001, entitled:

An Act to amend section four hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" further regulating the creation and abolition of wards

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McElroy,	Shea,
Allen,	Flannery,	McFall,	Shepard,
Allmond,	Flinchbaugh,	McGee,	Shoemaker,
Arnold,	Gauser,	McKinney,	Shugarts,
Atkins,	Gerard,	McShane,	Siegel,
Aukerman,	Gillette,	Melchiorre,	Simon,
Baine	Gorski,	Mellott,	Simpson,
Baker, F. T.,	Habbyshaw,	Merrell,	Sloan,
Baker, J. J.,	Haberlen,	Mihm,	Smith, James A.,
Balthaser,	Hagerty,	Moomaw,	Smith, John A.,
Bierly,	Hall,	Mooney,	Snyder,

Blank,	Hamilton, F. P.,	Moran,	Sollenberger,
Bohn,	Hamilton, R. S.,	Moul,	Spengler,
Boies,	Harkins,	Muir,	Sproul,
Boltz,	Harmuth,	Munley,	Stackpole,
Boose,	Hays,	Murrin,	Stank,
Boyer,	Hering,	Nagel,	Stewart,
Bradley,	Hess,	O'Brien,	Stockham,
Brancato,	Hetrick,	O'Connor,	Thomas,
Brigerman,	Hindman,	O'Keefe,	Thompson,
Broad,	Hirsch,	Ominsky,	Tronzo,
Brown,	Holland,	O'Neill,	Trout,
Brownfield,	Holmes,	Ostroff,	Tumelty,
Burrows,	Holstrom,	Patterson, C. S.,	Valibus,
Cadwalader,	Hontz,	Patterson, J. W.,	VanAllsburg,
Caesar,	Horting,	Peale,	VanSickle,
Caputo,	Huntley,	Pearson,	Vogt,
Chervenak,	Imbrie,	Perry,	Wagner,
Coakley,	Jirolanio,	Pershing,	Wall,
Cohen, H. B.,	Keenan,	Piole,	Walsh,
Cohen, R. E.,	Kelso,	Powers,	Wampole,
Coleman,	Kilroy,	Preston,	Watkins,
Coolahan,	Kline,	Readinger,	Weidemann,
Corrigan,	Kroll,	Reese,	Weiss, D. H.,
Costanzo,	LaRue,	Reising,	Weiss, S. A.,
Davies,	Leisey,	Richter,	Welliver,
Decker,	Levy,	Robinson,	Welsh,
DeNote,	Lewis,	Rothenberger,	Westrick,
Dickinson,	Long,	Royer,	Whalen,
Donohoe,	Longaker,	Ruffennach,	Whitenight,
Dougherty,	Lopresti,	Rush,	Wilson,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Lyons,	Scanlon,	Woodside,
Dyson,	Marino,	Schor,	Wright,
Eckels,	Matthews, H. T.,	Schrock,	Yanoshat,
Elpern,	Matthews, J. F.,	Schrope,	Yeakel,
Falkenstein,	McArdle,	Schumacher,	Yourishin,
Finnerty,	McCullough,	Serrill,	Zappala,
Fiss,	McDermott,	Shaw,	Furman,
Fitch	McDevitt,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1570, entitled:

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS 197

Achterman,	Flanagan,	McElroy,	Shea,
Allen,	Flannery,	McFall,	Shepard,
Allmond,	Flinchbaugh,	McGee,	Shoemaker,
Arnold,	Ganser,	McKinney,	Shugarts,
Atkins,	Gerard,	McShane,	Siegel,
Aukerman,	Gillette,	Melchiorre,	Simon,
Baine,	Gorski,	Merrell,	Simpson,
Baker, F. T.,	Habbyshaw,	Mihm,	Sloan,
Baker, J. J.,	Haberlen,	Moomaw,	Smith, James A.,
Balthaser,	Hagerty,	Mooney,	Smith, John A.,
Bierly,	Hall,	Moran,	Snyder,
Blank,	Hamilton, F. P.,	Moul,	Sollenberger,
Bohn,	Hamilton, R. S.,	Muir,	Spengler,
Boies,	Harkins,	Munley,	Sproul,
Boltz,	Harmuth,	Murrin,	Stackpole,
Boose,	Hays,	Nagel,	Stank,
Boyer,	Hering,	O'Brien,	Stewart,
Bradley,	Hess,	O'Connor,	Stockham,
Brancato,	Hetrick,	O'Keefe,	Thomas,
Brigerman,	Hindman,	Ominsky,	Thompson,
Broad,	Hirsch,	O'Neill,	Toole,
Brown,	Holland,	Ostroff,	Tronzo,
Brownfield,	Holmes,	Patterson, C. S.,	Trout,
Burrows,	Holstrom,	Patterson, J. W.,	Tumelty,
Cadwalader,	Hontz,	Peale,	Valibus,
Caesar,	Horting,	Pearson,	VanAllsburg,
Caputo,	Huntley,	Perry,	VanSickle,
Chervenak,	Imbrie,	Pershing,	Vogt,
Coakley,	Jirolanio,	McDermott,	Wagner,
Cohen, H. B.,	Keenan,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Watkins,
Coolahan,	Kline,	Readinger,	Weidemann,
Corrigan,	Kroll,	Reese,	Weiss, D. H.,
Costanzo,	LaRue,	Reising,	Weiss, S. A.,
Davies,	Leisey,	Richter,	Welliver,
Decker,	Levy,	Robinson,	Welsh,
DeNote,	Lewis,	Rothenberger	Westrick,
Dickinson,	Long,	Royer,	Whalen,
Donohoe,	Longaker,	Ruffennach,	Whitenight,
Dougherty,	Lopresti,	Rush,	Wilson,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Lyons,	Scanlon,	Woodside,
Dyson,	Marino,	Schor,	Wright,
Eckels,	Matthews, H T.,	Schrock,	Yanoshat,
Elpern,	Matthews, J F.,	Schrope,	Yeakel,
Falkenstein,	McArdle,	Schumacher,	Yourishin,
Finnerty,	McCullough	Serrill,	Zappala,
Fiss,	McDevitt,	Shaw,	Furman,
Fitch,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1344.

An Act to amend sections five hundred and fifty-one six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 2, page 2, by striking out beginning in line 15, the following:

"Section 675 Authority to Sell and Lease Real Property The board of Commissioners may sell or lease either as lessor or lessee any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold and the

reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation once a week for three consecutive weeks After hearing the court shall make such order and decree as shall seem right and proper Such sale shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales as it may deem best for the interest of the county" and inserting in lieu thereof the following:

"Section 675 Authority to Sell or Lease Real Property The board of commissioners may or sell or lease any real property belonging to the county on petition to the court of common pleas setting forth a description of the property to be sold or leased and the reason therefor the court shall thereupon fix a day for hearing and notice of which shall be given in at least two newspapers in said county of general circulation once a week for three consecutive weeks In the case of any lease of county property hereunder such property with any and all improvements or additions thereon or thereto shall in the hands of the lessee be subject to taxation by such county and any other municipal or political subdivision therein in the same manner as all other real estate located in such county all of which taxes shall be levied and assessed against and paid by the lessee After hearing the court shall make such an order and decree as shall seem right and proper Such sale or lease shall be returned to the following term of court as orphans' court sales are now returned and said court shall confirm or refuse to confirm said sales or leases as it may deem best for the interests of the county."

Amend bill, page 3, by inserting after line 9 the following new section:

"Section 4 This act shall become effective immediately upon final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Siegel,
Atkins,	Gerard,	McKinney,	Simon,
Aukerman,	Gillette,	McShane,	Simpson,
Baine,	Gorski,	Melchiorre,	Skale,
Baker, F. T.,	Habbyshaw,	Merrell,	Sloan,
Baker, J. J.,	Haberlen,	Mihm,	Smith, James A.,
Balthaser,	Hagerty,	Moomaw,	Smith, John A.,
Bierly,	Hall,	Mooney,	Snyder,
Blank,	Hamilton, R. S.,	Moran,	Sollenberger,
Bohn,	Hamilton, F. P.,	Moul,	Spengler,
Boles,	Harkins,	Muir,	Sproul,
Boltz,	Harmuth,	Munley,	Stackpole,
Boose,	Hays,	Murrin,	Stank,
Boyer,	Hering,	Nagel,	Stewart,
Bradley,	Hess,	O'Brien,	Stockham,
Brancato,	Hetrick,	O'Connor,	Thomas,
Brigerman,	Hindman,	O'Keefe,	Thompson,
Broad,	Hirsch,	Ominsky,	Tronzo,
Brown,	Holland,	O'Neill,	Trout,
Brownfield,	Holmes,	Ostroff,	Tumelty,
Burrows,	Holstrom,	Patterson, C. S.,	Valibus,
Cadwalader,	Hontz,	Patterson, J. W.,	VanAllsburg,
Caesar,	Horting,	Peale,	VanSickle,
Caputo,	Huntley,	Pearson,	Vogt,
Chervenak,	Imbrie,	Perry,	Wagner,
Coakley,	Jirolanio,	Pershing,	Wall,
Cohen, H. B.,	Keenan,	Piole,	Walsh,
Cohen, R. E.,	Kelso,	Powers,	Watkins,
Coleman,	Kilroy,	Preston,	Weidemann,
Coolahan,	Kline,	Readinger,	Weiss, D. H.,
Corrigan,	Kroll,	Reese,	Weiss, S. A.,
Costanzo,	LaRue,	Reising,	Welliver,
Davies,	Leisey,	Richter,	Welsh,
Decker,	Levy,	Robinson,	Westrick,
DeNote,	Lewis,	Rothenberger,	Whalen,
Dickinson,	Long,	Royer,	Whitenight,
Donohoe,	Longaker,	Ruffennach,	Wilson,
Dougherty,	Lopresti,	Rush,	Winner,
Downey,	Lovett,	Sarraf,	Woodside,
Dubbs,	Lyons,	Scanlon,	Wright,
Dyson,	Marino,	Schor,	Yanoshat,
Eckels,	Matthews, H. T.,	Schrock,	Yeakel,
Falkenstein,	Matthews, J. F.,	Schrope,	Yourishin,
Finnerty,	McArdle,	Schumacher,	Zappala,
Fiss,	McCullough,	Serrill,	Furman,
Fitch,	McDermott,	Shaw,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1027.

An Act regulating the recordation of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by striking out the word "recordation" and inserting in lieu thereof the word "recording."

Amend section 3, page 1, line 13, by striking out the word "recordation" and inserting in lieu thereof the word "recording"; also in line 14, by striking out the word "recordation" and inserting in lieu thereof the word "recording."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198

Achterman,	Flanagan,	McElroy,	Shea,
Allen,	Flannery,	McFall,	Shepard,
Allmond,	Flinchbaugh,	McGee,	Shoemaker,
Arnold,	Ganser,	McKinney,	Shugarts,
Atkins,	Gerard,	McShane,	Siegel,
Aukerman,	Gillette,	Melchiorre,	Simon,
Baine,	Gorski,	Mellott,	Simpson,
Baker, F. T.,	Habbyshaw,	Merrell,	Skale,
Baker, J. J.,	Haberlen,	Mihm,	Sloan,
Balthaser,	Hagerty,	Moomaw,	Smith, James A.,
Bierly,	Hall,	Mooney,	Smith, John A.,
Blank,	Hamilton, F. P.,	Moran,	Snyder,
Bohn,	Hamilton, R. S.,	Moul,	Sollenberger,
Boles,	Harkins,	Muir,	Spengler,
Boltz,	Harmuth,	Munley,	Sproul,
Boose,	Hays,	Murrin,	Stackpole,
Boyer,	Hering,	Nagel,	Stank,
Bradley,	Hess,	O'Brien,	Stewart,

Brancato,	Hetrick,	O'Connor,	Stockham,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Hirsch,	Ominsky,	Thompson,
Brown,	Holland,	O'Neill,	Tronzo,
Brownfield,	Holmes,	Ostroff,	Trout,
Burrows,	Holstrom,	Patterson, C. S.,	Tumelty,
Cadwalader,	Hontz,	Patterson, J. W.,	Valibus,
Caesar,	Horting,	Peale,	VanAllsburg,
Caputo,	Huntley,	Pearson,	VanSickle,
Chervenak,	Imbrie,	Perry,	Vogt,
Coakley,	Jirolanio,	Pershing,	Wagner,
Cohen, H. B.,	Keenan,	Piole,	Wall,
Cohen, R. E.,	Kelso,	Powers,	Walsh,
Coleman,	Kilroy,	Preston,	Watkins,
Coolahan,	Kline,	Readinger,	Weidemann,
Corrigan,	Kroll,	Reese,	Weiss, D. H.,
Costanzo,	LaRue,	Reising,	Weiss, S. A.,
Davies,	Leisey,	Richter,	Welliver,
Decker,	Levy,	Robinson,	Welsh,
DeNote,	Lewis,	Rothenberger,	Westrick,
Dickinson,	Long,	Royer,	Whalen,
Donohoe,	Longaker,	Ruffennach,	Whitenight,
Dougherty,	Lopresti,	Rush,	Wilson,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Lyons,	Scanlon,	Woodside,
Dyson,	Marino,	Schor,	Wright,
Eckels,	Matthews, H. T.,	Schrock,	Yanoshat,
Elpern,	Matthews, J. F.,	Schrope,	Yeakel,
Falkenstein,	McArdle,	Schumacher,	Yourishin,
Finnerty,	McCullough,	Serrill,	Zappala,
Fiss,	McDermott,	Shaw,	Furman,
Fitch,	McDevitt,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 1027.

An Act regulating the recording of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties

HOUSE BILL No. 1344.

An Act to amend section first hundred and fifty-one six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by extending authority therein granted to include leasing of real property

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SPECIAL ORDER ON HOUSE BILL No. 108

The SPEAKER. The hour of 1:30 p. m. having arrived, the Chair lays before the House the Special Order of business fixed for this time, it being House Bill No. 108.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 108, as follows:

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment election and salaries of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court and the municipal court of Philadelphia and for the transfer of certain actions pending in said courts and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Purposes and Basic Principles. The basic purpose and principle of this act is to secure uniform administration in one court of matters pertaining to family relations and to secure for each child under its jurisdiction such guidance care custody and control preferably in his own home or by placement as will serve the home or the child's welfare and the best interests of the Commonwealth.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the Commonwealth subject to the discipline and entitled to the protection of the Commonwealth which may intervene to safeguard them from neglect and injury and to enforce the legal obligations due to them and from them

Section 2 Construction of Act This act shall be liberally construed to accomplish the purposes herein declared

Section 3 Family Court Created General Powers There is hereby created in the judicial district composed of the County of Philadelphia a court of record to be known as the "Family Court" The court shall consist of four judges learned in the law The Family Court shall have all the powers of a court of record possessed by the courts of common pleas and quarter sessions of the peace

Any judge or judges of the Family Court when called upon by the President Judge of any of the courts of common pleas of the first judicial district but without interference with the proper conduct of the business of the Family Court shall have power to hear and to determine upon the certification hereinafter provided for of pleas actions causes civil or criminal issues and all issues and other matters in equity in the courts of common pleas courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace for said judicial district so fully and effectually and to dispose thereof in the same manner as may be done by the judges of the courts of common pleas of the said judicial district Whenever the proper disposition of business requires it an arrangement can be made with the judge or judges of the said Family Court for such services and the President Judge or in his absence or disability any additional law judge of any of the courts of common pleas or said judicial districts may certify matters or issues to be heard and determined by such judge of the Family Court specially presiding as aforesaid

Section 4 Election of Judges Vacancies Compensation Powers of Justice of the Peace The judges of the Family Court shall be elected by the voters of the County of Philadelphia at large at municipal elections for terms of ten years each from the first Monday of January next succeeding their election The first elected judges of said court shall be elected at the municipal election in the year one thousand nine hundred and thirty-seven

It shall be unlawful for any judge of the said court to practice law during his continuance in office

Vacancies in the office of judge of said court shall be filled by the Governor the appointee to hold office until the first Monday of January next succeeding the first municipal election which shall occur three or more months after the happening of such vacancies

Each of the judges of said court shall receive an annual salary of fourteen thousand dollars ($14,000) payable by the Commonwealth

The judges of said court shall be ex-officio justices of the peace

Section 5 General Powers Vacancies in Office of President Judge The president judge shall have power to oversee

and direct the business of the court He shall assign the other judges to the duties to be performed by them Vacancies in the office of President Judge shall be filled in the same manner as in the courts of common pleas of the first judicial district

Section 6 Organization of Court Temporary Appointments by the Governor The court created by this act shall be organized on the effective date of this act and pending the election of the judges thereof as hereinbefore provided the Governor shall appoint the first judges of said court designating one of them to be President Judge and designating also the seniority of the other judges appointed Said judges shall hold office from the day of appointment and commissioning by the Governor until the first Monday of January one thousand nine hundred and thirty-eight

Section 7 Location of Court Sessions Supplies The court shall be open at all times for the transaction of business in the County of Philadelphia at such place as may be provided by the proper authorities of the County of Philadelphia and at such other place or places in the county as may from time to time be found necessary by the court for the convenience of suitors or the accommodation of the public In the hearing of any case the general public may be excluded

It shall be the duty of the proper authorities to provide proper accommodation for the holding of the court at such times and places as the court may decide and the expenses thereof shall be defrayed out of the county treasury

All dockets supplies and materials required for the use of the court and its officers and employes shall be furnished by the proper authorities of the county at the cost of the county

Section 8 Judges Officers Clerks and Employes Prohibited from Engaging in Political Activities No judge officer clerk or employe of the Court shall be a member of or delegate or alternate to any politcial convention No such judge officer clerk or employe shall serve as a member or attend the meetings of any committee of any political party or take any active part in political management or in political campaigns No judge officer clerk or employe of the court shall in any way or manner interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the vote or returning the ballot boxes or voting machines books and papers to the place provided by law for that purpose or be within any polling place save only for the purpose of casting his vote as speedily as it reasonably can be done or be within fifty feet thereof except for purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place nor shall any such judge officer clerk or employe of the court directly or indirectly pay demand solicit collect or receive or be in any manner concerned in paying demanding soliciting collecting or receiving any assessment subscription or contribution whether voluntary or involuntary intended for any political purpose whatever Provided however That no judge shall be prohibited from engaging in political activities or incurring proper expenses on his own behalf in seeking nomination and election as a judge of this court Provided further however That such activities shall not commence more than three months before the primary election at which the said judge shall be a candidate for nomination

Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500) and forfeit his office

Section 9 Appointment of Officers and other Employes The court by a vote of not less than three of its members shall appoint a chief probation officer whose annual salary shall be six thousand dollars ($6.000) per year a secretary of the court and as many probation officers, court officers clerks stenographers and other employes including psychiatrists psychologists and physicians as shall be deemed necessary The salaries and expense of all appointees not fixed by this act shall be fixed on recommendations made by the court by the tax levying body of the county and paid from the county treasury

The secretary of the court shall have the custody of all records and papers of the court in an office provided by the proper authorities for such purposes

Section 10 Methods of Appointments and Removal of employes The court as soon as practicable after the passage of this act shall establish and make public a plan classifying all court employes according to duties and qualifications and a schedule of compensation for each class so established which plan and schedule may be changed from time to time by the court after such public notice as the court may determine

All probation officers clerks stenographers and investigators shall be appointed from eligible lists for the particular position to be filled which lists shall be secured through open oral and written competitive tests conducted at such times and in such maner and graded as marked by such persons as the court may direct Such tests shall have refercence to education ability personality character and special aptitude for work In all written tests each candidate shall be given a number so that the person marking or grading each paper shall not be able to ascertain the identity of any candidate The names of all candidates passing such tests shall be placed in an employment list for each class in the order of their excellence In filling each position for which tests are required the court shall be restricted to the three persons whose names stand highest on the employment list for the particular class in which there is a vacancy After any name has been three times rejected it shall be stricken from the employment list for the particular class for which it has been rejected

In the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles

No person who has been in the employ of the court for more than ninety days shall be dismissed demoted or reduced in pay except for just cause which shall be neither racial religious nor political nor until he has been furnished with a written statement of the reasons for such proposed action an opportunity to reply in writing to the charges preferred against him and to be heard thereon

When necessary for the proper function of the court's business but not otherwise the court may make provisional appointments to fill any position but no provisional appointment shall have a duration beyond ninety days and successive provisional appointments shall not be made the provisions of this section except as hereinafter provided shall not apply to the secretary of the court nor to psychiatrists psychologists and physicians

The secretary of the court and court officers shall each give bond with approved sureties to the Commonwealth in such amount as the judges of the court shall fix conditioned for the faithful performance of their duties. The premium on such bonds shall be paid by the county

Section 11 Appointment Powers and Duties of Referees The president judge may appoint any probation officer or other suitable employe to act as a referee and to hold office during the pleasure of the president judge

The hearing of any case may be referred to such referee by the court or the president judge may direct that all cases of a certain class or within a district to be designated by him shall be initiated before and held in the first instance by such referee in the same manner as provided for the initiation and hearing of cases by the court Upon the conclusion of the hearing in each case

the referee shall transmit to the court all papers relating to the case together with his conclusions and recommendations in writing

A hearing before the court shall be allowed to any person or to the parent guardian or custodian of any child whose case has been heard by the referee upon filing with the court a request for such hearing within ten days after the receipt of written notice of the conclusions and recommendations of the referee In case no hearing before the court is requested the conclusions and recommendations of the referee as confirmed or modified by an order of the court shall become the judgment of the court

Section 12 Records The records of the court shall be docketed and may be withheld from public inspection under order of the court

In every case where a child is discharged on probation or otherwise from an institutional industrial or training school a record of such discharge shall be kept in the docket of the court

Section 13 Seal The court shall have a seal on which shall appear the words "Family Court" and the word "Seal" which shall be affixed to all official papers and documents issued from said court The seal of the court shall be in the custody of the clerk of the court and shall be kept in such place as the court may from time to time order

Section 14 Jurisdiction of Family Court The family court shall have exclusive jurisdiction in the following actions and proceedings except where specifically otherwise provided

(a) All actions and proceedings affecting delinquent neglected and dependent children under sixteen years of age as defined by the laws of this Commonwealth which vest the care guidance control trial placement and commitment of such children in the courts of quarter sessions and the County Court of Allegheny County or the judges thereof which courts when exercising such jurisdiction are known as juvenile courts

(b) All actions and proceedings concerning or trials of persons including adults charged with contributing to or encouraging or tending to cause by any act of commission or omission the delinquency neglect or dependency of any child under sixteen years of age or charged with any act of omission or commission with respect to any child under sixteen years of age which act of omission or commision is a violation of any State law or ordinance of the city of Philadelphia and jurisdiction over which actions and proceedings is by existing law vested in the courts of quarter sessions of the Peace and the County Court of Allegheny County which courts when exercising such jurisdiction are known as juvenile courts

(c, All actions and proceedings relating to the appointment of guardians of the person of delinquent neglected and dependent children under sixteen years of age then subject to the jurisdiction of the Family Court

(d) All actions and proceedings for the support of a delinquent neglected or dependent child under sixteen years of age:

(e) All actions and proceedings brought against any husband or father wherein it is charged that he has without reasonable cause separated himself from his wife or children or from both or has neglected to maintain his wife or children or both and all actions and proceedings wherein a child of full age is charged with neglecting to maintain his or her parents or grandparents who are unable to work and who have insufficient financial ability to maintain themselves

(f) All actions and proceedings wherein it is charged that a mother has deserted her child or children or has neglected to maintain her child or children or wherein it is charged that a grandfather or grandmother has neglected to maintain his or her grandchild or grandchildren

(g) All proceedings involving the custody of any child

(h) All actions and proceedings wherein it is alleged that any child under full age is suffering from epilepsy or nervous or mental defects

(i) All actions and proceedings wherein it is charged that a child between the ages of sixteen and twenty-one years has disobeyed his parents' command or has been found idle in the streets or is keeping company with dissolute or vicious persons against the lawful command of his parents or guardian and against all disorderly children

(j) All actions and proceedings concerning or trial of charges wherein the paternity of any child alleged to have been born out of lawful wedlock is involved and orders and sentences to provide for the support and disposition of such child

(k) All proceedings for the adoption of any child under full age where the adopting parent or the child to be adopted is a resident of the County of Philadelphia and for such purposes to exercise all the powers and authority now vested by law in the orphans' court in such cases The jurisdiction of the court in such proceedings shall be concurrent with the orphans' court

(l) All actions and proceedings concerning or trial of charges brought against all persons whether minors or adults accused of disorderly street-walking

(m) Any prosecution of any minor for any criminal offense under the laws of this Commonwealth The jurisdiction of the courts in such cases shall be exclusive except that in any such case where the child is over sixteen years of age the court may certify such case to the court of quarter sessions of the peace or the court of oyer and terminer and general jail delivery as the case may require

Section 15 Transfer of Records and Pending Actions from Other Courts All books records indices documents and papers in the possession of the Municipal Court of Philadelphia Courts of Quarter Sessions and Orphans' Court of Philadelphia County or the clerks thereof and all actions and matter pending in said courts shall on the date when this act becomes effective be transferred to the court created by this act to the extent that such actions and matters and the books records indices documents and papers connected therewith are within the jurisdiction of the Family Court as herein established

The Family Court is hereby authorized to hear determine and to dispose of the actions and matters so transferred from the Municipal Court of Philadelphia courts of quarter sessions of the peace court of oyer and terminer and general jail delivery and orphans' court and shall have full power and authority to enforce any and all orders decrees judgments or sentences heretofore entered or imposed in any actions or matters transferred from said courts with the same force and effect as if such actions had been originally instituted in the Family Court

Section 16 Powers of Judges as Committing Magistrates in Juvenile Cases Any judge of the Family Court shall have power to inquire under oath or affirmation of all crimes misdemeanors and offenses whatsoever against the laws of the Commonwealth wherein a child under the age of sixteen years is charged and to take in the name of the Commonwealth any recognizance obligation or bail allowed to be taken by any magistrate or by any judge of the court of quarter sessions A judge may continue the recognizances obligations or bail so taken or such as may be returned to the Family Court by a magistrate or by any judge of the court of quarter sessions of the peace or court of oyer and terminer and general jail delivery judge may continue the recognizances obligations or bail so taken or such as may be returned to the Family Court by a magistrate and may inquire into hear and determine all complaints founded thereon If such charge is not triable in the Family Court the judge shall return such charge to the court of quarter sessions or oyer and terminer having jurisdiction

Section 17 Powers and Duties of Probation Department The chief probation officer the probation officers and other employes assigned to serve under the supervision of the chief probation officer shall constitute the probation department of the court

The chief probation officer under the direction of the court shall have charge of the work of the probation department and shall supervise the work of all probation officers and other employes assigned to such work

The probation department shall make investigations before during and after the filing of any petition or the entry of any action or proceeding as any judge of the court may direct It shall keep a written record of all

such investigations and submit the same as the judge may direct It shall keep itself informed concerning the conduct and condition of each person on probation and shall report thereon as the court may direct Each probation officer shall use all suitable ways and means to aid persons on probation to bring about an improvement in their conduct and condition

The probation department shall take over all of the probation work of the probation officers of the Municipal Court of Philadelphia in all cases of delinquent neglected and dependent children placed under the supervision and control of probation officers by said court with the same powers authority and duties as if said children had been placed on probation under the authority of this act

The probation department shall (a) keep full records of its work and perform such other duties as the court may direct

Probation officers shall for the purposes of this act have all the powers of constables All other provisions of the laws of the Commonwealth relating to probation under the supervision of the courts acting as juvenile courts so far as they are applicable and not inconsistent with this act shall apply to cases coming within the provisions of this act

Section 18 Department of Accounts The Secretary of the Court under the direction of the court shall set up and maintain a Department of Accounts in which there shall be kept the proper and necessary books and records of all receipts and disbursements Moneys due from or for persons under the jurisdiction of the court shall be paid into this Department and the Secretary shall make periodical statements to the court as the court shall direct The books of account in this Department shall be audited annually by the Controller of the City of Philadelphia

Secion 19 Service of Process and Orders Service of all orders of the court in process and actions and proceedings shall be made personally by the delivery of attested copies thereof to the persons summoned or affected but if a judge is satisfied that it is impracticable personally to serve process or such order he may order service by registered mail with a return receipt requested addressed to the last know address or by publication thereof or by both as he may direct It shall be sufficient to confer jurisdiction if service is effected as herein provided before the time fixed by the court in the order or process for the return thereof

Service of orders or any process required by this act may be made by any suitable person under the direction of the court The judge may authorize the payment of necessary traveling expenses incurred by any person ordered to appear at the hearing of any case coming within the provisions of this act and such expenses when approved by a judge shall be payable by the county

If any person so served with an order or process shall fail to appear he may be proceeded against for contempt of court

Section 20 Special and General Procedures Returns by Magistrates In addition to the methods and procedures provided by existing law proceedings in said court may be initiated before any judge of said court upon information verified under oath by any person or upon the court's own motion A reasonable opportunity to appear shall be afforded any defendant

The court may issue a warrant for arrest or other process to secure or compel the attendance of any defendant The court shall have the same power and authority over the disposition of actions or proceedings affecting children under sixteen years of age as is conferred by law with respect to delinquent neglected and dependent children and in the case of adults the power to impose sentence as the law provides or to suspend sentence and place any defendant on probation

In desertion and non-support cases and in juvenile cases there shall be no preliminary hearings but the person accused or the children involved shall immediately be brought before the court for trial or hearing as the court may direct

Section 21 Control of Court over Committed Children The commitment by the court of a child under the age of sixteen years to a house of refuge or an industrial or training school or county institution or school maintained for such purposes shall not deprive the court of jurisdiction to release and discharge such child therefrom whenever it shall appear to the court after hearing that the interests of the child will be served by his release or discharge or parole under the supervision of a probation officer

Section 22 Examination and Treatment of Persons Found to be Mentally Defective or in Need of Medical Care The court may in its discretion either before or after a hearing cause any person coming within its jurisdiction to be examined by a physician or psychiatrist appointed or designated for the purpose by the court If it shall appear to the court that any such person is mentally defective or mentally disordered it may cause such person to be examined by two qualified psychiatrists or two physicians or one of each and on the written statement of such examiners that such person is mentally defective or mentally disordered the court may commit such person to an appropriate institution authorized by law to receive and care for mentally defective or mentally disordered persons In any such case the parents guardian or custodian of such person shall be given due notice of any proceedings hereunder

The expenses of any such examination when approved by a judge of the court shall be paid out of the county treasury

Section 23 Proceedings for the Support of Dependents In the case of an adult found guilty of desertion abandonment or failure to provide subsistence or care for any person for whose maintenance or care such adult is legally responsible the court may inquire into and determine the ability of such adult to provide for the maintenance or care of such person and may direct when how and where money for such maintenance or care shall be paid and in the event that such adult shall wilfully and without just excuse fail or refuse to pay the same in accordance with the court's order said person shall be dealt with by the court in accordance with the provisions of law relating to desertion and failure to provide subsistence or such adult may be proceeded against as for contempt of court

Section 24 Jury Trials The court shall hear and determine all cases affecting children under sixteen years of age arising under the provisions of this act and the laws of the Commonwealth relating to delinquent neglected and dependent children without a jury except where otherwise provided by law

If a person coming before the court is charged with an offense for which he is entitled to a trial by jury the case shall be tried before a jury under such rules as the court may promulgate but except as modified by its own rules the practice and procedure in criminal actions shall be the same in the Family Court as in similar actions prosecuted in the court of quarter sessions of the peace and court of oyer and terminer and general jail delivery

Section 25 Jurors It shall be the duty of the proper officers of the County of Philadelphia to provide such jurors for service in the Family Court as may from time to time be required by order of the president judge of the Family Court The jurors shall be summoned in the same manner as provided by law for the courts of quarter sessions of the peace They shall receive the same compensation and be subject to the same duties and liabilities as jurors summoned to serve in other courts of the county

Section 26 Review of Decisions by Court En Banc Any person aggrieved by the final decision of any judge of said court shall have the right within ten days after such decision has been rendered to ask for a review thereof before a court en banc composed of three judges of said court which court en banc shall after argument render its decision which shall become the decision of the court

Section 27 Fees The fees to be charged for the business of the court shall be the same as the fees charged for similar services by law by the various county officers of the County of Philadelphia

All fees and other sums of money received by any clerk or employe of the court shall be paid over to the county treasury except moneys paid in pursuance of an order of the court in (a) proceedings against a husband father adult child mother grandfather or grandmother where in it is charged that he or she has without reason-

able cause deserted his or her dependents or failed to support any dependents or (b) in a proceeding for the custody of children In all such cases the moneys shall be disbursed to the person or persons entitled as herein above provided

Section 28 Costs Any judge of the court shall have power upon the disposition of any action or proceeding to make an order disposing of the costs including fees of witnesses constables sheriffs and witnesses and other costs and may impose such costs on the County or Philadelphia or on the complainant if after hearing it be found that the complaint was made without proper cause or upon the defendant or parent or parents or custodian of a child if after hearing it be found in the case of parents that they were at fault and are of ability to pay but all such costs shall after hearing and order in the case be immediately chargeable to and paid by the county Provided That the county shall be liable only for the cost of such witnesses as the probation officer shall certify where subpoenaed by his order and where in attendance at or necessary to the trial of the case or such witnesses as the court shall certify were in attendance and necessary to such trials

Section 29 Appeals All parties believing themselves aggrieved by the decision of the Family Court may remove their case by appeal to the Supreme or Superior Court as the case may be in accordance with the practice and procedure applicable to other courts of said county

Section 30 Court Rules and Regulations The court shall have power to adopt such rules of procedure and rules and regulations prescribing the qualifications of employes and personnel for the conduct of officers and employes and for the conduct of its business and the proceedings before it and all rules and regulations necessary to effectuate the purposes of this act as it shall deem proper

Section 31 Constitutionality The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 32 Effective Date This act shall become effective immediately upon final enactment

Section 33 Repeals All other acts and parts of acts inconsistent herewith are hereby repealed

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker and members of the House, the bill now under consideration provides for the formation of a Family Court in Philadelphia. At the same time it is a part of the general ripper scheme of that same court. This present bill would establish a Family Court to take over the duties and functions of the Domestic Relations Court as now constituted, in so far as those duties refer to certain domestic affairs.

First of all, I would like to give you a history of the court and the work that it has been doing. The court was created in 1913 by an act of the Legislature. There are at this time eleven judges in the court. The court started its jurisdiction in all domestic affairs, such as non-support, dependent, delinquent or neglected children, street walking, offenses of minors, adoption, morals, and so forth. In addition the court has civil and equity jurisdiction and criminal jurisdiction, subject to certain limitations.

At the time of its creation there was no doubt in anybody's mind that the city needed a court to handle domestic affairs. It was also probably considered that a poor man's court was necessary. What the people of Pennsylvania, Philadelphia and the members of the Legislature overlooked was the fact that the common pleas setup in Philadelphia was in such a shape that the court business was stalled and it was absolutely impossible to handle the civil business of the City of Philadelphia. The result was that the poor man had his court, but the attorneys of Philadelphia saw an opportunity to get their cases disposed of expeditiously and brought suit in the Municipal Court instead of bringing suit in the Common Pleas Court. The result is that from 1914 to date over three hundred thousand civil suits have been commenced in that court and over ten thousand civil cases are disposed of in a year. Lawyers get their cases disposed of in about six months. If they did not get a fair trial by fair and competent judges, they would not bring suits at the rate of ten thousand and upward a year in the Municipal Court. Of course, what we are particularly interested in today is the domestic relations side of the Court. The whole picture however should be considered because this particular ripper is only a part of the plan to destroy the court as a whole. You ladies and gentlemen from smaller cities and country districts cannot realize the scope of this court's activities. In one year, in the Juvenile Division, there were over twelve thousand cases disposed of, and thirty-nine thousand cases investigated. In the twenty-three years of activity of the court three hundred and thirty-five thousand cases of that character have been disposed of. In the Domestic Relations Court itself there are fifteen thousand cases a year and they are cases which involve non-support or something of that character, and about two-thirds are handled by the Reconciliation Division without the necessity of a formal court hearing. That division of the court collects about $1,355,000 a year for the benefit and relief of deserted wives, children or parents. The total figure is almost $30.000,000. The Misdemeanants Division handles yearly the cases of about 3,700 men, women, boys and girls. In the Criminal Division there have been about seventy thousand bills of indictment presented. Over eleven thousand cases involving illegitimate children have been handled. Then, of course, there were a large number of mental and physical examinations in the court's Medical Division, amounting to about nineteen thousand a year. In addition there are more than ten thousand cases a year disposed of in the Civil Division, and four thousand five hundred cases a year in the Small Claims Division. Therefore, you see that the poor man's feature of the court has not been overlooked, when there are four thousand five hundred cases in that division alone.

That is a physical picture of the court you are asked to destroy. Some of you men know this has been a model for other cities of this country and foreign nations. It is a complete judicial setup in itself.

From a court organization standpoint it cannot be improved upon. Why destroy it? Well, the Shapiro Committee said that the community needs a Domestic Relations Court and a Civil Court of limited jurisdiction. This setup won't do because there are politicians working in the court and some of the judges knew they were not only politicians but Republicans in the bargain. Also one judge appointed his son as his secretary, and another as a court crier. Those two young men were college graduates and entirely fitted for the positions which they held. Another judge appointed his brother as secretary. Another judge apointed two or three competent members of his

family. In referring to this outrageous example of nepotism, bear in mind that the qualifications of men can be impeached. True the brother of one judge, who after performing well an important position for about twenty years, went blind in the service. Senator Shapiro of course referred to that as an incident of mismanagement in the court.

The other reasons why you should destroy the court are that three employes receive more than the twenty-five hundred dollars fixed by statute. In other words, the statute limits the salary of twenty-five hundred dollars and they received a couple of hundred dollars more than they were entitled to according to this interpretation of the act. Those employes are repaying back the amount of money which they received over and above the twenty-five hundred dollars.

The question for this House to decide is whether or not the Representatives of the State of Pennsylvania will permit the destruction of a court because you want the five hundred or so jobs it contains, or if you are going to demand proof of impeachable offenses on the part of the judges of that court before destroying it. This is a State issue and not a local one. The judges with two exceptions are not and have not been politically active. As a matter of fact they have no political interests whatsoever. The Municipal Court has the respect of the people of Philadelphia, even in the face of the gyrations of the Shapiro Committee. The burden is on the sponsor of the Municipal Court a partial substitute to prove not only the judges as a whole are and have been guilty of impeachable offenses, but that the Family Court would be an improvement on the present court as now constituted.

I am going to ask you to listen to the debate on this subject with great care, as it is a most important issue and I am going to ask you to lay aside politics and decide whether or not the present charges, if any, are of such a serious nature that you should destroy the court which is rendering such wide and useful service to the people of Philadelphia and has been doing so over a period of more than twenty years.

Mr. OMINSKY. Mr. Speaker and members of the House, in rising to ask for your support of House Bill No. 108, I wish to preface my remarks with this adage that "He who seeks to command respect must deserve that respect," whether it be a person, institution or a court.

There has been a movement on foot for many years to reconstruct this court and not destroy it, because in December, 1936 one of our Philadelphia newspapers ably stated this point:"

"Municipal Court's self probe recalls blocked 1927 quiz." Probation setup exposed; judges withdrew cooperation.

"The Municipal Court is about to engage in the curious undertaking of investigating itself. Maybe the investigation will be a real one. Maybe the judges will announce that they have discovered their administration is full of faults. Maybe they will order a general house-cleaning and begin firing their own appointees. Maybe.

"Back in 1927 the court was supposed to cooperate in a somewhat similar investigation. Everything went like a breeze until a few embarrassing facts began coming to life.

"Then, suddenly, the investigation was over. The Bureau of Municipal Research, which was making the probe at the invitation of Judge Raymond MacNeille (Then President judge of the court) announced:

'"The inquiry has ended because of lack of cooperation on the part of the court'.

"The trouble was the resignation of Judge MacNeille, to enter Common Pleas Court.

"'With Judge MacNeille's resignation' the Bureau reported, 'the court's cooperation in giving access to information needed for the survey came to an end'.

"But the probe, made by fifty trained investigators, already had uncovered a few indications pointing to 'political influence and lack of inspiring and competent leadership'.

"What investigators found. Here are a few of them:

"Probation officers were asked to make contributions to the Republican Committee.

"Probation officers charged with the delicate task of keeping criminals and delinquents on the straight path, were paid less than $2,000 a year, while tipstaves and court criers who announce the opening and close of court each day were paid between $2,500 and $3,000 a year.

"Workers on the court's million dollar payroll were busy with politics in their home wards. When investigators called upon them at their offices they were, frequently, peacefully sleeping.

"And here are some specific instances of laxity and laziness the investigators uncovered," and they were not investigators of the Shapiro Committee but they were trained investigators of the Municipal Research Bureau.

"In the Men's Criminal Division workers due at nine straggled in from nine-thirty to ten.

"Telephone inquirers who called too early were told the men were 'making investigations' on their way to work. There was 'a general air of slackness' about workers' headquarters.

"One officer naively reported he had so many people visit his home he couldn't get to work until late.

"Some probation officers, due to put probationers through a searching quiz each week, would say briefly: 'Name? Working? O. K. Come in next week' ".

An so on and on and on. This investigation was started in 1927, but the party in power at that time did not see fit or did not have the gumption to do what we are endeavoring to do today, that is, to clean house in the Municipal Court of Philadelphia. As a matter of fact this is a non-partisan proposition because there are Democratic as well as Republican judges in the Municipal Court at this time. Still further, in December of 1926 after the November election, when the Democratic Party came into power, some of the judges of Municipal Court knew that somethings of this sort would inevitably occur and therefore they asked permission and decided that they would start an investigation of their own. Those judges made the investigation and reported to the balance of the Board of Judges and that report advocated the elimination of politics in the courts and it advocated the elimination of several hundred employes at an annual saving of several hundred thousand dollars to the people of Philadelphia. That report was shelved and the entire budget of the prior year was asked for so that Council could appropriate that money for the Municipal Court. This is the condition of the court today. It is purely a political court, and, we, with the establishment of the Family Court and with the passage of various other bils which are pending before the House

and Senate, are endeavoring to make the Domestic Relations Court in Philadelphia an institution worthy of its name. We are endeavoring under this Family Court Bill to take out from the Municipal Court the civil jurisdiction and then transfer that into a higher court, the Common Pleas Court. We are endeavoring under House Bill No. 108 to put under civil service the probation officers and the employes of Municipal Court. We are endeavoring under House Bill No. 108, not only to clean house but also to save the taxpayers of Philadelphia several hundred thousand dollars.

I might call your attention to that part of the Shapiro report which was submitted to this House on March 27 1937, as follows:

"Whereas, Certain of the judges at the present time on the Board of Judges of the Municipal Court may personally be fine fellows and may personally be able and ought to command certain respect, nevertheless they sat in at the meetings and confirmed everything that the Board of Judges decided and approved their illegal action."

There were certain features in the Court activity that the Shapiro Committee brought out which were absolutely illegal and contrary to the statutes of Pennsylvania. Nevertheless, all judges acquiesced. Not only did they run this court politically but they ran the court illegally in certain respects, and that is another reason why they ought to be removed in whatever manner this Legislature will later decide.

This bill is directly in line with the rest of the good things we are endeavoring to do in Philadelphia. If we were ambitious or if we were selfish or politically minded, we would not put civil service in this Family Court. We are endeavoring in this bill as well as in every other bill we are endavoring to put through to put in certain qualifications for the employes of the various branches of government of the City of Philadelphia. We are attempting to do a good job because the people in November told us to do so by their votes. House Bill No. 108 is the result of that mandate of the people, it is the result of an investigation made in 1927 by an impartial body, is the result of the investigation made by a joint legislative committee of the House and Senate.

Mr. Speaker and members of the House, it is very important and vital to the people of Philadelphia that House Bill No. 108 be passed and that all related measures which are before the Legislature be passed because in that way and in that way alone will we be able to make Philadelphia as free as possible from political activities in the courts and we will be able to save several hundred thousand dollars a year for the taxpayers of Philadelphia.

Mr. McDEVITT. Mr. Speaker, I would like interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, I would like to ask the gentleman from Philadelphia, when he refers to patronage, if the patronage does not still remain under his bill in the Board of Judges?

Mr. OMINSKY. Mr. Speaker, in answer to the question of the gentleman from Philadelphia, Mr. McDevitt, I will say that is not correct. The patronage does not remain in the Board of Judges, except that they set up a civil service and every employe will be obliged to take an examination, both written and oral, and the employes will be selected from that list after they pass the examination. The patronage is not directly under the control of the Board of Judges as such.

Mr. McDEVITT. Mr. Speaker, in other words, the list is made up by the Board of Judges and they then pick out from that list the people that they want to appoint, is that correct?

Mr. OMINSKY. No, Mr. Speaker, that is not correct, they pick out from the first three names on the list.

Mr. McDEVITT. Mr. Speaker, then I understand that the Board of Judges takes one from the first three and then they continue the same as you would under any civil service law that exists at this time.

Mr. OMINSKY. Mr. Speaker, that is exactly the same provision as is contained in the Federal civil service law.

Mr. McDEVITT. Mr. Speaker, regardless of his position on the list, if he is skipped three times, he goes off the list, is that correct?

Mr. OMINSKY. That is correct.

Mr. McDEVITT. Mr. Speaker, what provision does this bill contain that cannot be placed in the Municipal Court Act by amendment?

Mr. OMINSKY. Mr. Speaker, there are many features of the bill that cannot be replaced or amended in the Municipal Court Act, but the most important feature is this, even if we were able to amend the present Municipal Court Act there isn't any likelihood that the court will carry out the intentions of the act, as shown by their actions prior thereto.

Mr. McDEVITT. Is it the idea of the gentleman from Philadelphia that these new appointees with no experience whatsoever in any line of judicial duty, will perform their duties better than trained men who have served for over twenty years, and who have not in any way been criticized or accused of any wrong doing?

Mr. OMINSKY. Mr. Speaker, the question of the gentleman from Philadelphia embraces so many theories that I must answer it in my own way. I would say this, where a judge has been sitting in a court for twenty or twenty-five years, he may have become imbibed with certain principles and does not conform to the changed times. Therefore, I feel, especially as it involves a Domestic Relations problem, that new blood can do as good, if not better work, than older people.

Mr. McDEVITT. Mr. Speaker, in referring to the Bureau of Municipal Research, may I ask the gentleman if he is familiar with their pamphlet dated March 30 in which they criticize the civil service provision of this bill as being very weak?

Mr. OMINSKY. Mr. Speaker, I am very familiar with that pamphlet in which they analyze House Bill No. 108, but in that pamphlet, like a good many other research agencies of that type they do not take a definite step as to whether or not the Family Court should be established. It seems to me they want to play both ends.

Mr. McDEVITT. Mr. Speaker, of course, the gentleman understands that the court is operating every day on a large scale and that they have cases listed for a period of time and that it is necessary that immediate facilities be provided to carry on those duties. Will the present

employes be continued or will new appointments be made temporarily?

Mr. OMINSKY. In answer to the question of the gentleman from Philadelphia, Mr. Speaker, I can assure him as well as this membership that the court's work and functions will not cease for one moment because the civil service provision under this act does not start until after ninety days. The employes of the Municipal Court will probably continue that function under different heads the same as our present new Pennsylvania Public Utility Commission is functioning. The employes in the court today will be given an opportunity to take the examination, and by virtue of their experience in the court, if they have had any experience, or by virtue of their work, if they have done any work, will more than likely be able to pass the examination, and they will be eligible for reappointment.

Mr. McDEVITT. Mr. Speaker, we of course realize that the present employes or anybody else in the City of Philadelphia at least could take this examination but what provision does this bill contain, or what provision is there in the bill that would prevent the immediate firing of a large number of these employes and the appointment of new employes and in that event how would they be removed before taking examination?

Mr. OMINSKY. Mr. Speaker, in answer to the gentleman's question, I will say this that I believe in some respects a lot of those employes ought to be fired. If the new appointments are made during these ninety days their appointments will be revoked at the end of that time, and after an elegible list has been drawn up by the Board of Judges those who pass the civil service examination will be appointed.

Mr. McDEVITT. Mr. Speaker, is it not true that there is no provision in this bill that would prevent the continuance in office of the temporary employes or the new employes put in by the new Board of Judges, however you want to classify them.

Mr. OMINSKY. That is not correct, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, may I inquire what provision there is in the bill by which they may or could be removed at the end of that period of time.

Mr. OMINSKY. Mr. Speaker, I believe that under the civil service section of the bill no employe can hold a provisional appointment for more than ninety days, if I recall the act correctly and, therefore if they were appointed during the interim and they haven't passed the examination at the end of ninety days they cannot hold office.

Mr. McDEVITT. Mr. Speaker, doesn't that provision refer to vacancies subsequent to the first examination?

Mr. OMINSKY. Mr. Speaker, it refers to all employes.

Mr. PERRY. Mr. Speaker and members of the House, once more I rise, not speaking upon the merits of the bill so far as it relates to Philadelphia, but as I happen to be a country boy, coming from a rural section, and not being familiar with the plans or the purposes or the desires or the intentions of the boys from Philadelphia to change their government and their governmental employes, I have no criticism nor will I take any part in it, but as once before on a similiar measure in this House, when it vitally effects the rest of the State, when it effects the State itself, we who represent the rural districts, and many of my colleagues on this side of the House are from the rural districts, and many of the men on the other side of the House are from rural districts, we would like to know what effect it will have upon us. We must rely upon the Press, we must rely upon the spoken word as to how your system is being operated in Philadelphia. I have listened with a great deal of interest to the two preceding gentlemen and I have the greatest respect for them, both as to their sincerity and ability. After listening to these gentlemen I am undecided as to whether this proposed change in the system in Philadelphia is just another ripping out to put in employes of a new political party or whether it is a necessary change in the conduct of Philadelphia affairs, but the men from rural sections of the State feel that this is not purely a Philadelphia bill. It is a bill which the rural counties of the State will be called upon to pay. We ought to know in the rural sections, who are helping to pay the bill, who is being ripped out by this bill, if it is purely ripper legislation. If it pertains only to local Philadelphia employment and they are paying the bill then I believe that we should keep our fingers out of it, but when we pay the bill for the judges, when the taxpayers from the rural counties as well pay the bill, it has an entirely different aspect.

I have been following this proposition of the ripping out of courts in the newspapers and in the investigation, and I am vitally interested in two things. First, the court, and, secondly, in economy, as the people from the rural sections which I represent will help to pay the bill. I have before me some of the newspaper articles, which I will not read in detail. I believe we are dependent, in the rural sections at least, upon newspaper reports. If Philadelphia really needs this change, we in the rural sections will not complain about paying the extra cost, but if Philadelphia does not need this change then it is unfair for us to take the money from the pockets of our people in order to satisfy ripper legislation.

I will quote from the Bulletin of the Bureau of Municipal Research, which both gentlemen cited in their argument, and concerning which I believe there has been no criticism. We find this:

"A question which does lie within the Bureau's field is whether the machine which the new judges would operate would be an improved one." The Bureau from its investigation made this relevant statement that in their opinion the system would not be an improved model to that which exist today. The opinion, says the Bureau, is based after a careful analysis.

I have been following the various matters as they have appeared in the newspapers. I am quoting from a newspaper article in one of the Philadelphia newspapers:

"Analysis of the Family Court Bill as made by the nonpartisan nonpolitical Bureau of Municipal Research shows that it will not eliminate abuses known to exist in the Municipal Court. The greatest complaint against the present tribunal has been that it is dominated by politics which have ruled in the selection of employes * * * but the difficulty is that the law governing the proposed new court does not correct any of the evils that have been cited against the Municipal Court. That body has done an outstanding piece of social work in its handling of domestic and juvenile problems."

The article goes on to say:

"In fact many other provisions of the bill are criticized

in the analysis. They all point to the desire of the Democrats to run the Municipal Court in the same manner that it has been run. There is no evidence of sincere desire to correct evils. Apparently it is to be prostituted to Democratic purposes in the future as it has been to the Republican uses in the past."

Then I noticed another newspaper article in which they commented on a public hearing that was held on this bill, in which they said that it was difficult to get any proponents of the bill to appear before the committee. However, they go ahead and say that there is a public demand for the abolition of the Municipal Court. "The witnesses who were expected to say they favored the change in courts just could not be heckled or cajoled into saying that they favor the Shapiro plan. They seemed determined to express their own ideas. Almost without exception they made it plain to the committee that while evils are known to exist in the Municipal Court they could be corrected by amending the present act. In fact, they suggested that a good civil service system for the court was all that was needed. One witness went so far as to condemn the bills advocated by Senator Shapiro. He said they should make specific provision for physicians, physiologists and psychiatrists. He insisted the Juvenile Court is well assisted by Judge Rosen and then he astounded his examiners by saying, 'Judge Brown has done a definite service to Philadelphia as a pioneer.' What made it worse is that he is State Director of the Democratic created National Youth Administration. It is significant that those who were summoned to condemn were found testifying that the good in the Municipal Court should be preserved and that the evil is easy of correction."

Then I received a letter from a gentleman whom I do not know closely but who from my investigation from sources available to lawyers and from other sources has a very high and able place at the Philadelphia Bar. I think many of you members received one of these letters and perhaps you have thrown it away, but it throws a significant light upon the Municipal Court, so far as we of the rural districts are concerned. This letter was addressed, as I say, to the member who is speaking and I think it was sent to each of the other members, and calls attention to the great waste of money in the Pennsylvania State Treasury that would result from the abolition of the Municipal Court of Philadelphia. The letter states that the Act of July 12, 1913, which created the court, Section 2 provides: "The judges of the said court shall be learned of the law and shall be elected by the duly qualified electors of said county, for terms of ten years if they so long behave themselves well".

The letter further states that the requirement that they be learned of the law brings them particularly within the provisions of Article V, Section XV of the Constitution of Pennsylvania, which reads:

"All judges required to be learned of the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold offices for the period of ten years, if they so long behave themselves well; but for any reasonable cause which shall not be sufficient grounds for impeachment, the Governor may remove any of them on the address of two-thirds of each House of the General Assembly."

The letter goes on to state further:

"The Constitution having fixed ten years as the term of office for these eleven duly elected judges, it inevitably follows under the principle illustrated by the decision of the Supreme Court in the case of Commonwealth v. Gamble, 62 Pa. 343, that the General Assembly cannot legislate these judges out of office during the periods for which they have respectively been elected.

He then referred to a ruling of the Supreme Court and made a comparison."

The letter goes on to say:

"If an act were passed attempting to divest these judges of office all they would need to do would be to notify the Governor and the Chief Justice of Pennsylvania that they stood ready to perform judicial duties whenever and wherever assigned, and their salaries would have to be paid to the ends of the terms for which they were elected. In dollars this would mean, figuring only from the end of the year 1937, that the amounts thus payable as salaries would be as follows:

"The President Judge and five additional judges, whose terms expire the first Monday of January, 1944, would have to be paid their salaries for the years 1938, 1939, 1940, 1941, 1942 and 1943, six years each—

The President Judge at $10,500	$ 63,000
Five judges at $10,000 a year each	300,000
Three judges whose terms expire the first Monday of January 1942 would have to be paid for four years each, making a total of	120,000
One judge whose term expires the first Monday of January 1936, would have to be paid for eight years	80,000
Grand total of salaries thus payable	$563,000

"Further, four of those judges are at this time entitled to accept the benefit of the State Retirement Act. At the expiration of the term to which they have been elected, three additional judges would be entitled to the benefit of that act, making a total of seven judges to receive pensions to the ends of their lives.

"Further, under Article V, Section 18, of the Constitution of Pennsylvania, JUDGES ARE PAID BY THE STATE.

"The Municipal Court is performing every function which it is proposed to transfer to five family court judges and three small-claims court judges which the legislature is asked to create. The salaries of the five family court judges at $14,000 a year each would be $70,000, and of the three small-claims judges at $7,500 a year each would be $21,500, total $91,500.

"Is there any need to waste the taxpayers' money in this way, besides later saddling the State with a pension bill of such dimensions?"

I haven't expressed any personal views in this matter. I have merely quoted articles from the Philadelphia Press and a letter written by a Philadelphia practitioner, and I tell the members of the House who are representing the rural sections that this is one bill which you will be called upon to pay, as well as the City of Philadelphia, and I ask you to act accordingly on the bill.

Mr. OMINSKY. Mr. Speaker and members of the House, I want to thank the gentleman from Blair, Mr. Perry, for putting more aptly than I did the work of the Municipal Court in the past. He said in referring to the court that

the court has been prostituted to Republican uses in the past. Now, I hesitated to use that word, but inasmuch as he has used it for me, I wish to thank him. He referred to the report of the Bureau of Municipal Research. I want to remind the members of the House that on the last page of that report the following observation appeared.

"The reader is reminded that in the introductory pages of this memorandum the Bureau of Municipal Research states the purposes of its discussion and the conclusions concerning the family court bill which it derives from the detailed analysis. It seems desirable to reiterate that on the question whether the best family court act would be a law setting up a new court or an amended municipal court act the Bureau takes no position."

I hope that answers the question about the merits or demerits of the new setup. Now, there is a vital question as to whether the State will pay the salaries of the judges who under this bill will be taken out of office. You know that even Philadelphia lawyers as well as judges may be wrong in the law, or may change their mind. I believe that is only one phase of the legal aspect as to whether the State will have to bear the brunt of the salaries of the judges in the future. We feel and we have competent legal advice that the State will not have to pay the salaries of those judges for the balance of their terms, but we also intend to take two precautions to prevent any possibility of a Supreme Court ruling otherwise. In the first place, we have been advised that several of the judges as soon as this Family Court bill is passed will resign, and on the question of resignations, I might mention the matter of those who may be eligible for pension. I might say that when an employe of the State or when an officer of this State goes on pension the State does not have to pay any additional money for his retirement because they have already paid in a certain amount of money to which they are entitled, the same as under an insurance policy, therefore, in that case the State will not bear any additional burden because if any of those judges do resign they will be eligible to that pension regardless of any pending legislation. As far as salaries are concerned I wish to say this, if after this set up which we have in mind is finally approved by the House and the Senate, and a transfer of the various functions is taken over from the Municipal Court and put in the Common Pleas Court or in this Family Court, then those judges will have nothing to do, and as a matter of fact if they still persist in claiming salary we will take steps to prevent them from doing so under this method. In the first place we have a right on petition of two-thirds of both Houses to recall those judges, and as a matter of fact where there is no work to do and the Legislature has seen fit to transfer their powers, the Legislature of necessity must see to it that they are recalled. Secondly, it is our intention to see to it that the State of Pennsylvania does not appropriate any further moneys for the payment of salaries to Municipal Court judges, but the appropriation will go to the Family Court judges. This is what it will do: It means that so long as the Commonwealth does not appropriate that money those judges will not be paid their salaries, even though they request that payment. And there is no legal action against the Commonwealth, because the Commonwealth is a sovereign power. In addition to that, in line with the legal proposition, the Commonwealth would have no moral right to appropriate to the Municipal Court the balance of the salaries due to those judges. Therefore, on that score, members of the House, I feel that there is no fear that the rural membership or any part of the State will suffer the payment of any additional salaries, which would in any event effect the City of Philadelphia probably more so than any other ten or fifteen counties in Pennsylvania.

Mr. BLANK. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Perry.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. PERRY. I will, Mr. Speaker.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from Blair, Mr. Perry, whether or not he is of the opinion, if the abolition of the Municipal Court is a desirable thing for the public interest, that he would be in favor of such a bill.

Mr. PERRY. I would, Mr. Speaker, but I also wish to state that from the newspaper reports which I have read and analyzed I am convinced that there is no such need at this time.

Mr. BLANK. Mr. Speaker, may I ask if the gentleman is familiar with the poll conducted by the Philadelphia Bar Association?

Mr. PERRY. I am, Mr. Speaker, but not enough to quote from it.

Mr. BLANK. Mr. Speaker, is the gentleman from Blair familiar with the fact that a poll was conducted by the Philadelphia Bar Association?

Mr. PERRY. Mr. Speaker, I received a letter to that effect some time ago.

Mr. BLANK. Mr. Speaker, may I call the attention of the gentleman from Blair as well as the membership of the House to the fact that the poll was conducted by 3,758 members of the Philadelphia Bar association and the poll resulted in 934 members of the Philadelphia Bar voting in favor of the abolition of the Municipal Court, and 1,293 members of the Philadelphia Bar voting against the abolition of the Municipal Court, and that there were fifteen hundred members of the Philadelphia Bar who did not vote on the question. I would ask the gentleman from Blair whether or not it would seem to be a subject of fit discussion, that over fifteen hundred members of the Philadelphia Bar did not think enough of the Philadelphia Municipal Court to vote on this question.

Mr. PERRY. Mr. Speaker, in answer to the question of the gentleman from Philadelphia, I would say it would be a phase to take into consideration in forming an opinion on the question, but at the same time there are certain interests in the Bar Association that might prohibit the expression of a true opinion, which does not exist in the Press nor does it exist in the Research studies or investigations of the Municipal Research Bureau.

Mr. BLANK. Mr. Speaker, may I ask the gentleman from Blair what interests in the Philadelphia Bar Association would prohibit a fair discussion?

Mr. PERRY. Mr. Speaker, only from my own immediate experience as a practitioner before the courts; I would hesitate to vote to abolish my court unless I was certain it would be done.

Mr. BLANK. Mr. Speaker, is the gentleman from Blair familiar that the poll was a secret poll conducted by the certified public accountants without the names of those

supplying the answers on a postcard, upon which the questions were asked.

Mr. PERRY. Mr. Speaker, not as to the procedure, but I understand also that the Literary Digest had a secret poll and they were a little wrong on the ultimate vote.

Mr. BLANK. Mr. Speaker, I notice that the gentleman from Blair quoted a case of Commonwealth v. Gamble, which he cites with approval. I am sure that the gentleman from Blair would not cite that case with approval unless he has read the case. May I ask the gentleman if he did read the case.

Mr. PERRY. Mr. Speaker, I was quoting from a Mr. Detweiler, a man of very high repute and skilled in that city.

Mr. BLANK. Mr. Speaker, I again ask the gentleman from Blair if he has read the case?

Mr. PERRY. I may have during my school days, Mr. Speaker, but I cannot qualify as having done so in recent times.

Mr. McDEVITT. Mr. Speaker and members of the House, so far as the poll is concerned, no matter which way you gentlemen look at it the proponents did not win. I might also say that the supporters of the Municipal Court have taken the position from the beginning to the end that the court cannot be ripped out as a legal proposition. Very recently there has been no activity whatsoever on the part of the court itself. It is also a well known fact, if we are considering influences, one way or the other, that a great number of our lawyers in Philadelphia, particularly the younger attorneys, are Democrats, as you well know from the membership of this House, and I believe I can also state from my own personal knowledge and as a result of being told by a large number of people that the telephone wires were burned up by the proponents of this bill seeking votes in favor of the bill. Regardless of how you look at it the poll is in favor of the opponents of the bill. Our idea is that we receive fair play on this bill. I also realize after hearing the statements on the other side of the House that they do not dare to impeach the personal integrity or character of the gentleman sitting on the bench of that court. I will admit that possibly two men out of eleven might be cited for impeachment, one because of his political activities, and the other because of some other reason, but they are only two out of eleven. As I said before, when we had the hearing here a week ago five of the judges appeared before the committee. Senator Shapiro said that with the exception of the President Judge that he had the highest opinion of the judges. Now, isn't this a very slight line of demarcation to say, that these judges, who are not businessmen, but judges learned in the law, when each one said that he did not want to have anything to do with patronage, that he did not have time to bother with it, that his judicial duties took up all his time, that it would be a great relief to separate them from the patronage, that what they wanted to do was try cases, to carry out their duties as judges of the Municipal Court. In all fairness if you had heard the president and secretary of a large national organization, who said he had been a Democrat for over fifty years, that after waiting for this long period of time for his party to come into power, that he would be confronted with the situation such as this, something he thought they would never do. If it is a question of patronage, I do not believe that these two judges will desire to hold on to it. If it is a question of personal integrity with all or any of these judges on the bench, why not try to impeach them. That would be the proper procedure and not the destruction of a setup which has continued for a period of over twenty years and which has been a model for many other states and cities and foreign countries. I ask you to vote against this bill.

Mr. LEWIS. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Perry.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. PERRY. I will, Mr. Speaker.

Mr. LEWIS. Mr. Speaker, do I understand the gentleman from Blair, Mr. Perry, to state that he would vote against the bill now pending before this body on quotations that he read from the Philadelphia newspapers?

Mr. PERRY. Mr. Speaker, one quotation is from a pamphlet received from the Bureau of Municipal Research, and from a letter signed by an attorney, whose name I mentioned a few minutes ago.

Mr. LEWIS. Mr. Speaker, the gentleman has a great deal of faith, has he not, in newspaper articles?

Mr. PERRY. Mr. Speaker, I put faith in all the newspapers that are published in the State of Pennsylvania over the course of the last few years.

Mr. LEWIS. Mr. Speaker, does the gentleman read more than one Philadelphia newspaper?

Mr. PERRY. I read, Mr. Speaker, both the Inquirer and the Record.

Mr. LEWIS. Mr. Speaker, did the gentleman quote from the Philadelphia Record?

Mr. PERRY. Mr. Speaker, I did not quote from the Record.

Mr. LEWIS. Mr. Speaker, did the gentleman read the entire newspaper quotation, which he read into the record?

Mr. PERRY. Mr. Speaker, inasmuch as those quotations are in the hands of the stenographers, I do not know.

Mr. LEWIS. Mr. Speaker, if the gentleman from Blair were endeavoring to determine somebody's character and there were twelve hundred thirty-five witnesses who said he was of good character, and there were nine hundred some odd witnesses, who said he was of bad character, what would he assume the gentleman's character to be?

Mr. PERRY. Mr. Speaker, I cannot quite see the relevancy on that question inasmuch as no character has been attacked.

Mr. LEWIS. Mr. Speaker, is not the gentleman aware of the fact that accusations have been made against the judges for violations of the Act of Assembly?

Mr. PERRY. Mr. Speaker, I am not familiar with any accusations as to violations, applying to the judges in Philadelphia.

Mr. LEWIS. Mr. Speaker, if the judges deliberately and openly violated Acts of the Assembly, would the gentleman feel that they were fit to sit as judges in their court?

Mr. PERRY. Mr. Speaker, before passing my opinion as to anyone's character, just the same as passing upon my opinion on this bill, I would like to know the facts back of each case before I would express an opinion of that nature.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. McDEVITT. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—133.

Achterman,	Falkenstein,	McElroy,	Schor,
Allen,	Finnerty,	McFall,	Schrope,
Allmond,	Fitch,	McGee,	Shaw,
Arnold,	Flanagan,	McShane,	Shea,
Baine,	Flannery,	Melchiorre,	Shepard,
Baker, J. J.,	Ganser,	Mellott,	Shoemaker,
Balthaser,	Gerard,	Mihm,	Shugarts,
Bierly,	Haberlen,	Moomaw,	Simon,
Blank,	Hagerty,	Mooney,	Skale,
Bohn,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boies,	Harkins,	Munley,	Spengler,
Boltz,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Thomas,
Brancato,	Hess,	O'Brien,	Thompson,
Brigerman,	Hindman,	O'Connor,	Toole,
Burrows,	Hirsch,	O'Keefe,	Tronzo,
Caesar,	Holland,	Ominsky,	Tumelty,
Chervenak,	Holmes,	O'Neill,	Vallbus,
Coakley,	Holstrom,	Ostroff,	VanSickle,
Cohen, H. B.,	Hontz,	Pearson,	Vogt,
Cohen, R. E.,	Jirolanio,	Pershing,	Wagner,
Coleman,	Keenan,	Piole,	Walsh,
Coolahan,	Kelso,	Powers,	Weiss, D. H.,
Corrigan,	Kilroy,	Preston,	Weiss, S. A.,
Costanzo,	Kroll,	Readinger,	Welliver,
Decker,	LaRue,	Reese,	Welsh,
DeNote,	Levy,	Reising,	Westrick,
Dickinson,	Lewis,	Robinson,	Whalen,
Donohoe,	Long,	Rothenberger,	Wright,
Dougherty,	Lopresti,	Ruffennach,	Yanoshat,
Downey,	McArdle,	Rush,	Yourishin,
Dubbs,	McCullough,	Sarraf,	Zappala,
Dyson,	McDermott,	Scanlon,	Furman,
Elpern,			

NAYS—44.

Baker, F. T.,	Huntley,	Peale,	Stockham,
Boose,	Imbrie,	Perry,	Trout,
Boyer,	Kline,	Royer,	VanAllsburg,
Cadwalader,	Leisey,	Schrock,	Wall,
Davies,	Longaker,	Serrill,	Watkins,
Fiss,	Lyons,	Simpson,	Weidemann,
Gillette,	Marino,	Sloan,	Wilson,
Habbyshaw,	Matthews, J. F.,	Snyder,	Winner,
Hall,	McDevitt,	Sproul,	Woodside,
Hamilton, R. S.,	McKinney,	Stackpole,	Yeakel,
Harmuth,	Patterson, J. W.,	Stewart,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 664.

An Act to amend section twenty-one of the act approved the thirteenth day of June one thousand eight hundred thirty-six (Pamphlet Laws 551) entitled "An act relating to roads highways and bridges" providing for the vacation of parts of former state roads and turnpike roads where state highways are changed or relocated

HOUSE BILL No. 1564.

An Act to amend section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs.

HOUSE BILL No. 1659.

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

HOUSE BILL No. 1674.

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals

With the information that the Senate has passed the same without amendment.

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled, as follows:

SENATE BILL No. 13. (HOUSE BILL No. 2170).

An Act to amend section fifteen of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-six (P. L. 37), entitled "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the Mothers' Assistance Funds of the several counties; authorizing the Department of Welfare to co-operate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board: providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by removing liability of beneficiaries and their estates for repayment of assistance received.

Referred to the Committee on Welfare.

SENATE BILL No. 188. (HOUSE BILL No. 2171).

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them.

Referred to the Committee on Banking.

SENATE BILL No. 639. (HOUSE BILL No. 2172).

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of

employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

Referred to the Committee on Labor.

SENATE BILL No. 640. (HOUSE BILL No. 2173).

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration of such controversies on the Department of Labor and Industry.

Referred to the Committee on Labor.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, March 23, 1937.

Whereas, the State Capitol of Pennsylvania is a veritable treasure-house of great paintings and inspiring murals, and

Whereas, the central themes of such great paintings as the "Apotheosis of Pennsylvania", "Penn's Treaty with the Indians", "Reading the Declaration of Independence", "Unity", "Lincoln at Gettysburg", "Washington delivering his Constitutional Address", "Valley Forge" or of the awe-inspiring murals adorning the Supreme Court Room of the State Capitol and known as "The Divine Law", "The Scale of Law", "The Golden Age", "Themis", "The Decalogue". "The Beatitudes", "Code of Justinian", "Backstone's Commentaries", "Spirit of William Blackstone", "William Penn as Law Giver", "Supreme Court of Pennsylvania", "Supreme Court of United States", "Supreme Court of the World", and "Disarmament", are of immense cultural and educational value to the people of our great Commonwealth, and

Whereas, the distribution of the reproductions of said murals, and the dissemination of descriptions and information pertaining to these classic paintings have not been heretofore commensurate with their scriptural majesty, awe-inspiring grandeur and thought-provoking value, and

Whereas, a planned and well-directed distribution of reproductions of said murals and paintings and the dissemination of descriptions and information pertaining to these great art-treasures of our State Capitol would be conducive to both an increased tourist-traffic in Pennsylvania and an enhanced interest in the glorious past of our Commonwealth, and

Whereas, "The Pennsylvania Manual" published by the Commonwealth of Pennsylvania and compiled under direction of the Bureau of Publications of the Department of Property and Supplies is the official primary-source-book of information pertaining to our Commonwealth, its government and institutions, and

Whereas, thousands of exemplars of said "Pennsylvania Manual" are being annually distributed throughout the nation and our Commonwealth, thus providing a channel for the dissemination of valuable information, and

Whereas, preparations are now being made for the publication of the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium, therefore be it

Resolved (if the House of Representatives concur) that the forthcoming issue of "The Pennsylvania Manual" for the 1937-1938 biennium shall contain in addition to its usual material also a new chapter devoted to the description of the art-treasures of the State Capitol together with the reproductions of its paintings and murals, and be it further

Resolved that the President Pro-Tem of the Senate appoint three (3) Senators and the Speaker of the House appoint three (3) Representatives, who together shall form a Committee to write and to edit said chapter, and be it further

Resolved that a copy of this resolution be sent to his Excellency the Governor of Pennsylvania, and the Secretary of Property and Supplies.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on State Government.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 664.

An Act to amend Section twenty-one of the act approved the thirteenth day of June one thousand eight hundred thirty-six (Pamphlet Laws 551) entitled "An act relating to roads highways and bridges" providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated

HOUSE BILL No. 1564.

An Act to amend section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as amended providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs

HOUSE BILL No. 1659.

A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils connected with industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation

HOUSE BILL No. 1674.

An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1559, entitled:

An Act concerning vocational education providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress approved June eighth one thousand nine hundred and thirty-six entitled "An act to provide for the further development of vocational education in the several States and Territories" and conferring powers and imposing duties on the State Treasurer and the State Council of Education

Whereas An act of Congress approved June eighth one thousand nine hundred and thirty-six to provide for the further development of vocational education requires the states participating in its benefits to accept the provisions of said act therefore

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197.

Achterman,	Flannery,	McElroy,	Shepard,
Allen,	Flinchbaugh,	McFall,	Shoemaker,
Allmond,	Ganser,	McGee,	Shugarts,
Arnold,	Gerard,	McKinney,	Siegel,
Aukerman,	Gillette,	McShane,	Simon,
Baine,	Gorski,	Melchiorre,	Simpson,
Baker, F. T.,	Habbyshaw,	Mellott,	Skale,
Baker, J. J.,	Haberlen,	Mihm,	Sloan,
Balthaser,	Hagerty,	Moomaw,	Smith, James A.,
Bierly,	Hall,	Mooney,	Smith, John A.,
Blank,	Hamilton, F. P.,	Moran,	Snyder,
Bohn,	Hamilton, R. S.,	Moul,	Sollenberger,
Boles,	Harkins,	Muir,	Spengler,
Boltz,	Harmuth,	Munley,	Sproul,
Boose,	Hays,	Murrin,	Stackpole,
Boyer,	Hering,	Nagel,	Stank,
Bradley,	Hess,	O'Brien,	Stewart,
Brancato,	Hetrick,	O'Connor,	Stockham,
Brigerman,	Hindman,	O'Keefe,	Thomas,
Broad,	Hirsch,	Ominsky,	Thompson,
Brown,	Holland,	O'Neill,	Toole,
Brownfield,	Holmes,	Ostroff,	Tronzo,
Burrows,	Holstrom,	Patterson, C. S.,	Trout,
Cadwalader,	Hontz,	Patterson, J. W.,	Tumelty,
Caesar,	Horting,	Peale,	Valibus,
Caputo,	Huntley,	Pearson,	VanAllsburg,
Chervenak,	Imbrie,	Perry,	VanSickle,
Coakley,	Jirolanio,	Pershing,	Vogt,
Cohen, H. B.,	Keenan,	Piole,	Wagner,
Cohen, R. E.,	Kelso,	Powers,	Wall,
Coleman,	Kilroy,	Preston,	Walsh,
Coolahan,	Kline,	Readinger,	Watkins,
Corrigan,	Kroll,	Reese,	Weidemann,
Costanzo,	LaRue,	Reising,	Weiss, D. H.,
Davies,	Leisey,	Richter,	Weiss, S. A.,
Decker,	Levy,	Robinson,	Welliver,
DeNote,	Lewis,	Rothenberger,	Welsh,
Dickinson,	Long,	Royer,	Westrick,
Donohoe,	Longak,	Ruffennach,	Whalen,
Dougherty,	Lopresti	Rush,	Whitenight,
Downey,	Lovett,	Sarraf,	Wilson,
Dubbs,	Lyons,	Scanlon,	Winner,
Dyson,	Marino,	Schor,	Woodside,
Eckels,	Matthews, H. T.,	Schrock,	Wright,
Elpern,	Matthews, J. F.,	Schrope,	Yanoshat,
Falkenstein,	McArdle,	Schumacher	Yeakel,
Finnerty,	McCullough,	Serrill,	Yourishin,
Fiss,	McDermott,	Shaw,	Zappala,
Fitch,	McDevitt,	Shea,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 96, entitled:

An Act to further amend section two thousand four hundred and two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of ways or easements over state institution lands for public road purposes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, John A.,
Blank,	Hall,	Mooney,	Smith, James A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boles,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,

DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. ACHTERMAN in the Chair.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1261, entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HARKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1802, entitled:

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boles,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott	Shaw,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1186, entitled:

An Act authorizing school districts to make contracts of group life health and accident insurance for the benefit of pupils in vocational schools at the expense of the school district defining the status of the school district and pupils under existing and future insurance laws and requiring school districts to make certain reports to the Department of Public Instruction

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. HARKINS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1360, entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that

are or may be inconsistent therewith" as amended extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boies,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 71, entitled:

A Joint Resolution proposing an amendment to Article one section six of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—160

Allen,	Finnerty,	McCullough,	Scanlon,
Allmond,	Fitch,	McDermott,	Schor,
Arnold,	Flanagan,	McElroy,	Schrope,
Aukerman,	Flannery,	McFall,	Shaw,
Baine	Flinchbaugh,	McGee,	Shea,
Baker, J. J.,	Ganser,	McShane,	Shepard,
Balthaser,	Gerard,	Melchiorre,	Shoemaker,
Bierly,	Gorski,	Mellott,	Shugarts,
Blank,	Haberlen,	Mihm,	Siegel,
Bohn,	Hagerty,	Moomaw,	Simon,
Boies,	Hamilton, F. P.,	Mooney,	Skale,
Boltz,	Hamilton, R. S.,	Moran,	Sloan,
Bradley,	Harkins,	Moul,	Smith, James A.,
Brancato,	Harmuth,	Munley,	Smith, John A.,
Brigerman,	Hays,	Murrin,	Spengler,
Broad,	Hering,	Nagel,	Stackpole,
Brown,	Hess,	O'Brien,	Stank,
Brownfield,	Hetrick,	O'Connor,	Thomas,
Burrows,	Hindman,	O'Keefe,	Thompson,
Caesar,	Hirsch,	Ominsky,	Toole,
Caputo,	Holland,	O'Neill,	Tronzo,
Chervenak,	Holmes,	Ostroff,	Tumelty,
Coakley,	Holstrom,	Patterson, C. S.,	Valibus,
Cohen, H. B.,	Hontz,	Patterson, J. W.,	VanSickle,
Cohen, R. E.,	Horting,	Pearson,	Vogt,
Coleman,	Jirolanio,	Perry,	Walsh,
Coolahan,	Keenan,	Pershing,	Weiss, D. H.,
Corrigan,	Kelso,	Piole,	Weiss, S. A.,
Costanzo,	Kilroy,	Powers,	Welliver,
Decker,	Kroll,	Preston,	Welsh,
DeNote,	LaRue,	Readinger,	Westrick,
Dickinson,	Levy,	Reese,	Whalen,
Donohoe,	Lewis,	Reising,	Whitenight,
Dougherty,	Long,	Richter,	Wright,
Downey,	Lopresti,	Robinson,	Yanoshat,
Dubbs,	Lovett,	Rothenberger,	Yeakel,
Dyson,	Marino,	Royer,	Yourishin,
Elpern,	Matthews, H. T.,	Rush,	Zappala,
Falkenstein,	McArdle,	Sarraf,	

NAYS—24

Achterman,	Kline,	Snyder,	Watkins,
Baker, F. T.,	Longaker,	Sproul,	Weidemann,
Boose,	McDevitt,	Stewart,	Wilson,
Boyer,	McKinney,	Stockham,	Winner,
Cadwalader,	Muir,	Trout,	Woodside,
Gillette,	Schrock,	VanAllsburg,	Furman,
Habbyshaw,	Simpson,	Wall,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 843, Printer's No. 566, was passed over at the request of Mr. LaRUE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2064, entitled:

An Act to amend section five hundred forty of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for additional compensation to the secretary for preparing the tax duplicate

And said bill having been read at length the third time, considered and agred to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boies,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 9, entitled:

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways and the abandonment of stripping work unless the earth is replaced in the opening caused by such work

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. KILROY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1609, entitled:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boies,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1400, entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet

Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" as amended regulating the sale and further regulating the installation use and operation of traffic regulation devices signals signs and markings and the operation of motor vehicles on the highways affecting the powers of municipal authorities in certain cases and of the Secretary of Highways and changing and imposing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boles,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 982, entitled:

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places along State highways by the Department of Highways and making an appropriation from the Motor License Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boles,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stackpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows,	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1254, Printer's No. 556 was passed over at the request of Mr. WATKINS.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1880, entitled:

An Act providing for the settlement and compromise of certain claims of the Commonwealth against boroughs for the construction reconstruction maintenance and repair of highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boies,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Staskpole,
Boyer,	Hays,	Murrin,	Stank,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hetrick,	O'Connor,	Thomas,
Broad,	Hindman,	O'Keefe,	Thompson,
Brown,	Hirsch,	Ominsky,	Toole,
Brownfield,	Holland,	O'Neill,	Tronzo,
Burrows	Holmes,	Ostroff,	Trout,
Cadwalader,	Holstrom,	Patterson, C. S.,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Peale,	VanAllsburg,
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B.,	Jirolamio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Flaherty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 289, entitled:

An Act to amend section seven hundred and ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street-cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" by changing the dates when reductions of registration fees shall become effective

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. LOPRESTI. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Westrick.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. WESTRICK. Mr. Speaker, I will.

Mr. LOPRESTI. Mr. Speaker, I would like to have the gentleman from Cambria explain this bill.

Mr. WESTRICK. Mr. Speaker, what we are attempting to do here is to give to the man who buys a half-year's automobile license, as well as the one who buys the last quarter of a year's license, their money's worth. By that I mean that when they buy a half-year's license they are receiving six month's service. If you will refer to the bill you will find that we are setting the date ahead one month, from the first of August to the first of July in the half-year's license, and for the last quarter we are setting it ahead from November first to October first. I have always been under the impression that it is only the poorest of people who wants to buy a half-year's license or a quarter year's license, and, therefore, I am firmly convinced that those are the people who are entitled to their money's worth.

Mr. LOPRESTI. Mr. Speaker, it must have been apparent to the Assembly who passed this act originally that there was some discrepency in the six month's or the half-year's license, and I presume that there was some reason for making it August instead of July. I wonder if the sponser of this bill is familiar with those reasons. The original bill calls for August instead of July.

Mr. WESTRICK. Mr. Speaker, in answering that query,

not knowing the exact date on which the bill was written. I would say that it was written in the horse and buggy days before automobiles were so generally used as they are today and that it was done to encourage the buying of a whole year's license rather than a half-year's. Today with their general use there is only one class of people that are buying a half-year's or a last quarter's license and those are the downright poor.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flannery,	McDevitt,	Shea,
Allen,	Flinchbaugh,	McElroy,	Shepard,
Allmond,	Ganser,	McFall,	Shoemaker,
Arnold,	Gerard,	McGee,	Shugarts,
Aukerman,	Gillette,	McKinney,	Siegel,
Baine,	Gorski,	McShane,	Simon,
Baker, F. T.,	Habbyshaw,	Melchiorre,	Simpson,
Baker, J. J.,	Haberlen,	Mellott,	Skale,
Balthaser,	Hagerty,	Mihm,	Sloan,
Bierly,	Hall,	Moomaw,	Smith, James A.,
Blank,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Bohn,	Hamilton, R. S.,	Moran,	Snyder,
Boles,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Muir,	Sproul,
Boose,	Hays,	Munley,	Stackpole,
Boyer,	Hering,	Murrin,	Stank,
Bradley,	Hess,	Nagel,	Stewart,
Brancato,	Hetrick,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Valibus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Chervenak,	Imbrie,	Pearson,	VanSickle,
Coakley,	Jirolanio,	Perry,	Vogt,
Cohen, H. B.,	Keenan,	Pershing,	Wagner,
Cohen, R. E.,	Kelso,	Piole,	Wall,
Coleman,	Kilroy,	Powers,	Walsh,
Coolahan,	Kline,	Preston,	Watkins,
Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger,	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch	McDermott,	Shaw,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1608, entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flannery,	McDevitt,	Shea,
Allen,	Flinchbaugh,	McElroy,	Shepard,
Allmond,	Ganser,	McFall,	Shoemaker,
Arnold,	Gerard,	McGee,	Shugarts,
Aukerman,	Gillette,	McKinney,	Siegel,
Baine,	Gorski,	McShane,	Simon,
Baker, F. T.,	Habbyshaw,	Melchiorre,	Simpson,
Baker, J. J.,	Haberlen,	Mellott,	Skale,
Balthaser	Hagerty,	Mihm,	Sloan,
Bierly,	Hall,	Moomaw,	Smith, James A.,
Blank,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Bohn,	Hamilton, R. S.,	Moran,	Snyder,
Boles,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Muir,	Sproul,
Boose,	Hays,	Munley,	Stackpole,
Boyer,	Hering,	Murrin,	Stank,
Bradley,	Hess,	Nagel,	Stewart,
Brancato,	Hetrick,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Valibus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Chervenak,	Imbrie,	Pearson,	VanSickle,
Coakley,	Jirolanio,	Perry,	Vogt,
Cohen, H. B.,	Keenan,	Pershing,	Wagner,
Cohen, R. E.,	Kelso,	Piole,	Wall,
Coleman,	Kilroy,	Powers,	Walsh,
Coolahan,	Kline,	Preston,	Watkins,
Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger,	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch	McDermott,	Shaw,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1467, entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or

maybe inconsistent therewith" as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDermott,	Shaw,
Allen,	Flannery,	McDevitt,	Shea,
Allmond,	Flinchbaugh,	McElroy,	Shepard,
Arnold,	Ganser,	McFall,	Shoemaker,
Aukerman,	Gerard,	McGee,	Shugarts,
Baine,	Gillette,	McKinney,	Siegel,
Baker, F. T.,	Gorski,	McShane,	Simon,
Baker, J. J.,	Habbyshaw,	Melchiorre,	Simpson,
Balthaser,	Haberlen,	Mellott,	Skale,
Bierly,	Hagerty,	Mihm,	Sloan,
Blank,	Hall,	Moomaw,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Boles,	Hamilton, R. S.,	Moran,	Snyder,
Boltz,	Harkins,	Moul,	Spengler,
Boose,	Harmuth,	Muir,	Sproul,
Boyer,	Hays,	Munley,	Stackpole,
Bradley,	Hering,	Murrin,	Stank,
Brancato,	Hess,	Nagel,	Stewart,
Brigerman,	Hetrick,	O'Brien,	Stockham,
Broad,	Hindman,	O'Connor,	Thomas,
Brown,	Hirsch,	O'Keefe,	Thompson,
Brownfield,	Holland,	Ominsky,	Toole,
Burrows,	Holmes,	O'Neill,	Trout,
Cadwalader,	Holstrom,	Ostroff,	Tumelty,
Caesar,	Hontz,	Patterson, J. W.,	Valibus,
Caputo,	Horting,	Patterson, C. S.,	VanAllsburg,
Chervenak,	Huntley,	Peale,	VanSickle,
Coakley,	Imbrie,	Pearson,	Vogt,
Cohen, H. B.,	Jirolanio,	Perry,	Wagner,
Cohen, R. E.,	Keenan,	Pershing,	Wall,
Coleman,	Kelso,	Piole,	Walsh,
Coolahan,	Kilroy,	Powers,	Watkins,
Corrigan,	Kline,	Preston,	Weidemann,
Costanzo,	Kroll,	Readinger,	Weiss, D. H.,
Davies,	LaRue,	Reese,	Weiss, S. A.,
Decker,	Leisey,	Reising,	Welliver,
DeNote,	Levy,	Richter,	Welsh,
Dickinson,	Lewis,	Robinson,	Westrick,
Donohoe,	Long,	Rothenberger,	Whalen,
Dougherty,	Longaker,	Royer,	Whitenight,
Downey,	Lopresti,	Ruffennach,	Wilson,
Dubbs,	Lovett,	Rush,	Winner,
Dyson,	Lyons,	Sarraf,	Woodside,
Eckels,	Mallen,	Scanlon,	Wright,
Elpern,	Marino,	Schor,	Yanoshat,
Falkenstein,	Matthews, H. T.,	Schrock,	Yeakel,
Finnerty,	Matthews, J. F.,	Schrope,	Yourishin,
Fiss,	McArdle,	Schumacher,	Zappala,
Fitch,	McCullough,	Serrill,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2129 (Senate Bill No. 377), entitled:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" as amended in part by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1306) is hereby re-enacted and further amended to read as follows

An Act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or county

Section 1 Be it enacted That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining Commission hereinafter created upon application of the Secretary of Highways the county or the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages is hereby empowered to determine authorize and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid The president judge of the court of common pleas of the county in which the highway is situated who shall be the chairman thereof one member of the Public [Service] Utility Commission or an engineer designated by it the Secretary of Mines or his designated representatives the Secretary of Highways or his designated representative and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the Highway Mining Commission This commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the court of common pleas of the county in which the highway is situated A majority of the commission of which the chairman must be one may act for and exercise the powers of the commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of courts of common pleas

Section 2 The condemnation or acquisition of any easement for highway purposes as hereinabove provided shall

not be considered as including the condemnation or acquisition of any coal which may be removed under the terms of any agreement authorized by this act

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any oblibation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement

Section [3] 4. This act shall [not] apply in all counties of the [second class] Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2135 (Senate Bill No. 674), entitled:

An Act to amend the title and section one of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled, "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure", by further providing for the acquisition and possession of occupied property and structures.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flannery,	McDevitt,	Shea,
Allen,	Flinchbaugh,	McElroy,	Shepard,
Allmond,	Ganser,	McFall,	Shoemaker,
Arnold,	Gerard,	McGee,	Shugarts,
Aukerman,	Gillette,	McKinney,	Siegel,
Baine,	Gorski,	McShane,	Simon,
Baker, F. T.,	Habbyshaw,	Melchiorre,	Simpson,
Baker, J. J.,	Haberlen,	Mellott,	Skale,
Balthaser,	Hagerty,	Mihm,	Sloan,
Bierly,	Hall,	Moomaw,	Smith, John A.,
Blank,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Bohn,	Hamilton, R. S.	Moran,	Snyder,
Boies,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Muir,	Sproul,
Boose,	Hays,	Munley,	Stackpole,
Boyer,	Hering,	Murrin,	Stank,
Bradley,	Hess,	Nagel,	Stewart,
Brancato,	Hetrick,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Valibus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Cherveniak,	Imbrie,	Pearson,	VanSickle,
Coakley,	Jirolanio,	Perry,	Vogt,
Cohen, H. B.,	Keenan,	Pershing,	Wagner,
Cohen, R. E.,	Kelso,	Piole,	Wall,
Coleman,	Kilroy,	Powers,	Walsh,
Coolahan,	Kline,	Preston,	Watkins,
Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger,	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein	Matthews, J. F.	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch	McDermott,	Shaw,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 994, (Senate Bill No. 100), entitled:

An Act to amend sections forty and forty-seven of the act approved the eleventh day of March one thousand nine hundred and nine (Pamphlet Laws nineteen) entitled "An act relating to warehouse receipts" providing how warehouse receipts may be negotiated

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hall,	Moomaw,	Smith, John A.,
Blank,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Bohn,	Hamilton, R. S.,	Moran,	Snyder,
Boies,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Muir,	Sproul,
Boose,	Hays,	Munley,	Stackpole,
Boyer,	Hering,	Murrin,	Stank,
Bradley,	Hess,	Nagel,	Stewart,
Brancato,	Hetrick,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,

Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Valibus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Chervenak,	Imbrie,	Pearson,	VanSickle,
Coakley,	Jirolanio,	Perry,	Vogt,
Cohen, H. B.,	Keenan,	Pershing,	Wagner,
Cohen, R. E.,	Kelso,	Piole,	Wall,
Coleman,	Kilroy,	Powers,	Walsh,
Coolahan,	Kline,	Preston,	Watkins,
Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger,	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

BILLS PASSED OVER

There being no objection House Bill No. 2004, Senate Bill No. 305, Printer's No. 260, was passed over at the request of Mr. O'KEEFE.

There being no objection House Bill No. 1770, Senate Bill No. 153, Printer's No. 214 was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2127, (Senate Bill No. 288), entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDevitt,	Shea,
Allen,	Flannery,	McElroy,	Shepard,
Allmond,	Flinchbaugh,	McFall,	Shoemaker,
Arnold,	Ganser,	McGee,	Shugarts,
Aukerman,	Gerard,	McKinney,	Siegel,
Baine,	Gillette,	McShane,	Simon,
Baker, F. T.,	Gorski,	Melchiorre,	Simpson,
Baker, J. J.,	Habbyshaw,	Mellott,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, John A.,
Blank,	Hall,	Mooney,	Smith, James A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boles,	Hamilton, R. S.,	Moul,	Spengler,
Boltz,	Harkins,	Muir,	Sproul,
Boose,	Harmuth,	Munley,	Stank,
Boyer,	Hays,	Murrin,	Stackpole,
Bradley,	Hering,	Nagel,	Stewart,
Brancato,	Hess,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Valibus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Chervenak,	Imbrie,	Pearson,	VanSickle,
Coakley,	Jirolanio,	Perry,	Vogt,
Cohen, H. B.,	Keenan,	Pershing,	Wagner,
Cohen, R. E.,	Kelso,	Piole,	Wall,
Coleman,	Kilroy,	Powers,	Walsh,
Coolahan,	Kline,	Preston,	Watkins,
Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger,	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss,	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2134, (Senate Bill No. 673), entitled:

An Act authorizing the Secretary of Highways to abandon portions of State highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Flanagan,	McDermott,	Shea,
Allen,	Flannery,	McDevitt,	Shepard,
Allmond,	Flinchbaugh,	McElroy,	Shoemaker,
Arnold,	Ganser,	McFall,	Shugarts,
Aukerman,	Gerard,	McGee,	Siegel,
Baine,	Gillette,	McKinney,	Simon,
Baker, F. T.,	Gorski,	McShane,	Simpson,
Baker, J. J.,	Habbyshaw,	Melchiorre,	Skale,
Balthaser,	Haberlen,	Mellott,	Sloan,
Bierly,	Hagerty,	Mihm,	Smith, James A.,
Blank,	Hall,	Moomaw,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Mooney,	Snyder,
Boles,	Hamilton, R. S.,	Moran,	Spengler,
Boltz,	Harkins,	Moul,	Sproul,
Boose,	Harmuth,	Muir,	Stackpole,
Boyer,	Hays,	Munley,	Stank,
Bradley,	Hering,	Murrin,	Stewart,

Brancato,	Hess,	Nagel,	Stockham,
Brigerman,	Hetrick,	O'Brien,	Thomas,
Broad,	Hindman,	O'Connor,	Thompson,
Brown,	Hirsch,	O'Keefe,	Toole,
Brownfield,	Holland,	Ominsky,	Tronzo,
Burrows,	Holmes,	O'Neill,	Trout,
Cadwalader,	Holstrom	Ostroff,	Tumelty,
Caesar,	Hontz,	Patterson, C. S.,	Valibus,
Caputo,	Horting,	Patterson, J. W.,	VanAllsburg,
Chervenak,	Huntley,	Peale,	VanSickle,
Coakley,	Imbrie,	Pearson,	Vogt,
Cohen, H. B.,	Jirolanio,	Perry,	Wagner,
Cohen, R. E.,	Keenan,	Pershing,	Wall,
Coleman,	Kelso,	Piole,	Walsh,
Coolahan,	Kilroy,	Powers,	Watkins,
Corrigan,	Kline,	Preston,	Weidemann,
Costanzo,	Kroll,	Readinger,	Weiss, D. H.,
Davies,	LaRue,	Reese,	Weiss, S. A.,
Decker,	Leisey,	Reising,	Welliver,
DeNote,	Levy,	Richter,	Welsh,
Dickinson,	Lewis,	Robinson,	Westrick,
Donohoe,	Long,	Rothenberger,	Whalen,
Dougherty,	Longaker,	Royer,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Mallen,	Schor,	Wright,
Elpern,	Marino,	Schrock,	Yanoshat,
Falkenstein,	Matthews, H. T.,	Schrope,	Yeakel,
Finnerty,	Matthews, J. F.,	Schumacher,	Yourishin,
Fiss,	McArdle,	Serrill,	Zappala,
Fitch,	McCullough,	Shaw,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1464, entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixing the compensation of members and employes thereof providing that the awards of such Board shall be final providing for the payment of awards and authorizing an appropriation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flanagan,	McDermott,	Shea,
Allen,	Flannery,	McDevitt,	Shepard,
Allmond,	Flinchbaugh,	McElroy,	Shoemaker,
Arnold,	Ganser,	McFall,	Shugarts,
Aukerman,	Gerard,	McGee,	Siegel,
Baine,	Gillette,	McKinney,	Simon,
Baker, F. T.,	Gorski,	McShane,	Simpson,
Baker, J. J.,	Habbyshaw,	Melchiorre,	Skale,
Balthaser,	Haberlen,	Mellott,	Sloan,
Bierly,	Hagerty,	Mihm,	Smith, James A.,
Blank,	Hall,	Moomaw,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Mooney,	Snyder,
Boles,	Hamilton, R. S.,	Moran,	Spengler,
Boltz,	Harkins,	Moul,	Sproul,
Boose,	Harmuth,	Muir,	Stackpole,
Boyer,	Hays,	Munley,	Stank,
Bradley,	Hering,	Murrin,	Stewart,
Brancato,	Hess,	Nagel,	Stockham,
Brigerman,	Hetrick,	O'Brien,	Thomas,
Broad,	Hindman,	O'Connor,	Thompson,
Brown,	Hirsch,	O'Keefe,	Toole,
Brownfield,	Holland,	Ominsky,	Tronzo,
Burrows,	Holmes,	O'Neill,	Trout,
Cadwalader,	Holstrom,	Ostroff,	Tumelty,
Caesar,	Hontz,	Patterson, C. S.,	Valibus,
Caputo,	Horting,	Patterson, J. W.,	VanAllsburg
Chervenak,	Huntley,	Pearson,	VanSickle,
Coakley,	Imbrie,	Perry,	Vogt,
Cohen, H. B	Jirolanio,	Pershing,	Wagner,
Cohen, R. E.,	Keenan,	Piole,	Wall,
Coleman,	Kelso,	Powers,	Walsh,
Coolahan,	Kilroy,	Preston,	Watkins,
Corrigan,	Kline,	Readinger,	Weidemann,
Costanzo,	Kroll,	Reese,	Weiss, D. H.,
Davies,	LaRue,	Reising,	Weiss, S. A.,
Decker,	Leisey,	Richter,	Welliver,
DeNote,	Levy,	Robinson,	Welsh,
Dickinson,	Lewis,	Rothenberger,	Westrick,
Donohoe,	Long,	Royer,	Whalen,
Dougherty,	Longaker,	Ruffennach,	Whitenight,
Downey,	Lopresti,	Rush,	Wilson,
Dubbs,	Lovett,	Sarraf,	Winner,
Dyson,	Lyons,	Scanlon,	Woodside,
Eckels,	Mallen,	Schor,	Wright,
Elpern,	Marino,	Schrock,	Yanoshat,
Falkenstein,	Matthews, H. T.,	Schrope,	Yeakel,
Finnerty,	Matthews, J. F.,	Schumacher,	Yourishin,
Fiss,	McArdle,	Serrill,	Zappala,
Fitch	McCullough,	Shaw,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1628, entitled:

An Act to amend section eight hundred and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" limiting the requirements of bonds of township treasurers to fidelity bonds and regulating such bonds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flanagan,	McDermott,	Shaw,
Allen,	Flannery,	McDevitt,	Shea,
Allmond,	Flinchbaugh,	McElroy,	Shepard,
Arnold,	Ganser,	McFall,	Shoemaker,
Aukerman,	Gerard,	McGee,	Shugarts,
Baine	Gillette,	McKinney,	Siegel,
Baker, F. T.,	Gorski,	McShane,	Simon,
Baker, J. J.,	Habbyshaw,	Melchiorre,	Simpson,
Balthaser,	Haberlen,	Mellott,	Skale,
Bierly,	Hagerty,	Mihm,	Sloan,
Blank,	Hall,	Moomaw,	Smith, James A.,
Bohn,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Boles,	Hamilton, R. S.,	Moran,	Snyder,
Boltz,	Harkins,	Moul,	Spengler,
Boose,	Harmuth,	Muir,	Sproul,
Boyer,	Hays,	Munley,	Stackpole,
Bradley,	Hering,	Murrin,	Stank,
Brancato,	Hess,	Nagel,	Stewart,
Brigerman,	Hetrick,	O'Brien,	Stockham,
Broad,	Hindman,	O'Connor,	Thomas,
Brown,	Hirsch,	O'Keefe,	Thompson,
Brownfield,	Holland,	Ominsky,	Toole,
Burrows,	Holmes,	O'Neill,	Tronzo,
Cadwalader,	Holstrom,	Ostroff,	Trout,
Caesar,	Hontz,	Patterson, C. S.,	Tumelty,
Caputo,	Horting,	Patterson, J. W.,	Valibus,

Chervenak,	Huntley,	Peale,	VanAllsburg,
Coakley,	Imbrie,	Pearson,	VanSickle,
Cohen, H. B.,	Jirolanio,	Perry,	Vogt,
Cohen, R. E.,	Keenan,	Pershing,	Wagner,
Coleman,	Kelso,	Piole,	Wall,
Coolahan,	Kilroy,	Powers,	Walsh,
Corrigan,	Kline,	Preston,	Watkins,
Costanzo,	Kroll,	Readinger,	Weidemann,
Davies,	LaRue,	Reese,	Weiss, D. H.,
Decker,	Leisey,	Reising,	Weiss, S. A.,
DeNote,	Levy,	Richter,	Welliver,
Dickinson,	Lewis,	Robinson,	Welsh,
Donohoe,	Long,	Rothenberger,	Westrick,
Dougherty,	Longaker,	Royer,	Whalen,
Downey,	Lopresti,	Ruffennach,	Whitenight,
Dubbs,	Lovett,	Rush,	Winner,
Dyson,	Lyons,	Sarraf,	Woodside,
Eckels,	Mallen,	Scanlon,	Wright,
Elpern,	Marino,	Schor,	Yanoshat,
Falkenstein,	Matthews, H. T.,	Schrock,	Yeakel,
Finnerty,	Matthews, J. F.,	Schrope,	Yourishin,
Fiss,	McArdle,	Schumacher,	Zappala,
Fitch,	McCullough,	Serrill,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1619, entitled:

An Act to amend sections one thousand one and one thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" as amended further regulating the annual budgets of such townships

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flannery,	McDevitt,	Shea,
Allen,	Flinchbaugh,	McElroy,	Shepard,
Allmond,	Ganser,	McFall,	Shoemaker,
Arnold,	Gerard,	McGee,	Shugarts,
Aukerman,	Gillette,	McKinney,	Siegel,
Baine,	Gorski,	McShane,	Simon,
Baker, F. T.,	Habbyshaw,	Melchiorre,	Simpson,
Baker, J. J.,	Haberlen,	Mellott,	Skale,
Balthaser,	Hagerty,	Mihm,	Sloan,
Bierly,	Hall,	Moomaw,	Smith, James A.,
Blank,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Bohn,	Hamilton, R. S.,	Moran,	Snyder,
Boles,	Harkins,	Moul,	Spengler,
Boltz,	Harmuth,	Mulr,	Sproul,
Boose,	Hays,	Munley,	Stackpole,
Boyer,	Hering,	Murrin,	Stank,
Bradley,	Hess,	Nagel,	Stewart,
Brancato,	Hetrick,	O'Brien,	Stockham,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Vallbus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Chervenak,	Imbrie,	Pearson,	VanSickle,
Coakley,	Jirolanio,	Perry,	Vogt,
Cohen, H. B.,	Keenan,	Pershing,	Wagner,
Cohen, R. E.,	Kelso,	Piole,	Wall,
Coleman,	Kilroy,	Powers,	Walsh,
Coolahan,	Kline,	Preston,	Watkins,
Corrigan,	Kroll,	Readinger,	Weidemann,
Costanzo,	LaRue,	Reese,	Weiss, D. H.,
Davies,	Leisey,	Reising,	Weiss, S. A.,
Decker,	Levy,	Richter,	Welliver,
DeNote,	Lewis,	Robinson,	Welsh,
Dickinson,	Long,	Rothenberger,	Westrick,
Donohoe,	Longaker,	Royer,	Whalen,
Dougherty,	Lopresti,	Ruffennach,	Whitenight,
Downey,	Lovett,	Rush,	Wilson,
Dubbs,	Lyons,	Sarraf,	Winner,
Dyson,	Mallen,	Scanlon,	Woodside,
Eckels,	Marino,	Schor,	Wright,
Elpern,	Matthews, H. T.,	Schrock,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Schrope,	Yeakel,
Finnerty,	McArdle,	Schumacher,	Yourishin,
Fiss	McCullough,	Serrill,	Zappala,
Fitch,	McDermott,	Shaw,	Furman,
Flanagan,			

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

THE SPEAKER (Roy E. Furman) in the Chair.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1119 as follows:

An Act to amend section one and sections two and eleven as amended of and to add section five and one-tenth to the act approved the thirteenth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further regulating the practice of optometry and providing for the licensing of optometric eye specialists having the right to treat the human eye

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the practice of optometry is hereby defined to be the employment of any means other than the use of drugs for the measurement of the powers of vision and the adaptation of lenses for the correction and aid of the vision of human beings

The term "optometrist" shall mean one licensed as provided in this act to engage in the practice of optometry

The term "optometric eye specialist" shall mean one

licensed as provided in this act to engage in the practice of optometry and to practice all the arts and sciences necessary for the treatment and diagnosis of diseases of or injuries to and the complete care of the human eye but shall not include surgery of the eye or the making of any tests or diagnosis or the giving of any treatments other than for the eyes

Section 2 That section two of said act as amended by the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 260) is hereby further amended to read as follows

Section 2 That on and after January first one thousand nine hundred and eighteen it shall not be lawful for any person in this Commonwealth to engage in the practice of optometry or to hold himself out as a practitioner of optometry or to attempt to determine by an examination of the eye the kind of glasses needed by any person or to hold himself out as a licensed optometrist or optometric eye specialist when not so licensed or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses excepting those hereinafter exempted unless he has first fulfilled the requirements of this act and has received a certificate of licensure from the Board of Optometrical Education Examination and Licensure created by this act nor shall it be lawful for any person in this Commonwealth to represent that he is the lawful holder of a certificate of licensure such as is provided for in this act when in fact he is not such lawful holder or to impersonate any licensed practitioner of optometry or any optometric eye specialist

Any person violating the provisions of this section shall be deemed to be guilty of a misdemeanor and shall upon conviction be subject upon his first offense to a fine of not more than five hundred dollars or imprisonment for not more than six months in the county prison or both or either at the discretion of the court and upon conviction on second or later offenses shall be subject to a fine of not less than five hundred dollars nor more than one thousand dollars and imprisonment for not less than six months nor more than one year at the discretion of the court

Section 3 That said act is amended by adding thereto after section five a new section to read as follows

Section 5.1 (a) Every person desiring to be licensed as an optometric eye specialist shall in lieu of the course in optometry hereinbefore provided in section five of this act have completed a course of optometry and graduated from a school or college of optometry recognized by the Department of Public Instruction as recommended by the Board of Optometrical Examiners Said course shall consist of instruction covering the entire field of ocular science including ocular pathology therapeutics and clinics and shall be of the same length in hours and years but in no case less than four years as in approved schools or colleges of medicine and surgery osteopathy or dentistry

(b) Every person now licensed after examination to practice optometry who shall desire to be licensed as an optometric eye specialist shall present to the State Board of Optometric Examiners a certificate from a school or college of optometry recognized by the Department of Public Instruction as recommended by the Board certifying that such person has satisfactorily completed at least two years' additional training of not less than one thousand hours in ocular pathology therapeutics and clinics and other subjects not covered in any previous training

(c) On and after June thirty-first one thousand nine hundred and thirty-seven all candidates for examination for licensure as provided in this act shall submit proof of having the education requirements set forth in subdivision (a) of this section and shall upon satisfactorily passing such examinations be licensed as optometric eye specialists

Section 4 That section eleven of said act as amended by the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 659) is hereby further amended to read as follows

Section 11 Nothing in this act shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of doctor oculist ophthalmologist or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery or except in the case of an optometric eye specialist that he is engaged in the treatment or diagnosis of diseases of or injuries to the human eye or has the right to use drugs or medicines in any form for the treatment or examination of the human eye The title "Doctor" or the abbreviation "Dr" shall not be used before the name of any registered optometrist or optometric eye specialist without the word "optometrist" or "optometric eye specialist" following the name

On the question,

Will the House agree to the bill on third reading?

Miss BRANCATO. Mr. Speaker, I ask consent for this bill to be passed over in its order.

The SPEAKER. Will the House give its consent to pass this bill over in its order? Is there objection?

Mr. JAMES W. PATTERSON. Mr. Speaker, there is objection.

The SPEAKER. The Chair hears objection and consent is not granted.

BILL POSTPONED

Mr. OMINSKY. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1603, Printer's No. 458 was passed over at the request of Mr. PERRY.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. HERBERT B. COHEN asked and obtained permission for the Committee on Appropriations to meet during the session of the House.

BILL ON SECOND READING

Mr. OMINSKY asked and obtained unanimous consent to call up out of order House Bill No. 1330, Printer's No. 605, on page 10, of today's calendar, bills on second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon and prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "1937 Magistrates' Court Act"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of a hearing and possible amendment.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. HESS. Mr. Speaker, I move that the time on House Bill No. 1087, Printer's No. 405, entitled:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

on page 25 of today's calendar, bills on final passage postponed, be extended five days.

The motion was agreed to.

TIME EXTENDED ON BILL

Mr. HOLSTROM. Mr. Speaker, I move that the time on House Bill No. 1200, Printer's No. 442, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty

on page 22 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1183

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1183, Printer's No. 494, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. KILROY. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. SKALE. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Kilroy vote on the final passage of this bill?

Mr. KILROY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Skale, vote on the final passage of this bill?

Mr. SKALE. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. KILROY. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. KILROY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 12, line 29, by striking out [after the word "of" and by striking out] after the word "hundred"

Amend page 13, lines 1 and 2 by striking out [] September one one thousand nine hundred and thirty-seven

Amend page 19, lines 17, 18 and 19 by striking out [ ] September one one thousand nine hundred thirty-seven

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1051

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 14, 1937

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1051, Printer's No. 502, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND COMMUNICATION LAID ON TABLE

Mr. McFALL. Mr. Speaker, I move that the bill together with the communication from the Governor be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled as follows:

SENATE BILL No. 652. (HOUSE BILL No. 2174).

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commission county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors imposing penalties and repealing existing legislation.

Referred to the Committee on Elections.

SENATE BILL No. 372. (HOUSE BILL No. 2175).

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred seventeen, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

Referred to the Committee on Elections.

SENATE BILL No. 709. (HOUSE BILL No. 2176).

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized and prescribing the powers and duties of courts of common pleas in relation to such liquidation.

Referred to the Committee on Banking.

SENATE BILL No. 775. (HOUSE BILL No. 2177).

A Supplement to an act approved the twentieth day of July one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriations Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie available for the purchase of land to be available for the burial of deceased members of the home.

Referred to the Committee on Appropriations.

SENATE BILL No. 827. (HOUSE BILL No. 2178).

An Act to further amend section five of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

Referred to the Committee on Counties.

BILL INTRODUCED AND REFERRED

By Messrs. LONG and LEVY. HOUSE BILL No. 2179.

An Act making an appropriation to the Kensington Hospital for Women, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair asks the members, in coming back next week, to be prepared to stay an extra day. There may be a session next Thursday, but that is not official. Also when you come bring with you an extra five dollars and then you can get a ticket for the Gridiron dinner from any of the newspaper men.

STATEMENT BY MR. LONGAKER

Mr. LONGAKER, asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, within the past twenty-four hours the people of our Nation have again been appalled and horrified by the lynching of two Negroes in Granada, Mississippi. Past experience has shown us that it is only through Federal legislation and Federal action that this particular crime can be abated or can be done away with entirely. There is before the Congress of the United States at the present time and there is being debated in the halls of the Congress a bill known as the Anti-Lynching Bill. Now, members of the House, is the time to act as representatives of this Commonwealth and, therefore, Mr. Speaker and members of the House, I offer the following resolution and ask the unanimous consent of the House for its immediate adoption.

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I wish to join with the sponsor in asking unanimous consent for the immediate consideration of the offered resolution.

STATEMENT BY MR. BROWN

Mr. BROWN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I want to say that I join also with the sponsor in asking unanimous consent for the immediate consideration of this resolution. May I express further, Mr. Speaker, my appreciation of what has been said by Mr. Longaker in this regard and I also express by appreciation to the members of this House, because I feel that the members of the Congress from the Commonwealth of Pennsylvania will consider it an honor to put their stamp of approval on the bill now pending before Congress to wipe out in this country one of the most brutal, terrifying, heinous and barbaric institutions known to the civilized world. I do not understand how we in this country can let such things as have just happened in Mississippi go unchallenged. I have read, Mr. Speaker

and members of the House, of many instances of torture in the Black Ages, but I do not believe there is a parallel anywhere in history of the thing that happened in one of the states of our Union yesterday, where two human lives were blown out by blow torches put to their skin. It does seem to me that we ought to bow our heads in shame, that something cannot be done in the interest of those innocent people who are now asking the law to protect them, to give us justice, to give us humane treatment, to give us the protection of the law and to place America where it ought to be placed. As it is now we hang our heads in shame. Though we be citizens of this great Nation and though we be citizens of this Commonwealth, I tell you now Mr. Speaker and members of this House that unless things such as happened yesterday in Mississippi are stopped we cannot subscribe longer to the principles upon which this Government were founded and in the interest of the protection of those principles it seems to me that this message ought to go to Washington immediately.

STATEMENT BY MR. LONGAKER

Mr. LONGAKER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, let me extend to the majority floor leader, the gentleman from York Mr. Cohen and the gentleman from Allegheny Mr. Brown, who has just finished speaking my sincere regards and appreciation of their willingness to join in this resolution, which we trust will have the desired effect upon the members of the Congress from our Commonwealth and upon those members of the Congress from other states who, I am sure, will join with us to blot out the record of the past in which this atrocious crime has been committed. I thank you gentlemen.

RESOLUTION

LYNCHING

Mr. LONGAKER asked and obtained unanimous consent to offer the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 14, 1937.

Whereas, While Congress is debating the enactment of Federal anti-lynching legislation, the Press announces that in Granada, Mississippi, two negroes were seized from a sheriff and his deputies and burned at the stake and a third severely whipped and driven from the county; and

Whereas, It appears that lynching can be controlled only by the enactment of Federal law because many states will not support the enactment or enforcement of such laws; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memorializes the Congress of the United States to enact Federal legislation to prohibit and control lynching within the United States as early as possible.

Resolved, That a copy of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this House.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to make the following statement:

Mr. Speaker. Last week when Mr. Habbyshaw and I introduced our Hershey Strike Resolution, we did so first to prevent a collapse of the milk market in Pennsylvania, which would have been inevitable had the strike continued much longer, and secondly to prevent the violence which happened last Wednesday when the strikers were driven forcibly from the plant.

We do not condone violence. But before we criticize the farmers for settling this strike in their own way we should remember the facts. We should remember that there was being thrown upon the market over 350,000 qts. of milk a day, that the collapse of the milk market was imminent, and that nearly $15,000 a day was being lost to the farmers at a time when they could least afford it. Above all we cannot forget that during all this time the Governor was keeping a very discreet silence concerning the entire situation.

Had the Governor made any effort to meet this problem, the violence would not have occurred. The responsibility for all lawlessness that occurred at Hershey rests with the Governor and not with the farmers or any other group.

One acquainted with the situation cannot help but conclude that had the Governor merely opened his mouth he could have persauded the strikers to permit the operation of that part of the plant which would have made possible the use of the farmers' milk. There was a close connection between the Governor's followers and the strikers. Meetings of the Union were held in the rooms of the Democratic Clubs in the vicinity. The Democratic Senator from the District spoke at one of the first meetings which was held. The theme song of the strike was—"We cannot be moved, the Governor is back of us." Telephone calls were made from strike leaders directly to the Governor's office, keeping him informed of the situation. But, through it all our Governor mimicking Washington, kept a discreet silence, while the farmers suffered.

It is interesting to compare the quality of the courage that existed among the farmers with the official cowardice at Harrisburg. Prior to the time that the violence occurred, it had been announced to the group of farmers that the strikers had machine guns in the building. Although in fact false it was believed at the time. With their own eyes they saw and faced guns, knives and other weapons which apparently were going to be used on them should they enter the building. In spite of this, determined to do what in their opinion was right, they entered the factory and gave it back to its owners so that they and their fellow farmers would not be threatened with financial ruin. Was it the farmers or the officials of Pennsylvania who disgraced the Commonwealth?

The farmer is the backbone of the American civilization. No laboring man knows more about labor. No man arises earlier, puts in more hours or works harder than the farmer. No brow perspires more profusely. No man is in a position to appreciate the problems of labor more than the farmer. On the other hand he is a business man who must buy, sell and employ. All farmers own property and appreciate that a property right is a human right which must be respected. Their opinions and their rights are entitled to the greatest respect. When they were denied a market for their milk, they were deprived of an income of $15,000 a day; when their milk industry was threatened with ruination, they had a right to expect the Governor of this Commonwealth to be active in assisting them in solving this problem. When that help was not

forthcoming, they took it upon themselves to solve it in their own way.

It doesn't go down well with the farmer to be called a disgrace to the Commonwealth for solving a problem which the Governor should have solved. The farmers of this section, peaceful and lawabiding as any group of citizens in the County, did not want to deal with this problem. But just as their ancestors of 1775 were provoked to violence by their ruler George the III of that day so the farmers were provoked to violence by our ruler George the III of this day.

The Governor's attempt to hide behind the skirts of the Sheriff is childish. His own Attorney General furnished him with an opinion that he could send in his police. The way the Governor and the State Democratic party has stuck their nose into all manner of local problems, it is amusing how when the issue gets hot they pass the buck.

The Governor knew of the situation. All the County knew. The Governor even had telephone calls from the strikers which strangely he referred to the Lieutenant Governor who under the Constitution and laws of this Commonwealth has nothing to do with law enforcement.

The Governor cannot hide behind the fact that his subordinates have now secured an agreement. The fact is the Governor permitted the violence. The fact is the Governor made no effort to solve the problem as it related to the farmers.

Although the violence was unfortunate and not to be condoned, considering mob psychology and the feeling that existed, it is fortunate that there were no more serious injuries. We must remember that feeling ran high among those who appreciated what the great philanthropist had done in the community. We must remember that feeling ran high against certain of the strikers who Mr. Hershey had educated. We must remember that the community realized that Mr. Hershey had given away even the roof over his own head in his unselfish effort to build a model community. Why pick on the farmers who in addition to their own losses had their keen sense of justice aroused?

The Governor has permitted anarchy in the coal regions and he permitted it in Hershey. That the "disgrace to the Commonwealth" should only appear to him when the farmers step in to the scene is to the rural communities most reprehensible.

Violence breeds violence. Even the Governor should know that you cannot sow the seeds of anarchy and reap orderly government.

STATEMENT BY MR. HERBERT B. COHEN.

Mr. HERBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I do not propose to answer the statement of the gentleman from Dauphin categorically. The statement was much too long and the facts that the gentleman from Dauphin wished to present to this House are much too involved, but I think the gentleman from Dauphin had missed, decidedly missed the crux of the present situation. Undoubtedly one unlawful action begets another, but undoubtedly if the inciting and the unlawful action, if it were unlawful, persisted it was due to the fact of a reluctant Supreme Court, for months overdue, withholding a decision on the validity of the Wagner Relations Act, as the members of this House will remember. As we progress economically, as our society becomes more involved, it is necessary for government to utilize different agencies to solve the problems with which it is confronted, and where a Supreme Court delays that progress, that progressive action endangers and prevents, through intervention, the government agencies from functioning in order to obviate labor disputes, in order to obviate or correct any maladjustment of the relationship between employer and employee, that and that alone is the crux of the situation. That has been demonstrated at Hershey, and the gentleman from Dauphin undoubtedly appreciates that by reason of the vacillating vote of but one Supreme Court justice today we have constitutionally enacted a law which will enable the Government of the United States to intervene in situations and to intervene legally in situations of the nature with which we have been confronted in the Hershey plant. I also appreciate the fact that the gentleman from Delaware has already given to this House the best declaration possible for the enactment of our labor relations acts by this House and by the Senate, he having already espoused the enactment of the McGinnis labor bills which are now under consideration by our Committee on Labor—those bills having passed the Senate. Those are the problems with which we are confronted and those are the problems with which any government that is developing is confronted and those problems must be solved by and with the necessary machinery of government, and I say to you, members of the House, that with the enactment and the signing of the present McGinnis labor bills and with the constitutionality of the Wagner Relations Act having been upheld that this Nation and this State will have the machinery to obviate any of the differences of opinion that might exist between employer and employee.

QUESTION OF PERSONAL PRIVILEGE

Mr. RUSH. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. RUSH. Mr. Speaker and members of the House, I notice in the Journal under date of March 29, on page 1514, that I was not recorded as voting on House Bill 64. I did vote "aye" on that bill and I would like to be so recorded.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal.

REPORT OF SLATE COMMITTEE

Mr. HERBERT B. COHEN offered a report from the Slate Committee which was read as follows:

In the House of Representatives, April 14, 1937.

Resolved, That the following appointments be made in the House of Representatives:

Clerk to Committee Raymond McDonough, Braddock, Penna., vice Peter Cannon, Braddock, Penna., resigned.

Page — Philip E. Pace, 96 W. Main St., Marysville, Penna., vice W. Maxwell Patton, R. D. 2, Duncannon, Penna., resigned.

On the question,

Will the House adopt the report?

It was adopted.

LEAVE OF ABSENCE

Mr. Allen asked and obtained leave of absence for Mr. ALEXANDER for today's session, due to having undergone a minor operation.

REPORTS FROM COMMITTEES

Mr. HARKINS, from the Committee on Labor, reported as amended, House Bill No. 1459, entitled:

An Act relating to employers and employes; prohibiting the requirement of certain payments for medical services of insurance by employes as a condition to employment or continuance in employment; and prescribing penalties.

Mr. ACHTERMAN, from the Committee on Appropriations reported as committed, House Bill No. 958, entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford, Pike County, Pennsylvania.

Mr. JOHN J. BAKER, from the Committee on Appropriations reported as committed, House Bill No. 2162, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and the expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity be employes of the State Emergency Relief Board; and prescribing penalties.

Mr. HESS, from the Committee on Judiciary General, reported as amended, House Bill No. 608, entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof; repealing inconsistent legislation; and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act.

Mr. HARKINS, from the Committee on Education, reported as amended, House Bill No. 2153, (Senate Bill No. 559), entitled:

An Act to amend article ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed, and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

Mr. SKALE, from the Committee on Judiciary Special, reported as amended, House Bill No. 391, entitled:

An Act relating to wages; regulating the time, place and manner of payment of wages; providing for the enforcement of wage claims; imposing certain new liabilities upon contractors and certain duties and liabilities upon employers and waiving certain exemptions in certain cases and conferring certain powers and imposing certain duties on the Department of Labor and Industry and providing penalties and repealing existing laws

Mr. YOURISHIN, from the Committee on Appropriations, re-reported as committed, House Bill No. 1164, (Senate Bill No. 4), entitled:

An Act prohibiting the employment of mine workers in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties and providing penalties and making an appropriation.

BILLS RE-REFERRED

Mr. MARINO returned from the Committee on Judiciary Special with the recommendation that it be re-referred to the Committee on Military Affairs, House Bill No. 1371, entitled:

An Act to amend section ten of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor, and appropriating moneys received for monument and memorial purposes and prescribing penalties," as amended by prohibiting that the referee alone, shall render decisions.

The SPEAKER. The bill is now re-referred to the Committee on Military Affairs.

Mr. VALIBUS returned from the Committee on State Government with the recommendation that it be re-referred to the Committee on Welfare, House Bill No. 1892, entitled:

An Act to regulate and improve the administration of public assistance in the Commonwealth of Pennsylvania; establishing a personnel director for the Department of Assistance; providing; a merit system for the employment, promotion, and dismissal of employes of the State Department of Assistance; and providing for appeals in all matters pertaining to this act.

The SPEAKER. The bill is now re-referred to the Committee on Welfare.

BILL INTRODUCED AND REFERRED

By Messers. WRIGHT and DOWNEY.

HOUSE BILL No. 2180.

An Act to provide revenue by imposing a State tax on the gross receipts of companies, associations, joint stock associations, limited partnerships, corporations and persons engaged in furnishing and selling natural gas and admixtures and artificial gas.

Referred to the Committee on Ways and Means.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

SENATE CONCURRENT RESOLUTION

Committee of General Assembly to write chapters in commemoration of the 300th anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March 1638 and the establishment of the Colony of New Sweden and in connection with the National celebration of the 150th anniversary of the framing, the signing, the ratification by Pennsylvania and the final adoption and establishment of the Constitution of the United States, to be printed in the 1937-38 Pennsylvania Manual.

In the Senate, April 13, 1937.

Whereas the General Asembly by the Act approved July 22, 1936 Pamphlet Laws 70 authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction for and on behalf of the Commonwealth of Pennsylvania to arrange for the participation of the Commonwealth in a national celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States and

Whereas The Honorable George H. Earle Governor of the Commonwealth did on the first day of August 1936 issue a proclamation to the Citizens of Pennsylvania calling their attention to the 150th Anniversary of the Constitution proclaiming the years 1937-38-39 a period of State-wide commemoration reminding them of the important and significant role of the Pennsylvania delegation in the Constitutional Convention of 1787 and of the vigorous steps taken by Pennsylvania to secure the ratification and establishment of the Constitution of the Government of the United States of America offering to the entire nation the whole hearted hospitality of this Commonwealth and calling upon all Citizens of Pennsylvania to give their loyal interest and support to local demonstrations throughout the Commonwealth to the end that from this period of commemoration may come renewed confidence in the vital strength of our Republic and a firm faith in its continuing greatness and enlightment and

Whereas the General Assembly by the Act approved July 28, 1936 Pamphlet Laws 79 authorized and directed the Pennsylvania Historical Commission of the Department of Public Instruction to set for and on behalf of the Commonwealth of Pennsylvania in arranging a suitable commemoration of the 300th Anniversary of the landing of the ships Kalmar Nyckel and Fogel Grip on the Delaware in March 1638 and the establishment of the colony of New Sweden as well as the coming of the first Dutch English German Welsh Irish and other settlers by whom were established the earliest settlements the first courts of law and the first capital within what is now Pennsylvania and

Whereas this General Assembly being mindful of the character and qualities of our founders and forefathers and of their achievement in establishing the colony of New Sweden and of maintaining and preserving peaceful and harmonious relations with the Indians and the neighboring colonies thereby laying the foundations for the subsequent Colony and of the Commonwealth of Pennsylvania and enabling it to develop quickly into the greatest richest and most populous province among the Original Thirteen Colonies and making possible Philadelphia's rise as the greatest city of colonial America and the establishment of the Commonwealth of Pennsylvania as the Keystone in the great arch of states and this General Assembly being mindful also that such character qualities pioneering efforts and achievements were the foundations upon which our Pennsylvania civilization is based and being mindful of the honorable pride and great interest of our citizens therein desires to make said Tercentenary Celebration an occasion of State National and world-wide reunion to commemorate those inspiring and momentous events and

Whereas the said Tercentenary Anniversary Celebration will arouse stimulate and encourage the interest of all of our citizens and the citizens of other states and countries young and old in a knowledge and study of the inspiring history of the founding establishing and development of this Commonwealth and will interpret and emphasize the spiritual and educational forces of the past and

Whereas adequate commemorations of these immortal events will enhance and further increase the interest of our Nation and the people of our Commonwealth in the glorious and inspiring past of Pennsylvania and

Whereas A thoughtfully planned and well-directed distribution of succinct summaries of these epoch making events that molded modern civilization and left their indellible marks upon the development of the Western Hemisphere, would be of great historical, cultural and educational value to the people of the United States and the inhabitants of our Commonwealth and

Whereas, "The Pennsylvania Manual" published by the Commonwealth of Pennsylvania and compiled under direction of the Bureau of Publications of the Department of Property and Supplies is the official primary-source-book of information pertaining to our Commonwealth, its government and institutions, and

Whereas, thousands of exemplars of said "Pennsylvania Manual" are being annually distributed throughout the nation and our Commonwealth, thus providing a channel for the dissemination of valuable information, and

Whereas, preparations are now being made for the publication of the forthcoming issue of "Pennsylvania Manual" for the 1937-38 biennium, and

Whereas, the inclusion of chapters dedicated to the 150th Anniversary Celebration of the Constitution of the United States and 300th Anniversary of the establishment of New Sweden will supply a glorious phase of the historical bach-ground of our Commonwealth, the ample description whereof, was heretofore not included in the "Pennsylvania Manual" and

Whereas, the inclusion of such chapters in the forthcoming 1937-38 issue of "The Pennsylvania Manual" will vitalize its contents and enhance its value as the primary source-book of the Commonwealth of Pennsylvania, therefore be it

Resolved (if the House of Representatives concur) That the forthcoming issue of "The Pennsylvania Manual" for the 1937-38 biennium shall contain in addition to its usual material also new chapters dedicated to the 150th Anniversary Celebration of the Constitution of the United States and 300th Anniversary of the establishment of New Sweden, and be it further

Resolved That the President Pro Tem of the Senate appoint three (3) Senators and the Speaker of the House appoint (3) Representatives, who together shall form a Committee to write and to edit said chapters and be it further

Resolved that a copy of this resolution be sent to His Excellency the Governor of Pennsylvania, the Secretary of Property and Supplies, and the Pennsylvania Historical Commission of the Department of Public Instruction.

Respectfully submitted

Signed: (C. HALE SIPE)
Signed: (ISRAEL STIEFEL)

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on State Government.

STATEMENT BY MR. WOODSIDE

Mr. WOODSIDE asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I do not desire at this time to unduly prolong the discussion relative to the statement which I made but the majority floor leader has made two remarks about which I should just like to say a word. In the first place, concerning legislation of our own State relative to labor relations and the laws which would assist in settling such situations as existed in Hershey, I desire to call the attention of the House to the face that on February 2nd the gentleman from Delaware, Mr. Turner, the floor leader of the Republican party, introduced a bill which would bring about the desired effect. That bill has rested in committee since that time.

In regard to the recent decision of the Supreme Court of the United States declaring the Wagner Act constitutional, I desire to make this statement. I may not be very much of a constitutional lawyer but it has always been my understanding that an act of the Congress of the United States is constitutional until it has been declared unconstitutional by the Court. We certainly had the NRA in effect, and sent men to jail under it and proceeded to operate under it until such time as the Supreme Court

declared it unconstitutional. The same thing was true of the AAA, and at the time this strike was going on in Hershey the Wagner Act was on the books and under the law it was constitutional. So the situation has not been changed and the delay of the Supreme Court of the United States had nothing to do with bringing about the present situation.

STATEMENT BY MR. YOURISHIN

Mr. YOURISHIN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, in answer to the gentleman from Dauphin, Mr. Woodside, I might say that Mr. Turner has a bill in the Committee on Labor with reference to mediation but it is not a bill that is satisfactory to labor. I might say that in the session of 1933 and of 1935 a bill on labor was presented to this House which would have taken care of situations of this kind. In 1935 it passed this House but was killed over in the Senate by the Republican reactionaries.

ANNOUNCEMENTS

The meeting of the Ways and Means Committee for Monday, April 19th has been cancelled.

The Committee on Labor will meet immediately after this session in Room 521.

The Committee on Agriculture will hold a public hearing on House Bills 1897 and 1898, known as the tobacco bills, in the House Caucus Room on Monday, April 19th at 2 o'clock P. M.

The Committee on Labor will hold a public hearing on Monday, April 19th at 10 A. M. on House Bills 1639 and 1640, known as the Labor Relations Bill, in the House Caucus Room.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to thank the members of the House for their patience this afternoon, and for the amount of work they did.

ADJOURNMENT

Mr. THOMPSON. Mr. Speaker, I move that this House do now adjourn until Monday, April 19, 1937, at 9:00 p. m.

The motion was agreed to, and (at 4.25 p. m.) the House adjourned until Monday April 19, 1937, at 9:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, APRIL 19, 1937. No. 44.

SENATE

MONDAY, April 19, 1937.

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L. L. D., offered the following prayer:

Mighty fortress and sure refuge is our God! For he that dwelleth in the secret place of the Most High, shall abide under the shadow of the Almighty.

When we consider our limitations, we would cower before the tasks which weigh upon us; yet assured of Thy grace for the asking, we go forward with confidence and hope, like unto an army with banners.

Give us mind and heart for the tense days ahead. Prompt us to heed the voices which rightly speak, the cry of the helpless and forgotten, the decrees of justice, the sovereign will of those for whom we speak. And to Thee will we give the praise. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING PASSAGE OF BILL PROHIBITING HOME WORK

Communication from Mrs. James F. Bowersox, Middleburg, Pa., opposing the passage of the Home Work Bill.

Which was referred to the Committee on Labor and Industry.

OPPOSING HOUSE BILL No. 1449, AND THE PERSONAL PROPERTY TAX BILL AND FAVORING THE PASSAGE OF HOUSE BILL No. 500, AND HOUSE BILL No. 881 AND HOUSE BILL No. 1817.

Communication from the League of Women Voters, Pittsburgh, Pa., opposing House Bill No. 1449, and the Personal Property Tax Bill and favoring the passage of House Bill No. 500, and House Bill No. 881 and House Bill No. 1817.

Which was referred to the Committee on County Government.

OPPOSING TOLL BRIDGES OVER THE DELAWARE RIVER BETWEEN PENNSYLVANIA AND NEW JERSEY

A communication from the Morrisville Chamber of Commerce, requesting that no toll be charged on bridges over the Delaware River between the State of New Jersey and Pennsylvania.

Which was referred to the Committee on Federal Relations.

FAVORING ENACTMENT OF THE McGINNIS BILL (SENATE BILL No. 341)

Resolution signed by numerous members of the Community Betterment Association of Wilkinsburg, Pa., urging the passage of Senate Bill No. 341, the McGinnis Bill, amending the present liquor laws.

Which was referred to the Committee on State Boards.

OPPOSING THE PASSAGE OF THE CHAIN STORE TAX BILL

Communications from the following persons; registering their disapproval of the Chain Store Tax Bill; Mrs. Ralph Moyer, of West Philadelphia; Numerous citizens of Altoona, Pa.,

Which was referred to the Committee on Finance.

URGING THE PASSAGE OF SENATE BILL No. 645

Communication from the Borough Council of Jeannette, Pa., favoring the passage of Senate Bill No. 645.

Which was referred to the Committee on State Boards.

URGING THE PASSAGE OF HOUSE BILL No. 1758

Communication from the Pennsylvania State Employees Association of Philadelphia, urging the passage of House Bill No. 1758 known as the Civil Service Bill and also a Communication from the American Federation of Government Employes of Pennsylvania urging the enactment of the same bill.

Which was referred to the Committee on State Government.

OPPOSING HOUSE BILLS No. 639, 657, 1189 and 1200, ENDORSING HOUSE BILL No. 896, SENATE BILL No. 402

Communication from the following persons:
Southwest Township Supervisors;
Supervisors of Lancaster Township;
Skippach Township Supervisors;
Board of Supervisors and Tax Payers of Winslow Township;
Upper Hanover Road Board;
Supervisors of Harbor Creek;
Supervisors of Newtown Township;
Whitely Township Supervisors;
Berwick Township Road Supervisiors;
Berlin Township Supervisors;
Rawford-Pine Township;

Hickory Township, Mercer County;
Pinegrove Township, Venango County;
Westmoreland County of Supervisors;
Butler Co. Supervisors and Auditors Association;
Shippen Twp. Supervisors, Tioga County;
Supervisors of East Huntingdon Twp., Westmoreland, County;
Supervisors Sewickley Twp., Westmoreland, County;
Loyalsock Twp., Lycoming County;
Upper St. Clair Township, Allegheny County;
Summerhill Twp., Cambria, County;
Straband Road Board, Adams County;
Supervisors of Hollenback Twp., Luzerne County;
Lawrence Twp., Board of Supervisors, Clearfield, County;
Road Board, Luzerne County;
Rush Twp., Schuylkill County;
Union Twp., Supervisors, Adams, Pa.;
Athens Supervisors, Bradford, County;
and East Franklin Twp., Armstrong County opposing the passage of House Bills Nos. 639, 657, 1189, and 1200, and endorsing House Bill No. 896, Senate Bill No. 402.

Which were referred to the Committee on Highways.

LEAVE OF ABSENCE

Mr. Buckman asked and obtained leave of absence for the Senator from Luzerne, Mr. SORDONI.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 33, (Senate Bill No. 962), entitled:

An Act to amend clause (b) of section two thousand one hundred and twenty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended, providing for compensation for members of joint sewer boards.

Which was committed to the Committee on Municipal Government.

House Bill No. 71, (Senate Bill No. 963), entitled:

A Joint Resolution proposing an amendment to Article one section six of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 96, (Senate Bil No. 964), entitled:

An Act to further amend section two thousand four hundred and two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the re-organization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," authorizing the Department of Property and Supplies with the consent of the proper board of trustees to grant rights of way or easements over State institution lands for public road purposes.

Which was committed to the Committee on State Boards.

House Bill No. 289, (Senate Bill No. 965), entitled:

An Act to amend section seven hundred and ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence, imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles, imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by changing the dates when reductions of registration fees shall become effective.

Which was committed to the Committee on Highways.

House Bill No. 731, (Senate Bill No. 966), entitled:

An Act providing for the creation maintenance and operation of a county employes retirement system in counties of the third class and imposing certain charges on counties.

Which was committed to the Committee on County Government.

House Bill No. 923, (Senate Bill No. 967), entitled:

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty), entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work.

Which was committed to the Committee on Highways.

House Bill No. 982, (Senate Bill No. 968), entitled:

An Act providing for the construction reconstruction maintenance and repair of sidewalks at dangerous places

along State highways by the Department of Highways and making an appropriation from the Motor License Fund.

Which was committed to the Committee on Highways.

House Bill No. 1360, (Senate Bill No. 969), entitled:

An Act to amend sections two thousand six hundred and twenty-two and two thousand six hundred and twenty-six of the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (Pamphlet Laws three hundred and nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" as amended, extending the time within which appeals from auditors' reports may be taken.

Which was committed to the Committee on Education.

House Bill No. 1400, (Senate Bill No. 970), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public saftey; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, regulating the sale and further regulating the installation, use and operation of traffic regulation devices, signals, signs and markings, and the operation of motor vehicles on the highways; affecting the powers of municipal authorities in certain cases and of the Secretary of Highways; and changing and imposing penalties.

Which was committed to the Committee on Highways.

House Bill No. 1464, (Senate Bill No. 971), entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Department of Highways of the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board; defining the powers of the Board and fixing the compensation of members and employes thereof, providing that the awards of such Boards shall be final providing for the payment of awards and authorizing an appropriation.

Which was committed to the Committee on Highways.

House Bill No. 1467, (Senate Bill No. 972), entitled:

An Act to amend section one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collectiong such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the furnishing of the National Flag Code to certain pupils and for the use thereof.

Which was committed to the Committee on Education.

House Bill No. 1559, (Senate Bill No. 973), entitled:

An Act concerning vocational education providing for the acceptance by the Commonwealth of Pennsylvania of the provisions of the act of Congress approved June eighth one thousand nine hundred and thirty-six entitled "An act to provide for the further development of vocational education in the several States and Territories" and conferring powers and imposing duties on the State Treasurer and the State Council of Education.

Which was committed to the Committee on Education.

House Bill No. 1570, (Senate Bill No. 974), entitled:

An Act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases, to authorize entry by the Department of Highways into mines in certain cases, and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways, and providing penalties.

Which was committed to the Committee on Highways.

House Bill No. 1572, (Senate Bill No. 975), entitled:

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "Boiler Regulation Law" extending the provisions of said act to unfired pressure vessels.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1608, (Senate Bill No. 976), entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" by further regulating contracts by boroughs.

Which was committed to the Committee on Municipal Government.

House Bill No. 1609, (Senate Bill No. 977), entitled:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto.

Which was committed to the Committee on Municipal Government.

House Bill No. 1619, (Senate Bill No. 978), entitled:

An Act to amend sections one thousand one and one thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred

and thirty-one (Pamphlet Laws twelve hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' as amended further regulating the annual budgets of such townships.

Which was committed to the Committee on Municipal Government.

House Bill No. 1628, (Senate Bill No 979), entitled:

An Act to amend section eight hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one, (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," limiting the requirement of bonds of township treasurers to fidelity bonds and regulating such bonds.

Which was committed to the Committee on Municipal Government.

House Bill No. 1705, (Senate Bill No. 980), entitled:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighty-six) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing for penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed.

Which was committed to the Committee on Agriculture.

House Bill No. 1775, (Senate Bill No. 981), entitled:

An Act to amend clause (g) section one thousand three hundred nine of the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers and of all deputies and other assistants and employees in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments boards and commissions shall be determined" to authorize the Pennsylvania Historical Commission at its discretion to deposit historic relics or other gifts in or on historic properties or shrines committed to its custody.

Which was committed to the Committee on State Boards.

House Bill No. 1802, (Senate Bill No. 982), entitled:

An Act authorizing county commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made.

Which was committed to the Committee on County Government.

House Bill No. 1880, (Senate Bill No. 983), entitled:

An Act providing for the settlement and compromise of certain claims of the Commonwealth against boroughs for the construction reconstruction maintenance and repair of highways.

Which was committed to the Committee on Municipal Government.

House Bill No. 2001, (Senate Bill No. 984), entitled:

An Act to amend section four hundred and one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further regulating the creation and abolition of wards.

Which was committed to the Committee on Municipal Government.

House Bill 2064, (Senate Bill No. 985), entitled

An Act to amend section five hundred forty of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as amended; providing for additional compensation to the secretary for preparing the tax duplicate.

Which was committed to the Committee on Municipal Government.

HOUSE CONCURS IN SENATE BILL NO. 100

He also returned to the Senate, Senate Bill No. 100 entitled:

An Act to amend sections forty and forty-seven of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 19), entitled "An act relating to warehouse receipts," providing how warehouse receipts may be negotiated.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 233.

He also returned to the Senate, Senate Bill No. 233 entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 673

He also returned to the Senate, Senate Bill No. 673 entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL NO. 674

He also returned to the Senate, Senate Bill No. 674 entitled:

An Act to amend the title and section one of the act approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled, "An act providing

for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 100, entitled:

An Act to amend sections forty and forty-seven of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 19), entitled "An act relating to warehouse receipts," providing how warehouse receipts may be negotiated.

Senate Bill No. 238, entitled:

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

Senate Bill No. 673, entitled:

An Act authorizing the Secretary of Highways to abandon portions of State Highway Routes within the limits of State parks or Federal Resettlement projects under certain conditions.

Senate Bill No. 674, entitled:

An Act to amend the title and section one of the act approved the twelfth day of July, one thousand nine hundred thirty-five (P. L. 805), entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

Whereupon,

The PRESIDENT (Lieutenant Governor, Thomas Kennedy) in the presence of the Senate signed the same.

RESOLUTION

TIME OF NEXT MEETING

Mr. McGINNIS offered the following resolution which was twice read considered and agreed to:

In the Senate, April 19, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 26th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 26th, at nine o'clock.

Ordered, That the Clerk inform the House of Representatives accordingly.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

MEMBER OF THE BOARD OF TRUSTEES OF MANSFIELD STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 19, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George W. Hemminger, of Nicholson, Wyoming County, for appointment as a member of the Board of Trustees of Mansfield State Teachers College, vice W. A. MacCausland, of Mansfield, deceased, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

ALDERMAN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George S. Sigendall, of Meadville, Crawford County, for appointment as Alderman in the First Ward of the City of Meadville, Crawford County, vice Charles F. Clyde, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 19, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Miss M. Meaney, 505 Chestnut St., Philadelphia, April 22, 1937.

BLAIR COUNTY

Roy I. Feather, Roaring Spring Taylor Twp., April 24, 1937.

DELAWARE COUNTY

Frank McClatchy, Upper Darby, Upper Darby Twp., May 3, 1937.

ERIE COUNTY

Donald Arbuckle, Erie, May 5, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 19, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William A. Schock, 1301 Forbes St., Pittsburgh,
Stanley J. Walkowski, 3426 Butler St., Pittsburgh.

ARMSTRONG COUNTY

Mrs. Alta W. McKelvy, Ford City.
Lloyd W. Moline, Apollo.

BEAVER COUNTY

John S. Littell, Rochester Twp., Rochester.
Frank C. O'Rourke, New Brighton.

DAUPHIN COUNTY

Miss Rosemary D. Dodd, Harrisburg.

DELAWARE COUNTY

Miss Catherine M. Gallagher, Upper Darby Twp. Upper Darby.
Joseph A. Hughes, Jr., Lansdowne.

FAYETTE COUNTY

Miss Bertha L. Darby, Uniontown.

LUZERNE COUNTY

Sister Mary Loretta McGill Dallas Twp., Dallas.

LYCOMING COUNTY

Carl Flock, Jr., Williamsport.

MONTGOMERY COUNTY

Miss Dorothy B. Smith, Conshohocken, Whitemarsh Twp.

NORTHAMPTON COUNTY

Mrs. Marian J. Abel, Hellertown.
Walter K. Geyer, Hellertown.
James E. Knipe, Bethlehem.

PHILADELPHIA COUNTY

Walter J. Blondell, Sr., 322 S. 11th St., Philadelphia.
Miss Rose Bush, 2115 South St., Philadelphia.
Miss Beatrice Ennis, Walnut and Juniper Sts., Philadelphia.
Charles Z. Klauder, Jr., 1429 Walnut St., Philadelphia.
James N. McCarrick, 2218 Catharine St., Philadelphia.

WASHINGTON COUNTY

H. D. Patch, Donora.

YORK COUNTY

Mrs. E. Romaine Coyle, York.

GEORGE H. EARLE

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 19, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Roy A. House, of Kittanning, Armstrong County, for appointment as Justice of the Peace in the Borough of Kittanning, Armstrong County, (to fill a vacancy) until the first Monday of January, 1938.

GEORGE H. EARLE

WRIT FOR SPECIAL ELECTION IN XVIII SENATORIAL DISTRICT

The PRESIDENT. May the Chair make a statement for the information of the Senate to the effect that at 5:25 p. m. on April 14th, the Chair received and accepted the resignation of the Honorable Warren R. Roberts, State Senator, and on April 14th, the President of the Senate issued a writ commanding that a special election be held in Northampton County on the 11th day of May next, to fill the vacancy. This information will appear in the Legislative Journal.

Commonwealth of Pennsylvania }ss:

To the Sheriff of the County of Northampton

Greetings: Whereas a vacancy exists in the office of Senator of the State of Pennsylvania, for the Eighteenth Senatorial District, composed of the County of Northampton, by reason of the resignation on April fourteenth, one thousand nine hundred and thirty-seven, of Honorable Warren R. Roberts, Senator from said Senatorial District,

Now, therefore, I, Thomas Kennedy, President of the Senate, by virtue of the authority vested in me by the Constitution of the State of Pennsylvania, and by the Act of Assembly, in such case made and provided, do hereby command you: That you cause an election to be held in the said Eighteenth Senatorial District of the State of Pennsylvania, on Tuesday , eleventh day of May , , A. D., One thousand nine hundred and thirty-seven, to choose a person to represent said Eighteenth Senatorial District in the Senate of Pennsylvania, for the remainder of the term expiring November thirtieth, One thousand nine hundred and thirty-eight, and that you give due and public notice of said election throughout said Eighteenth Senatorial District in form and manner directed by law.

Given under my hand and seal at Harrisburg, Pennsylvania, this fourteenth day of April One thousand nine hundred and thirty-seven.

/s/ Thomas Kennedy
THOMAS KENNEDY
President of the Senate

SEAL

State of Pennsylvania }
County of Northampton } ss:

JOHN B. SMITH, being duly sworn according to law, says that he resides at Lattimer Mines, Luzerne County, Pennsylvania, that he is Sergeant-at-arms of the Senate of Pennsylvania.

That he served on the Honorable E. Albert Boyer High Sheriff of the County of Northampton on April 17, , One thousand nine hundred and thirty-seven, at 10:45 o'clock, a. m. at the office of said Sheriff in the City of Easton, Pennsylvania, a special writ of election for the Eighteenth Senatorial District, composed of the County of Northampton, a copy of which is hereto affixed, by command of the Honorable Thomas Kennedy, Lieutenant-Governor of the Commonwealth and President of the Senate.

/s/John B. Smith
JOHN B. SMITH
Sergeant-at-arms

Sworn and subscribed to this 17 day of April 1937, A. D.

/s/ Alfred A. McCabe

My commission expires, June 1, 1940.

REPORTS FROM COMMITTEES

Mr. JACOBS, from the Committee on Labor and Industry re-reported as amended, Senate Bill No. 425, entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards and of the Department of Labor and Industry; imposing duties on employers; providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders; and providing penalties.

Mr. McCREESH, from the Committee on City Government reported as committed, Senate Bill No. 809, entitled;

An Act to amend section three of Article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller.

Mr. McCREESH. Mr. President, Senate Bill, just reported from the Committee is reported with recommendation that it be sent back to the Committee on City Government after two readings.

Mr. DENT, from the Committee on Mines and Mining reported as committed, Senate Bill No. 740, entitled:

An Act to re-enact and amend the act, approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

BILLS INTRODUCED

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 986 entitled:

An Act to amend section one hundred fifty-five of the act, approved the thirty-first day of March, one thousand eight hundred and sixty (P. L. 382), entitled "An act to consolidate, revise and amend the penal laws of this Commonwealth;" extending the provisions to memorials, tablets and works of art erected within buildings or on grounds.

Which was committed to the Committee on Judiciary General.

Mr. WOLFENDEN read in his place and presented to the Chair Senate Bill No. 987 entitled:

An Act to regulate nominations and elections for all offices of judges of a court of record; providing for nonpartisan nominations and elections for said offices; abolishing certain existing methods of nomination in such cases and the use of party or political names or appellations at elections with respect to said offices; imposing certain duties upon the Secretary of the Commonwealth, county commissioners, and election officers and clerks; and providing penalties for the violation of the provisions hereof, and the punishment of certain offenses.

Which was committed to the Committee on Elections.

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 988 entitled:

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 900), entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania, by means of certificates of births and deaths, and burial or removal permits; requiring prompt returns to the Central Bureau of Vital Statistics as required to be established by the State Department of Health; and, in order to secure prompt and faithful registration of births, marriages, deaths, and diseases, or practitioners of medicine and surgery of midwives, nurses, and undertakers, and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births, deaths, marriages, and diseases throughout the State, as provided in section ten of an act, entitled 'An act creating the Department of Health and defining its powers and duties,' approved the twenty-seventh day of April, nineteen hundred and five, and providing penalties for violations of this act," as amended, providing that certified copies of birth certificates shall omit certain information

Which was committed to the Committee on Public Health.

Mr. REED read in his place and presented to the Chair Senate Bill No. 989 entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by prescribing the salary schedule for directors of vocational education and for school psychologists and psychological examiners and designating the portion thereof which shall be reimbursed by the Commonwealth.

Which was committed to the Committee on Education.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 990 entitled:

An Act to amend section four hundred twenty-seven of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the oppointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by making further provisions for the appointment, salary, and powers and duties of a Secretary of a State Athletic Commission.

Which was committed to the Committee on State Boards.

Also read in his place and presented to the Chair Senate Bill No. 991 entitled:

An Act authorizing the Governor to appoint certain persons to attend meetings of public utility companies and to report thereon to the Pennsylvania Public Utility Commission; requiring public utility companies to give notice of meetings; and providing penalties.

Which was committed to the Committee on Public Utilities.

Mr. LAW read in his place and presented to the Chair Senate Bill No. 992 entitled:

An Act to amend sections five, seven and eight of the act approved the second day of May one thousand eight

hundred eighty-nine (Pamphlet Laws sixty-six) entitled "An act defining and regulating escheats in cases where property is without a lawful owner, and providing for more convenient proceeding relative to the same," as amended, by extending the jurisdiction of courts and making other provisions as to the powers and duties of courts in escheat proceedings; and further defining the powers and duties of escheators.

Which was committed to the Committee on Judiciary General.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 993, entitled:

An Act making appropriation to the Tuberculosis League of Pittsburgh, Pennsylvania.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 994, entitled:

An Act making an appropriation to the Senate Interim Narcotic Committee created by Senate Resolution Serial Number Eleven, one thousand nine hundred and thirty-seven.

Which was committed to the Committee on Appropriations.

Also read in his place and presented to the Chair Senate Bill No. 995, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; confering powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

Which was committed to the Committee on Corporations.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 996, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of land by purchase, condemnation, or otherwise, for State Park purposes.

Which was committed to the Committee on Appropriations.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 997, entitled:

An Act to further amend section six hundred and nineteen of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; confering powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," by imposing liability on school districts and poor districts in certain cases.

Which was committed to the Committee on Highways.

Also read in his place and presented to the Chair Senate Bill No. 998, entitled:

An Act to amend the act approved the enghteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, by further regulating the incuring or refunding of indebtedness, the issuing of bonds by school districts, and the retiring of indebtedness; making payroll obligations preferential claims against the district; providing for penalties for failure to comply with any part of the act: and repealing provisions of state laws inconsistent with this act.

Which was committed to the Committee on Education.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 999, entitled:

An Act to amend section three hundred eleven, as amended, of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

Which was committed to the Committee on County Government.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 1000 entitled:

An Act to amend section twenty-two of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 403), entitled "An act relating to the form, execution, revocation, and interpretation of wills; to nuncupative wills; to the appointment of testamentary guardians; to spendthrift trusts; to forfeiture of devise or legacy in case of murder of testator; to elections to take under or against wills, and to the recording and registering of such elections and of decrees relative thereto, and to the fees therefor," by providing for forfeiture of the right to take property under the will of a murdered testator.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1001, entitled:

An Act to amend section twenty-three of the Act approved the seventh day of June, one thousand nine hundred and seventeen (Pamphlet Laws, four hundred twenty nine, entitled "An act relating to the descent and distribution of the real and personal property of persons dying intestate; and to provide for the recording and registering of the decrees of the Orphans' Court in connection therewith, and the fees therefor," by providing for forfeiture of the right to inherit or to take property of a murdered intestate under the said Act.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1002 entitled:

An Act regulating the trial of civil cases by a Judge sitting without a jury, and providing for the entry of his adjudication and the lien thereof.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair Senate Bill No. 1003, entitled:

An Act relating to juries in civil cases, and regulating the number of jurors and challenges, and the amount, time of payment and disposition of jury fees.

Which was committed to the Committee on Judiciary General.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 1004, entitled:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys.

Which was committed to the Committee on Judiciary General.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1005, entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June on thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth as amended by changing the number and method of appointment of the civil service commissioners in said cities" by fixing the compensation of the commissioners and providing for an appropriations for payment thereof: abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

Which was committed to the Committee on City Government.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 1006, entitled:

An Act to amend sections one and four of the act, approved the ninth day of July, one thousand nine hundred and thirty-five (P. L. 621), entitled "An Act providing for and regulating subject to certain restrictions, limitations, and liabilities, the granting of pensions by the Commonwealth to certain blind persons; providing for the administration of this act by the Department of Welfare, the trustees who administer mothers' assistance in the several counties, or by other trustees in certain cases; authorizing appointment of trustees for the pensions payable to certain individuals; authorizing the Department of Welfare to cooperate with, and to accept and disburse moneys received from the United States Government for assistance to the blind; and providing penalties," providing for medical and surgical treatment of the blind and further regulating eligibility for pensions.

Which was committed to the Committee on Pensions.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 1007, entitled:

An Act to add section four hundred seven and one-tenth to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositories in counties of the second class; and defining their powers and duties.

Which was committed to the Committee on County Government.

Also read in his place and presented to the Chair Senate Bill No. 1008, entitled:

An Act to further amend section one of the act, approved the twenty-fourth day of July, one thousand nine hundred and thirteen (P. L. 1013), entitled "An Act regulating the issuance of licenses to marry; prohibiting the issuance of such licenses to certain persons; regulating the time during which licenses shall be valid, and the time when returns shall be made of marriages solemnized to the clerk of the orphans' court; and prescribing the duties of the clerk of the orphans' court," qaulifying additional officials who may authorize the isuing of licenses during the waiting period.

Which was committed to the Committee on Law and Order.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1009, entitled:

An Act to protect the public health by regulating the maintenance of enclosures and instruments for telephonic communication for public use; vesting certain powers and duties in the Department of Health; and prescribing penalties.

Which was committed to the Committee on Public Health.

RESOLUTION

Mr. EROE offered the following resolution which was twice read considered and agreed to:

Whereas, rumors have been placed in circulation to the effect that irregular practices in the operation of the Pennsylvania Department of Highways have been countenanced with the result that the splendid reputation of this department for efficient management has been jeopardized.

Therefore, be it resolved, by the Senate of Pennsylvania, that the Governor is to be commended for his expressed determination to make an impartial and search-

ing investigation of every phase of the conduct of the Highway Department especially with respect to the purchase and use of materials entering into highway construction.

The Governor is commended for his decision to clear up all doubt as to the integrity of the Highway Department and its' economical and efficient operation and the Senate assures him of its' desire to co-operate in every possible way to help him safeguard the national reputation of the Department for honest and efficient administration.

Mr. EROE. Mr. President, I move that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. BUCKMAN. Mr. President, I object until I know what is in the resolution.

The PRESIDENT. The Chair hears objection. The Resolution is referred to the Committee on Highways.

RESOLUTION AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO STUDY THE ADVISABILITY OF CONVERTING PENNSYLVANIA STATE COLLEGE INTO A STATE UNIVERSITY

Mr. CAVALCANTE offered the following resolution, which was twice read:

In the Senate, April 19, 1937.

Resolved, That the President Pro Tempore of the Senate is hereby authorized to appoint a committee of three Senators whose duty it shall be to study the advisabilty and the practicability and the ways and means of converting the Pennsylvania State College into a State University with the comprehensive curriclum of a standard State University, and with power to confer the graduate and under-graduate degree customarily confered by such institutions and to establish branches thereof in Philadelphia, Pittsburgh and Scranton

Resolved, That said committee shall make report of its finding to the General Assembly of the Session of 1939. not later than February first.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Rule 39 which requires concurrent resolutions be referred to an appropriate committee, be suspended and that the Senate do now proceed to the immediate consideration of the resolution just read.

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

RESOLUTION CONGRATULATING THOMAS A. REEDY ON THE BIRTH OF A SON

Mr. RUTH, offered the following resolution which was twice read considered and agreed to:

Whereas, one Thomas A. Reedy, legislative newsflash of the Associated Press, has just become the father of a baby boy; and

Whereas, The Blessed Event was the best fortune Mr. Reedy enjoyed since he joined the Associated Press; now therefore be it

Resolved, That the members of the Senate of Pennsylvania hereby extend their congratulations and best wishes to Mr. and Mrs. Reedy;

Resolved, that a copy of this resolution be transmitted to Mrs. Reedy by the secretary.

PRELIMINARY REPORT OF THE TAX STUDY COMMISSION

Mr. DENT. Mr. President, I would like to present a preliminary report of the Tax Study Commission:

Senators:

John H. Dent, Chairman
Israel Stiefel
Frederick T. Gelder

Representatives:

Harry E. Trout, Vice-Chairman
Samuel A. Weiss, Secretary
James E. Lovett

The following is a comparison of a study made last week of a particular coal mining company, this company having operations both in West Virginia and Pennsylvania.

The figures are taken from the company's books by our representatives.

We have other figures but lack of time does not permit a summary of such at this particular time.

To start with, let us first read into the records the figures that prove that Pennsylvania has lost its supremacy in the bituminous coal mining industry:

Bituminous Coal Statistical Summaries, 1935-36
February 10, 1937

The figures show that in

1913	Pennsylvania mined	173,781,000	tons
	West Virginia mined	71,254,000	tons
	Eastern Kentucky mined	11,099,000	tons

As against

1936	Pennsylvania mined	108,527,000	tons
	West Virginia mined	117,485,000	tons
	Eastern Kentucky mined	39,150,000	tons

Or a

loss of 65,244,000 tons for Pennsylvania

And a

gain of 46,231,000 tons for West Virginia
and
28,051,000 tons for Kentucky

To carry this further, let us state that in 1913 Pennsylvania produced 36.32% of all the bituminous coal produced in the country; whereas in 1936 Pennsylvania produced only 25% of all the coal produced, or a loss of 11.32%.

West Virginia

In 1913, Eastern Kentucky produced 2.32% of all the coal while in 1936 Eastern Kentucky produced 9.02% of all the coal, or an increase of 6.70% of the total.

This of course shows the shift in the coal mining operations as it affects these three states. Your Commission hopes to get additional information just as rapidly as it can in order that this present Legislature may know some of the interesting facts on this industry.

Let us now compare actual figures from an operating company whose main operations are in Cambria County, Penna.

This company is the Johnstown Coal and Coke Company operating in:

Greenbriar Co. W. Va.	Cambria Co., Pa.	
50.6 Cents per acre Limited by law to 15 mills	$3.00 per acre No limit	Taxes on coal lands
.0108 on 351,494 tons $3,800.46	.026 on 569,617 $14,832.62	Real Estate per ton
$40.00 or .0001-1/100	$4,946.55 or .0087—87/100 c	Capital Stock or Franchise
None	Depends on loans .003—8 mills	Corporate loan
None	Depends on income 10% proposed cut to 7%	Corporate income
$1.27 per ton	$1.62 per ton	Labor costs
.0689 cents per ton	.0908 cents per ton	Workmen's compensation
.0231 cents per ton	None	Sales Tax
Compensation 1.3758	1.7505 or	Total on this and Compensation
	.3747 greater cost	Differential with Sales Tax
	.0231 .3978 Sales Tax removed	Differential without Sales Tax
2.52 Gross ton to New Port News	2.67 Gross ton to Perth Amboy or 15c per ton greater	Shipping

The present figures of .0908 per ton cost of compensation will become.

If new Compensation Act. House Bill No. 99, increases cost 137% (Department claims), compensation will cost .2152 per ton.

If new compensation act increases cost 350% (Industries claim), compensation will cost .3178 per ton.

This does not include the corporate net income tax as this company showed no taxable income in Pennsylvania.

This also excludes the present amendment to the Capital Stock Tax as this act is still in Committee in the Senate. but figures will be available on the result of this tax in the near future.

This Commission has only scratched the surface in its endeavor to set up a comparison of Pennsylvania industries and competing industries in other States. We intend to extend our activities into other industries and other States as soon as this Legislature makes it possible through an appropriation of necessary funds. This picture given to you tonight is only one company's operations. We expect to give this body more of these illustrations as the Commission gathers the facts and figures.

This particular company was selected at random and its problems should be the problems of most companies in the same class and industry.

As a conclusion, let us look at this breakdown. The differential in producing a ton of coal by the same operator in Pennsylvania and West Virginia is:

.3747 with present existing laws and conditions
.4247 with rail rates included
.4891 with Department's figures on New Compensation Act, exclusive of proposed Occupational Disease Compensation Bill and rail rates
.6017 with industries' figures on New Compensation Act, exclusive of rail rate and Occupational Compensation.

As a further illustration, we have figures from four Pennsylvania companies as against four West Virginia companies:

Pennsylvania Companies

Production	Compensation & Taxes
Company A 570,000 tons	.1255 cents per ton Cambria Co.
Company B 190,000 tons	.1538 cents per ton Westmd. Co.
Company C 586,000 tons	.102 cents per ton compensation and real estate taxes only Cambria Co.
Company D 166,000 tons	.1498 cents per ton Fayette Co.

West Virginia Companies

Production	Compensation & Taxes
Company A 350,000 tons	.1029 cents per ton smokeless Greenbriar Co.
Company B 985,000 tons	.0706 cents per ton Poweltn. Co.
Company C 1,243,000 tons	.0896 cents per ton N. W. Va.
Company D 850,000 tons	.068 cents per ton Huston Co.

The average tax per ton in West Virginia is approximately .0343 cents, of which .0231 cents per ton is sales tax. Removing this sales tax, leaves average tax per ton in West Virginia of .0112 per ton as against average of .0641 cents per ton in Pennsylvania. These figures exclude corporate loan and corporate net income taxes and the operating companies did not have these figures available. These additions will naturally increase the cost per ton in Pennsylvania; whereas, there are no such taxes in West Virginia at the present time.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 467 (House Bill No. 916), on third reading, entitled:

An Act to amend section one of the act approved the seventeenth day of July one thousand nine hundred nineteen (Pamphlet Laws one thousand twenty-five) entitled "A supplement to an act approved the second day of May one thousand eight hundred and ninety-nine (Pamphlet Laws one hundred and eighty-four) entitled 'An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in good wares and merchandise and providing for the collection of said tax'" by providing for the annual appointment by the Auditor General of mercantile appraisers in cities of the first class and terminating the terms of certain mercantile appraisers

be recommitted to the Committee on State Government.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 490, (House Bill No. 257), as follows:

An Act to amend clause (b) of section four Article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first clas of this Commonwealth" as amended by providing that the city controller shall act as mayor in case of a vacancy or disability of the mayor to act in lieu of the succession of the officers of such cities heretofore provided by law in such case.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (b) of section four article two of the act approved the twenty-fifth day of

June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by the act approved the third day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand five hundred nineteen) is hereby further amended to read as follows

(b) Until the vacancy is filled or in case of the mayor's temporary disability the city controller [president of the council shall act as mayor or if he should resign or be unable to act as mayor then the chairman of the finance committee of the council] shall act as mayor [director of public safety shall act as mayor or if he should resign or be unable to act as mayor then the director of public health shall act as mayor or if he should resign or be unable to act as mayor then the director of public works shall act as mayor or if he should resgin or be unable to act as mayor then the director of public welfare shall act as mayor or if he should resign or be unable to act as mayor then the director of wharves docks and ferries shall act as mayor or if he should resign or be unable to act as mayor then the director of city transit shall act as mayor or] [if he should resign or be unable to act as mayor then the director of supplies and purchases shall act as mayor or if he should resign or be unablbe to act as mayor then the director of city architecture shall act as mayoror if he should resign or be unable to act as mayor then the president of the council shall act as mayor]

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Heyburn,	Law,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Frey,	Kahle,	Pytko,	Sones,
Gilson,	Kilgallen,	Rankin,	Stiefel,
Haluska,	Kunkel,	Reed,	Thompson,
Henney,	Lanius,	Rice,	

NAYS—14

Bean,	Ealy,	Owlett,	Scarlett,
Buckman,	Gelder,	Pierson,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,	Mallery,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 579, (House Bill No. 1161), as follows:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys eroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions for the appointment of mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 406 Appointment of Mercantile Appraisers and Their Clerks The Auditor General [and the city treasurer] shall [continue to] appoint mercantile appraisers [in cities of the first class and the Auditor General shall continue to appoint them] in all counties [not containing a city of the first class] as [now] provided by law

The Auditor General shall also approve or disapprove all expense accounts of mercantile appraisers or their clerks or asistants and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties

The Auditor General shall from time to time certify to the Department of Revenue the names of mercantile appraisers appointed by him [in conjunction with the city treasurer in cities of the first class and by him in other counties] the salaries or rates of salary payable to such appraisers the number names and compensation of clerks or assistants approved by him for appointment by mercantile appraisers and all expense accounts which he has approved.

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally ?

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, my point of order is

that this being a House bill recalled from the Governor for the purpose of amendment by the House, and having been so amended, the only question before the Senate is will the Senate concur in the House amendments? No other question can be considered by the Senate, nor by any committee of the Senate. And what I have said in reference to this bill should also have been said as to Senate Bill No. 467, which was just recently recommitted to committee.

I might say further Mr. President, that if the Senate concurs in the amendment, that is the end of it; if the Senate does not concur it goes back to the House for its insistance upon its amendment and a committee of conference must be appointed.

Mr. SHAPIRO. Mr. President, I have no objection. This matter will be discussed further. If the Senator from Bucks insists upon his point of order I would suggest that the bill go over in its order.

The PRESIDENT. Is there objection to the bill going over in its order?

Mr. BUCKMAN. Mr. President, I would like to have my point of order decided.

The PRESIDENT. The Chair is of the opinion that the point of order is well taken.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 579 (House Bill No. 1161), go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

MOTION TO RECOMMIT

Mr. BUCKMAN. Mr. President, in order to keep the records straight, I move that the vote by which Senate Bill No. 467 was recommitted be reconsidered by the Senate.

Mr. GELDER. Mr. President, I second the motion.

POINT OF ORDER

Mr. HUFFMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Monroe, Mr. Huffman, will state his point of order.

Mr. HUFFMAN. Mr. President, I think the Senator from Bucks, Mr. Buckman, is out of order. We have acted on that motion.

The PRESIDENT. The point of order is well taken.

Mr. BUCKMAN. Mr. President, may I submit that it was a motion to reconsider the vote by which this bill was recommitted to committee, and I take it that at any time, within a reasonable time, at least, a vote to reconsider may be made and acted upon by the Senate.

The PRESIDENT. The Chair was very careful in stating the motion, not only to recommit the bill, but also on the amendment.

The Chair rules that the motion is not in order.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 22 as follows:

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a commission consisting of the Chairman of the Pennsylvania Historical Commission the Secretary of Forests and Waters the Secretary of Highways and four other persons appointed by the Governor to be known as the Pennsylvania State Publicity Commission whose duty it shall be to collect compile edit publish and distribute [a pamphlet or pamphlets] information and literature descriptive of points of scenic [and] historic industrial and agricultural educational interest in Pennsylvania and the other facilities advantages and attractions of the Commonwealth for the use of citizens and travelers

The sum of twenty thousand dollars ($20,000) or so much thereof as may be necessary is hereby specifically appropriated to the commission created by this act to pay the compensation of assistants and all costs and expenses incurred by the commission in compiling editing publishing and distributing the pamphlet or pamphlets provided for by this act

Section 2 That said act is hereby further amended by adding thereto the following sections

Section 2 The Commission shall have power to plan and conduct a program of information advertising and publicity which may include newspaper magazine outdoor and radio advertising both within and without the limits of the Commonwealth It shall encourage and co-ordinate the activities of public and private organizations societies and individuals engaged in publicizing the scenic and historic attractions and the industrial educational and agricultural interests and other facilities advantages and attractions of the Commonwealth or any subdivision thereof

Section 3 The Commission shall have full power either acting alone or in co-operation with other departments boards and commissions of the Commonwealth to advertise the scenic and historic attractions and the industrial educational and agricultural interests and other facilities advantages and attractions of Pennsylvania at fairs expositions and other celebrations within and without the Commonwealth and shall have and possess all the necessary powers to enter into leases for space or land and to enter into contracts for the construction of booths exhibits and buildings deemed necessary for the carrying out of this power and to expend appropriations made to it for any and all of said purposes

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—44.

Buckman,	Gilson,	Law,	Rodgers,
Cavalcante,	Haluska,	Mallery,	Rupp,
Chapman,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Scarlett,
Dettrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward.

Nays—3

Bean,	Homsher,	Salus,

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. GILSON, Mr. President, I ask unanimous consent that Senate Bill No. 235 (House Bill No. 50) on final passage, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, Mr. President, I ask unanimous consent that Senate Bill No. 236 (House Bill No. 51) on final passage, entitled:

An Act to amend Article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating and issuance of non-debt revenue bonds to finance sewer improvements

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, Mr. President, I ask unanimous consent that Senate Bill No. 237 (House Bill No. 52) on final passage, entitled:

An Act to amend Article fifteen of the act, approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, Mr. President, I ask unanimous consent that Senate Bill No. 238 (House Bill No. 53) on final passage, entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, Mr. President, I ask unanimous consent that Senate Bill No. 239 (House Bill No. 60) on final passage, entitled:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage system and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or provide corporation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, Mr. President, I ask unanimous consent that Senate Bill No 181 (House Bill No. 232) on third reading, entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law

go over in its order.

The PRESIDENT. Is there objection?

The Chair hears none.

Mr. LAW, Mr. President, I ask unanimous consent that Senate Bill No. 182 (House Bill No. 233) on third reading, entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 274 as follows:

An Act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statutes hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments reenactments and repeals of statutes

The Table of Contents of the bill was read as follows:

TABLE OF CONTENTS

Article		Sections
I	General Provisions	1-4
II	Editing and Publication of Laws and Bills	21-25
III	Construction of Words and Phrases	31-40
IV	Construction of Laws	51-66
V	Amendatory Laws	71-77
VI	Re-enactments	81-83
VII	Repealing Laws	91-97
VIII	Definitions of Words and Phrases	101
IX	Repeals	201-102

The General Assembly of the Commonwealth of Pennsylvania hereby enacts, as followsw:

Article I

General Provisions

Section 1 Short Title This act shall be known and may be cited as the "Statutory Construction Act"

Section 2 Definitions the following words and phrases when used in this act shall have the meanings ascribed to them in this section

"Final enactment" or "enacted finally" means the time when the procedure required by the Constitution for the enactment of a bill into a law has been complied with

"Law" means an act of assembly of this Commonwealth

"Legislature" means the General Assembly of this Commonwealth

Section 3 Style and Position of Enacting Clause All laws shall begin in the following style "The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows"

Such enacting clause shall be placed immediately after the table of contents of the law or if there be no table of contents then immediately after the title

Section 4 Effective Date and Time of Laws All laws hereafter enacted finally at a regular session of the Legislature except laws making appropriations shall be in full force and effect from and after the first day of September next following their final enactment unless a different date is specified in the law itself

Appropriations laws or laws having appropriation items enacted finally at a regular session of the Legislature shall be in full force and effect from and after the first day of June next following their final enactment unless a different date is specified in the law itself or unless any such appropriation law or law having an appropriation item is enacted finally after the first day of June in any year in which case it shall be in full force and effect immediately upon final enactment

All laws enacted finally at a special or extraordinary sesion of the Legislature shall be in full force and effect immediately upon final enactment unless a different date is specified in the law itself

Article II

Editing and Publication of Laws and Bills

Section 21 Publication of Notice of Application for Local and Special Legislation No local or special bill either to repeal or enact a local or special law shall be passed by the Legislature unless notice of the intention to apply therefor shall be published once a week for four successive weeks in not less than two newspapers of general circulation as defined by law and also in the legal journal as defined by law if any published in the county or in each of the several counties where the matter or thing affected may be Where the matter or thing affected is in a city or borough publication shall be made in two newspapers of general circulation as defined by law published in such city or borough if any and if none then in two newspapers published in the county and in either event also in the legal journal as defined by law if any published in the county Where only one newspaper of general circulation as defined by law is published in a county or in a city or borough publication in such one newspaper and in the legal journal if any shall be deemed sufficient

The first publication shall be at least thirty days prior to and within three months immediately preceding the introduction of the bill into the Legislature

The notice shall set forth the full title and the purpose of the bill and shall be signed by one of the parties applying therefor

Proof of publication in each newspaper and legal journal verified by affidavit shall be filed with the bill when it is introduced

Section 22 Preparation of Laws for Printing The Secretary of the Commonwealth shall as soon as any bill becomes a law prepare the same for printing affix thereto proper marginal notes stating the purport of each paragraph or section if the law contains no section headings cause the same to be printed immediately and collate with and correct the proof sheets by the original rolls He shall also have the laws printed and indexed in book form as early as possible succeeding each session of the Legislature for distribution in accordance with law

Section 23 Correction of Errors in Laws Where any law shall have been finally enacted and it shall be ascertained that such law is technically defective in form or contains misspelled words or typographical errors or the plural or singular numbers or the past present or future tense appears where another should be used or where a word clearly intended to be inserted has been omitted or where a word is correctly spelled but it clearly appears that another word was intended the Secretary of the Commonwealth in punctuating and editing such law shall have authority with the approval of the President pro tempore of the Senate the Speaker of the House of Representatives the Attorney General and the Director of the Legislative Reference Bureau to correct the orignial copy of such law as filed in the Department of State if such correction will not in any manner affect or change the meaning intent or substance of such law

Whenever any such correction on any law is made a notation thereof shall be made on the original copy by the Secretary of the Commonwealth together with his signature followed by the approval and signatures of the President pro tempore of the Senate the Speaker of the House of Representatives the Attorney General and the Director of the Legislative Reference Bureau

A notation of such corrections shall also be printed in the pamphlet laws as footnotes to the laws on which the corrections were made.

Section 24 Prothonotaries to Keep Files of Advance Copies of Laws The prothonotaries of the several counties shall file and keep in their offices advance copies of the laws enacted at each session of the Legislature as such advance copies are furnished to them in accordance with law for a period of one year from the date of receipt of the first of the said laws in such manner that they shall be accessible to the public during the office hours of the prothonotaries

Section 25 General and Appropriation Laws to be Printed Separately The general laws passed at each regular session of the Legislature shall be printed separately and apart from those containing solely an appropriation The Secretary of the Commonwealth shall be the sole judge of such separation The number of copies of the general laws and of the appropriation laws to be printed and the distribution thereof shall remain as is now or may hereafter be provided by law

Article III

Construction of Words and Phrases

Section 31 Rules of Interpretation In the construction of the laws of this Commonwealth the rules set forth in this article shall be observed unless the application of such rules would result in a construction inconsistent with the manifest intent of the Legislature

Section 32 Number Gender Tense the singular shall include the plural and the plural the singular Words used in the masculine gender shall include the feminine and neuter Words used in the past or present tense shall include the future

Section 33 Words and Phrases Words and phrases shall be construed according to rules of grammar and accord-

ing to their common and approved usage but technical words and phrases and such other as have acquired a peculiar and appropriate meaning or are defined in this act shall be construed according to such peculiar and appropriate meaning or definition

General words shall be construed to take their meanings and be restricted by preceding particular words

Section 34 Numerals The Roman numerals and the Arabic numerals shall be deemed parts of the English language

Section 35 Joint Authority Quorum Words in a law conferring a joint authority upon three or more public officers or other persons shall be construed to confer authority upon a majority of such officers or persons

A majority of any board or commission shall constitute a quorum

Section 36 Bonds A law requiring a bond or undertaking with sureties to be given by any person shall be construed to permit in lieu thereof a bond of indemnity or surety bond for the amount of such bond or undertaking given by any indemnity or surety company authorized to do business in this Commonwealth and approved by the proper authority

Section 37 Uniform Standard Time Every mention of or reference to any hour or time in any law shall be construed with reference to nad in accordance with the mean solar time of the seventy-fifth meridian of longitude west of Greenwich commonly called eastern standard time unless a different standard is herein expressly provided for or unless the standard time shall be advanced for any portion of the year by any act of Congress or law of this Commonwealth hereafter passed

Section 38 Computation of Time When any period of time is referred to in any law such period in all cases except as otherwise provided in sections thirty-nine and forty shall be so computed as to exclude the first and include the last day of such period Whenever the last day of any such period shall fall on Sunday or on any day made a legal holiday by the laws of this Commonwealth or of the United States such day shall be omitted from the computation

Section 39 Time Publication for Successive Weeks Whenever in any law providing for the publishing of notices the phrase "successive weeks" is used shall be construed as calendar weeks The publication upon any day of such weeks shall be sufficient publication for that week but at least five days shall elapse between each publication At least the number of weeks specified in "successive weeks" shall elapse between the first publication and the day for the happening of the event for which publication shall be made

Section 40 Time Computation of Months Whenever in any law the lapse of a number of months after or before a certain day is required such number of months shall be computed by counting the months from such day excluding the calendar month in which such day occurs and shall include the day of the month in the last month so counted having the same numerical order as the day of the month from which the computation is made unless there be not so many days in the last month so counted in which case the period computed shall expire with the last day of such month

ARTICLE IV

Construction of Laws

Section 51 Construction of Laws Legislative Intent Controls The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the Legislature Every law shall be construed if possible to give effect to all its provisions

When the words of a law are clear and free from all ambiguity the letter of it is not to be disregarded under the pretext of pursuing its spirit

When the words of a law are not explicit the intention of the Legislature may be ascertained by considering among other matters (1) the occasion and necessity for the law (2) the circumstances under which it was enacted (3) the mischief to be remedied (4) the object to be attained (5) the former law if any including other laws upon the same or similar subjects (6) the consequences of a particular interpretation (7) the contemporaneous legislative history and (8) legislative and administrative interpretations of such law

Section 52 Presumptions in Ascertaining Legislative Intent In ascertaining the intention of the Legislature in the enactment of a law the courts may be guided by the following presumptions among others

(1) That the Legislature does not intend a result that is absurd impossible of execution or unreasonable

(2) That the Legislature intends the entire statute to be exective and certain

(3) That the Legislature does not intend to violate the Constitution of the United States or of this Commonwealth

(4) That when a court of last resort has construed the language used in a law the Legislature in subsequent laws on the same subject matter intend the same construction to be placed upon such language

(5) That the Legislature intends to favor the public interest as against any private interest

Section 53 Grammar and Punctuation of Laws Grammatical errors shall not vitiate a law A transposition of words and clauses may be resorted to where a sentence is without meaning as it stands

In no case shall the punctuation of a law control or affect the intention of the Legislature in the enactment thereof

Words and phrases which may be necessary to the proper interpretation of a law and which do not conflict with its obvious purpose and intent nor in any way affect its scope and operation may be added in the construction thereof

Section 54 Construction of Titles Preambles Provisos Exceptions and Headings The title and preamble of a law may be considered in the construction thereof Provisos shall be construed to limit rather than to extend the operation of the clauses to which they refer Exceptions expressed in a law shall be construed to exclude all others The headings prefixed to chapters articles sections and other divisions of a law shall not be considered to control but may be used to aid in the construction thereof

Section 55 Constitutional Construction of Laws The provisions of every law shall be severable If any provision of a law is found by a court of record to be unconstitutional and void the remaining provisions of the law shall nevertheless remain valid unless the court finds the valid provisions of the law are so essentially and inseparably connected with and so depend upon the void provision that it cannot be presumed the Legislature would haye enacted the remaining valid provisions without the void one or unless the court finds the remaining valid provisions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent

Section 56 Presumption Against Retroactive Effect No law shall be construed to be retroactive unless clearly and manifestly so intended by the Legislature

Section 57 Construction of Uniform Laws Laws uniform with those of other states shall be interpreted and construed to effect their general purpose to make uniform the laws of those states which enact them

Section 58 Rule of Strict and Liberal Construction The rule that laws in derogation of the common law are to be strictly construed shall have no application to the laws of this Commonwealth hereafter enacted

All provisions of a law of the classes hereafter enumerated shall be strictly construed

(1) Penal provisions
(2) Retroactive provisions
(3) Provisions imposing taxes

(4) Provisions conferring the power of eminent domain

(5) Provisions exempting persons and property from taxation

(6) Provisions exempting property from the power of eminent domain

(7) Provisions decreasing the jurisdiction of a court of record

(8) Provisions enacted prior to the effective date of this law which are in derogation of the common law

All other provisions of a law shall be liberally construed to effect their objects and to promote justice

Section 59 Penalties No Bar To Civil Remedies The provision in any law for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such law

Section 60 Penalties for Each Offense Whenever a penalty or forfeiture is provided for the violation of a law such penalty or forfeiture shall be construed to be for each such violation

Section 61 Intent to Defraud Whenever an intent to defraud is required in any law in order to constitute an offense the law shall be construed to require only an intent to defraud any person or body politic

Section 62 Laws in Pari Materia Laws or parts of laws are in pari materia when they relate to the same persons or things or to the same class of persons or things

Laws in pari materia shall be construed together if possible as one law

Section 63 Particular Controls General Whenever a general provision in a law shall be in conflict with a special provision in the same or another law the two shall be construed if possible so that effect may be given to both If the conflict between the two provisions be irreconcilable the special provisions shall prevail and shall be construed as an exception to the general provision unless the general provision shall be enacted later and it shall be the manifest intention of the Legislature that such general provision shall prevail

Section 64 Irreconcilable Clauses in the Same Law Except as provided in section sixty-three whenever in the same law several clauses are irreconcilable the clause last in order of date or position shall prevail

Section 65 Irreconcilable Laws Passed During The Same Session Whenever the provisions of two or more laws passed during the same session of the Legislature are irreconcilable the law latest in date of final enactment irrespective of its effective date shall prevail from the time it becomes effective except as otherwise provided in sections seventy-two and ninety-four

Section 66 Irreconcilable Laws Passed At Different Sessions Whenever the provisions of two or more laws passed at different sessions of the Legislature are irreconcilable the law latest in date of final enactment shall prevail

Article V

Amendatory Laws

Section 71 Printing and Interpretation of Amendatory Laws The Secretary of the Commonwealth shall in printing amendatory laws cause to be printed the section or part of the law only as reenacted In the section or part of the law reenacted the secretary shall cause to be printed between brackets the words phrases or provisions of the existing law if any which have been stricken out or eliminated by the adoption of the amendment and he shall cause to be printed in italics all new words phrases or provisions if any which have been inserted into or added to the law by the passage of such amendment

In ascertaining the correct reading status and interpretation of an amendatory law the matter inserted within brackets shall be omitted and the matter in italics shall be read and interpreted as part of the law

Section 72 Effect of Separate Amendments on Code Provisions Enacted at Same Session Whenever any existing law incorporated into and repealed by a code is also amended by other legislation enacted at the same session of the Legislature such separate amendment shall be construed to be in force notwithstanding the repeal by the code of the law it amends and such amendment shall be construed to prevail over the corresponding provisions of the code

Section 73 Construction of Amendatory Laws Whenever a section or part of a law is amended the amendment shall be construed as merging into the original law become a part thereof and replace the part amended and the remainder of the original law and the amendment shall be read together and viewed as one law passed at one time but the portions of the law which were not altered by the amendment shall be construed as effective from the time of their original enactment and the new provisions shall be construed as effective only from the date when the amendment became effective

Section 74 Merger of Subsequent Amendments Whenever a law has been more than once amended the latest amendment shall be read into the original law as previously amended and not into such law as orginally enacted

Section 75 two or more amendments to same provision one overlooking the other Whenever two or more amendments to the same provision of a law are enacted at the same or different sessions one amendment overlooking and making no reference to the other or others the amendments shall be construed together if possible and effect be given to each If the amendments be irreconcilable the latest in date of final enactment shall prevail from the time it becomes effective

Section 76 Repeal of Laws and original laws subsequently amended The repeal of an amendatory law does not revive the corresponding provision or section of the original law or of any prior amendment Except as otherwise provided in section ninety-four the repeal of an original law or section or provision of an original law repeals all subsequent amendments to the original law or to the original section or provision as the case may be

Section 77 Ineffective Provisions not Revived By Re-enactment in Amendatory Laws Exception Provisions of a law no longer effective shall not be construed as being revived by re-enactment in an amendatory law unless it shall clearly appear that the Legislature intended to revive such provisions

ARTICLE VI

Re-enactments

Section 81 Effect of Re-enactment on Original Law Whenever a law re-enacts a former law the provisions common to both laws shall date from their first adoption Such provisions only of the former law as are omitted from the re-enactment shall be deemed abrogated and only the new or changed provisions shall be deemed to be the law from the effective date of the re-enactment

Section 82 Repeal and Re-enactment Whenever a law is repealed and its provisions are at the same time re-enacted in the same or substantially the same terms by the repealing law the earlier law shall he construed as continued in active operation All rights and liabilities incurred under such earlier law are preserved and may be enforced

Section 83 effects on re-enactment of intervening law A Law which re-enacts the provisions of an earlier law shall not be construed to repeal an intermediate law which modified such earlier law Such intermediate law shall be construed to remain in force and to modify the re-enactment in the same manner as it modified the earlier law

ARTICLE VII

REPEALING LAWS

Section 91 Implied Repeal by Later Law Whenever a

law purports to be a revision of all laws upon a particular subject or sets up a general or exclusive system covering the entire subject matter of a former law and is intended as a substitute for such former law shall be construed to repeal all former laws upon the same subject

Whenever a general law purports to establish a uniform and mandatory system covering a class of subjects such law shall be construed to repeal pre-existing local or special laws on the same class of subjects

In all other cases a later law shall not be construed to repeal an earlier law unless the two laws be irreconcilable

Section 92 Non-Existence of Reason for Law does not Effect Repeal A law shall not be deemed repealed because the reason for its passage no longer exists

Section 93 No Implied Repeal by Non-User A law shall not be deemed repealed by failure to use such law

Section 94 Effect of Separate Repeals on Code Provisions at the Same Session Whenever a law repeals any provision of another law incorporated into a code adopted at the same session of the Legislature the law repealing the provision so incorporated into the code shall be construed to effect a repeal of the corresponding provision of the code

Section 95 effect of repeal on limitations Whenever a limitation or period of time prescribed in any law for acquiring a right or barring a remedy or for any other purpose has begun to run before a law repealing such law takes effect and the same or any other limitation is prescribed in any other law passed at the same session of the Legislature the time which has already run shall be deemed part of the time prescribed as such limitation in such law passed at the same sesion of the Legislature

Section 96 Effect of Repeal on Rights Et Cetera The repeal of any civil provisions of a law shall not affect or impair any act done or right existing or accrued or affect any civil suit action or proceeding pending to enforce any right under the authority of the law repealed Such suit action or proceeding shall and may be proceeded with and concluded under the laws in existence when such suit action or proceeding was instituted notwithstanding the repeal of such laws or the same may be proceeded with and concluded under the provisions of the new law if any enacted

Section 97 Repeal Does Not Revive Repealed Law The repeal of a repealing law shall not be construed to revive the law originally repealed

Article VIII

DEFINITITIONS OF WORDS AND PHRASES

Section 101 Definitions The following words and phrases when used in any law hereafter enacted unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

(1) "Action" any proceeding in any court of this Commonwealth

(2) "Administrator" a fiduciary appointed under authority of law by a register of wills or orphans' court to administer the estate of a decedent

(3) "Adult" an individual twenty-one years of age or over

(4) "Aeronautics" the art and science of transportation by aircraft including the facilities connected therewith

(5) "Affidavit" a statement in writing of a fact or facts signed by the party making it sworn to or affirmed before an officer authorized by the laws of this Commonwealth to take acknowledgments of deeds or authorized to administer oaths or before the particular officer or individual designated by law as the one before whom it is to or may be taken and officially certified to in the case of an officer under his seal of office

(6) "Aircraft" any contrivance used or designated for navigation of or flight in or to ascend into the air except a parachute or other contrivance designed and used primarily as safety equipment

(7) "Airman" any member of a crew of an aircraft

(8) "Airport" any place either water or land which is designed and used for the taking off and landing of aircraft including the facilities connected therewith

(9) "Almshouse" the county home poorhouse home for the destitute or any other building or place by whatever title designated where poor persons are maintained at the public expense

(10) "Apiary" any place where one or more colonies or nuclei of bees are kept

(11) "As now provided by law" a reference to the laws in force at the time when the law containing the phrase was finally enacted

(12) "As provided by law" a reference to the laws in force at the particular time when the law containing the phrase is applied

(13) "Association" any form of unincorporated enterprise owned by two or more persons other than a partnership or limited partnership

(14) "Attorney-at-law and individual admitted to practice law by a court of record of this Commonwealth

(15) "Attorney of records" and attorney-at-law who is entered on the docket or record of a court as appearing for or representing a party in a legal proceeding

(16) "Bequeath" includes devise

(17) "Bequest" includes devise and legacy

(18) "Bond" (a) and unconditional written undertaking under seal for the payment of money or (b) a conditional written acknowledgment of being bound for the payment of money to become void or effective on the performance of any act or the occurrence of any event therein expressed

(19) "Bridge" includes the actual bridge and the approaches thereto and the substructures and superstructures of both

(20) "Certified public accountant" and individual licensed under the laws of this Commonwealth to practice as a certified public accountant

(21) "Child" or "children" includes children by birth or adoption

(22) "Commission merchant" one who receives consignments of personal property to be sold for a commission or other compensation

(23) "Commonwealth" the Commonwealth of Pennsylvania

(24) "Convict" an individual who has been finally convicted of an indictable offense and is serving sentence in a penal institution

(25) "Creditor" one to whom the performance of an obligation is owed

(26) "Crime" any indictable offense

(27) "Crosswalk" that portion of a highway at an intersection or any portion of a highway clearly indicated for pedestrian crossing by lines or other markings on the surface

(28) "Day" comprises the time from midnight to the next midnight

(29) "Debtor" one who owes to another the performance of an obligation

(30) "Decedent" either a testator or person dying intestate

(31) "Dental hygienist" an individual licensed under the laws of this Commonwealth to practice as a dental hygienist

(32) "Dentist" an individual licensed under the laws of this Commonwealth to practice dentistry

(33) "Devise" includes bequeath

(34) "Devise" includes bequest and legacy

(35) "Devisee" includes legatee

(36) "Doctor of medicine" an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in all its branches

(37) "Domestic animal" any equine animal bovine animal sheep goat and pig

(38) "Effects" includes all personal property and any interest therein

(39) "Executor" a fiduciary named in a will to execute its provisions and administer the estate of the testator

(40) "Factor" one who receives consignments of per-

sonal property to be sold for a commission or other compensation

(41) "Farm product" any agricultural horticultural vegetable fruit and floricultural product of the soil livestock and meats wool hides poultry eggs dairy products nuts mushrooms and honey

(42) "Fiduciary" an executor administrator guardian committee receiver trustee asignee for the benefit of creditors and any other person association partnership or corporation acting in any similiar capacity

(43) "Fiscal year" the year by or for which accounts are reckoned

(44) "General election" the election held biennially on the Tuesday next following the first Monday of November in each even-numbered year

(45) "Grantee" one to whom any estate or interest in real property other than a leasehold passes by conveyance

(46) "Grantor" one from or by whom any estate or interest in real property other than a leasehold passes by conveyance

(47) "Guardian" a fiduciary who legally has the care and management of the person or the estate or both of another under legal disability

(48) "Guardian ad litem" a fiduciary who is appointed to represent in legal proceedings another under legal disability

(49) "Healing art" the science of diagnosis and treatment in any manner whatsoever of disease or any ailment of the human body

(50) "Hereafter" a reference to the time after the time when the law containing such word takes effect

(51) "Heretofore" a reference to the time previous to the time when the law containing such word takes effect

(52) "Highway" a way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular traffic

(53) "Individual" a natural person

(54) "Insane person" an individual of unsound mind

(55) "Intersection" the area embraced within the prolongation of the lateral boundary lines of two or more highway which join one another at an angle wether or not one such highway crosses the other

(56) "Issue" as applied to the descent of estates means all lawful lineal discendants of a common ancestor

(57) "Judicial sale" a sale conducted by an officer or person authorized for the purpose by some competent tribunal

(58) "Legacy" includes devise and bequest

(59) "Legatee" includes devisee

(60) "Legislature" the General Assembly of the Commonwealth of Pennsylvania

(61) "Lunatic" an individual of unsound mind

(62) "Majority" when used in reference to age means of the age of twenty-one years or over

(63) "Medicine and surgery" the art and science having for their object the cure of diseases of and the preservation of the health of man including all practice of the healing are with or without drugs except healing by spiritual means or prayer

(64) "Midwife" an individual licensed under the laws of this Commonwealth to practice midwifery

(65) "Minor" an individual under the age of twenty-one-years

(66) "Money" lawful money of the United States

(67) "Month" a calendar month

(68) "Motor boat" any boat propelled by any type of internal combustion motor

(69) "Motor cycle' any vehicle of the bicycle or tricycle type operated by any type of internal combustion motor

(70) "Motor vehicle" any self propelled device in upon or by which any person or property is or may be transported or drawn upon a public highway except tractors power shovels road machinery agricultural machinery and vehicles which move upon or are guided by a tract or trolley

(71) "Municipal corporation" a city borough or incorporated town

(72) "Municipal election" the election held on the Tuesday next following the first Monday in November in each odd-numbered year

(73) "Municipality" a city borough or incorporated town

(74) "Night time" the time from sunset to sunrise

(75) "Non compos mentis" of unsound mind

(76) "Notary" a notary public

(77) "Now" in any provision of a law referring to other laws in force or to persons in office or to any facts or circumstances as existing relates to the laws in force or to the persons in office or to the facts or circumstances existing respectively on the effective date of such provision

(78) "Oath" includes affirmation

(79) "Optometrist" an individual licensed under the laws of this Commonwealth to practice optometry

(80) "Osteopath" an individual licensed under the laws of this Commonwealth to practice osteopathy

(81) "Osteopathic surgeon" an individual licensed under the laws of this Commonwealth to practice osteopathy and osteopathic surgery

(82) "Parking" suffering a vehicle to stand on any highway while not actually engaged in a traffic movement nor in taking up or setting down passengers or merchandise

(83) "Pedestrian" an individual afoot

(84) "Person" includes a corporation partnership and association as well as a natural person

(85) "Personal representative" the executor or administrator of a decedent

(86) "Pharmacist" an individual licensed under the laws of this Commonwealth to practice as a pharmacist

(87) "Physician" an individual licensed under the laws of this Commonwealth to engage in the practice of medicine and surgery in any or in all of its branches

(88) "Political subdivision" any county city borough incorporated town township school district and poor district

(89) "Poultry" includes all domestic fowl

(90) "Primary election" any election at which the members of qualified political parties nominate their candidates for public office

(91) "Professional engineer" an individual licensed under the laws of the Commonwealth to practice as a professional engineer

(92) "Property" includes both real and personal property

(93) "Publish" or "published" as applied to the publication of a newspaper of general circulation means the place where such newspaper is originally issued and circulated

(94) "Real estate broker" one licensed under the laws of this Commonwealth to act as a real estate broker

(95) "Real estate salesman" an individual licensed under the laws of this Commonwealth to act as a real estate salesman

(96) "Registered architect" an individual licensed under the laws of this Commonwealth to practice architecture

(97) "Registered nurse" an individual licensed under the laws of this Commonwealth to practice nursing

(98) "Safety zone" the area or space officially set aside within a highway for the use of pedestrians

(99) "Signature" includes mark when the individual cannot write his name being written near it and witnessed by another who writes his own name

(100) "Special election" any election authorized by law other than a general municipal or primary election

(101) "State" when used in reference to the different parts of the United States includes the District of Columbia and the several territories of the United States

(102) "Surveyor" an individual licensed under the laws of this Commonwealth to practice land surveying

(103) "Sworn" includes affirmed

(104) "Trustee" one in whom some estate interest or power in or affecting property of any description is vested for the benefit of another

(105) "Undertaker" one who is licensed under the laws of this Commonwealth to practice as an undertaker undertaker and embalmer embalmer funeral director or mortician

(106) "Vehicle" a conveyance in or on which persons or property may be carried

(107) "Verified" when used in reference to writings means supported by oath or affirmation

(108) "Veterinarian" an individual licensed under the laws of this Commonwealth to practice veterinary medicine and surgery

(109) "Will" includes codicil

(110) "Written" every legible representation of letters or numerals upon a material substance except when used in reference to the signature of an instrument

(111) "Year" a calendar year

ARTICLE IX

REPEALS

Section 102 REPEALS The following laws or parts of laws are hereby repealed absolutely

The act approved the twenty-first day of January one thousand eight hundred and nineteen (Pamphlet Laws 14) entitled "An act to provide for the more speedy publication and distribution of the laws of this Commonwealth"

The act approved the twelfth day of February one thousand eight hundred and seventy-four (Pamphlet Laws 43) entitled "An act regulating the publication of applications for local or special legislation"

The act approved the eighteenth day of May one thousand eight hundred and ninety-three (Pamphlet Laws 102) entitled "An act to provide for the immediate printing distribution filing and keeping of unbound copies of the laws of this Commonwealth as they are enacted from time to time"

The act approved the third day of June one thousand nine hundred and eleven (Pamphlet Laws 664) entitled "An act regulating the printing of the laws of this Commonwealth"

The act approved the tenth day of June one thousand nine hundred and eleven (Pamphlet Laws 872) entitled "An act in relation to the printing of appropriation bills in the Pamphlet Laws"

Section one of the act approved the twenty-ninth day of April one thousand nine hundred and fifteen (Pamphlet Laws 204) entitled "An act regulating the printing of the laws of this Commonwealth"

The act approved the sixteenth day of March one thousand nine hundred and twenty-three (Pamphlet Laws 11) entitled "An act providing the method in which amendatory legislation shall be printed in the session laws and for the interpretation thereof"

The act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1808) entitled "An act fixing the time when statutory law hereafter enacted shall become effective"

The act approved the twenty-third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 946) entitled "An act authorizing the Secretary of the Commonwealth with the approval of the presiding officers of the General Assembly the Attorney General and Director of the Legislative Reference Bureau to correct certain errors in the original copies of laws"

The act approved the tenth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 293) entitled "An act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred eight) entitled 'An act fixing the time when statutory law hereafter enacted shall become effective' "

All other laws or parts of laws inconsistent with this law are hereby repealed

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. GILSON. Mr. President, I ask unanimous consent that Senate Bill No. 320 (House Bill No. 85) on third reading, entitled:

An Act relieving certain lands acquired by counties cities boroughs towns or townships from liens in favor of the Commonwealth for corporation taxes in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 325 (House Bill No. 528), entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 359, entitled:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth to acquire the corporate powers franchises property rights and credits of such company

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. MUNDY. Mr. President, I ask unanimous consent to amend Sec. 1, page 2, lines 4 and 5, by striking out the words "Public Service Commission of the Commonwealth of"; amend Sec. 1, page 2, line 5, by inserting after the word "Pennsylvania" the following: "Public Utility Commission"; amend Sec. 2, page 2, lines 25 and 26, by striking out the words "Public Service Commission of the Commonwealth of"; amend Sec. 2, page 2, line 26, by inserting after the word "Pennsylvania" the following: Public Utility Commission.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. JASPAN, Mr. President, I ask unanimous consent that Senate Bill No. 388 on third reading, entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 435, entitled:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings.

And said bill having been read at length the third time, and agreed to,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward
Gelder,	Lanius,	Rodgers,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 438, entitled:

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws five hundred sixty-eight) entitled "An act relating to the commencement of actions" as amended fixing the time when judgment by default for want of an appearance may be taken in foreign attachment proceedings

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 439, entitled:

An Act to amend section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws eight) entitled "An act relative to fraudulent debtors" fixing the time when the proceedings may continue in fraudulent debtor cases in the absence of personal service residence or appearance

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. HALUSKA, Mr. President, I ask unanimous consent that Senate Bill No. 485 on third reading, entitled:

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws eighty-eight) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgment by default for want of an appearance may be taken in replevin proceedings

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 618 (House Bill No. 713), entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates.

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

Nays—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 621 (House Bill No. 1239), entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

Nays—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed same without amendments.

BILL OVER IN ORDER

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 671 on third reading, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor

and Industry relative to the enforcement of this act; and fixing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 676, entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

Nays—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 677, entitled:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206) entitled, "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto;" providing that townships of the first class shall have the power to develop their own water supply.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Stiefel,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

Nays—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 678, entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing that townships of the second class shall have the power to develop their own water supply.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—46.

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

Nays—1.

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 679, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville Lebanon County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,

Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

Nays—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 685, entitled:

An Act to amend section one of the act, approved the eighteenth day of April, one thousand nine hundred twenty-nine (P. L. 542) entitled, "An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions; regulating future commitments by the courts of counties having unsuitable institutions, and imposing the cost of maintenance and transfer of such prisoners upon the county from which committed," by permitting the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions without the consent of the court by which the prisoners were committed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—46.

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

Nays—1.

Chapman,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 707, entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1, 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 768 (House Bill No. 1635), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and reenacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provisions with regard to refunds evidence of payment of the tax and penalties

And said bill having been read at length the third time,

On the question,

Shall the bill pass finally?

Will the Senate agree to the bill?

Mr. RANKIN. Mr. President, I ask unanimous consent to amend section 11, page 10, by inserting the following between lines 13 and 14:

"In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been destroyed by him under the supervision of the Treasury Department of the United States of America, he shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit that such malt or brewed beverages were so destroyed and shall also furnish the Department with a certificate executed by the representative of the Treasury Department of the United States of America who witnessed the destruction of such malt or brewed beverages to the effect that the said destruction has taken place and shall also furnish such other proof as the Department shall require whereupon the Department shall with the approval of the Board of Finance and Revenue issue to the manufacturer stamps or crowns of sufficient value to cover the refund."

The PRESIDENT. Is there objection? The chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 780, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States jurisdiction over said land

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. GILSON. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 796, on third reading, entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws one hundred eight) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia

And said bill having been read at length the third time, and agreed to,

On the question,

Shal the bill pass finally?

Mr. OWLETT. Mr. President, Senate Bill No. 801 is one of the bills introduced in this Senate commonly known as the "Philadelphia Ripper Bill". The issue raised by the Philadelphia "ripper" is above and beyond partisan politics. It is directly related to the preservation of the fundamentals of our government. To our minds those who propose this outrage upon constituted authority, this rape of our courts is a direct assault upon the citadel of our freedom and an open threat to the independence of our entire court system; for who shall doubt that, successful in this effort, conspiracy would be extended to the entire court system of Pennsylvania in an attempt to make all-powerful the political dynasty which this Administration is scheming to set up?

Deliberate attempts have been made by innuendo and subterfuge to win public support for these "ripper" bills by destroying confidence in the judicial branch of our government.

The proposed ripper of the Municipal Court of Philadelphia is an act of political infamy without parallel in the annals of Pennsylvania. A partisan majority, blindly held by a group of men hungry for spoils are preparing to destroy a court which is at the apex of service both in its relation to domestic welfare and its civil accomplishments. Most of these judges are men of the highest standing and reputation in public and social life in Pennsylvania.

President Judge Charles L. Brown was a member of this Senate during the sessions of 1896, and 1900.

Judge Vivian Frank Gable was a member of the Senate in 1906.

Judge Thomas Bluett was a member of the House of Representatives in 1922, 1924 and 1926. He was Speaker of the House in 1925, 1926 and 1927.

Judge Leopold C. Glass was a member of the House of Representatives in 1915, 1917, 1919 and 1921.

Judge Eugene G. Bonniwell, in 1918 and 1926, was Democratic nominee for the Governorship of Pennsylvania. In 1921 he was Democratic nominee for the Supreme Court of Pennsylvania. He is a National Officer of the Sons of the American Revolution; a former President of the Firemen's Association of Pennsylvania, and was decorated by the governments of Italy, Poland and Montenegro.

Judge Utley E. Crane was and is President of the Prison Welfare Association and the President of the Board of the West Philadelphia Homeopathic Hospital.

Judge William Lewis is Vice President of the Zionist Association of America, a member of the World Zionist Congregation, and Chairman of the United State Palestine Appeal for Funds.

Honorable Theodore Rosen has been for several years and is Chairman of the Crime Prevention Committee of the American Legion. He has been three times President of the 79th Division, Pennsylvania's own. He has been Chairman of the City Council of the American Legion of Philadelphia, and three times Commander of the Clair Post of the American Legion.

Judge William G. Knowles is a justly honored member of one of the most distinguished families of Philadelphia.

Eight of the eleven judges of the Municipal Court were unanimously endorsed by both the Democratic and Republican parties.

Now, Mr. President, I take it that those who are scheming to get control propose to carry out their plan by the creation of a Common Pleas Court No. 6, a Commn Pleas Court No. 7, and the creation of a family Court, a set up, in other words of a court with ten (10) judges.

Now, Mr. President and members of the Senate, when these bills are passed, when the jurisdiction of these

Municipal Courts is transferred to these other courts, you will have to support in Philadelphia six of these eleven Municipal Court judges, who were elected by the people of Pennsylvania, holding office with no court and no duties to perform. One of those judges still has eight years to serve, six of them have six years more to serve, two have four years, one has two years, and one has one year, and the remaining judge, his term expires this year. The combined salaries that these judges will be entitled to receive for the balance of their terms for which they were elected amounts to $550,000.00, or over half a million dollars, which will come out of the pocketbooks of the taxpayers in Pennsylvania to pay the salaries of judges who have been shorn of their duties, to pay the salaries of judges who now perform the work that the ten new judges created by this Administration will perform. Now, Mr. President, these ten new judges created by these bills introduced by the Senator from Philadelphia, Mr. Shapiro, will receive, each of them $14,000.00 a year, or a total of $140,000. annually for these new judges, as compared to $110,000., the salaries of these eleven Municipal Court judges, the judges whom they seek to throw out by these bills.

Now, Mr. President, I assume that this administration would not have the audacity to rip out these courts or transfer the powers to these other courts and to saddle on this Commonwealth an expense of $140,000. annually unless they did not propose to rip out these judges of the Municipal Courts.

Mr. President, I would like to read for the benefit of the Senate section 15, Article V, of the Constitution, which says:

> "All judges required to be learned in the law, except the judges of the Supreme Court, shall be elected by the qualified electors of the respective districts over which they are to preside, and shall hold their offices for a period of ten years, if they shall so long behave themselves well; but for any reasonable cause, which shall not be sufficient ground for impeachment, the Governor may remove any of them on the address of two-thirds of each House of General Assembly".

Now, Mr. President, I assume that it is the plan of the Democratic Senator, Mr. Shapiro, to attempt to remove these judges in spite of the fact that there is no charge against them, no attempt to impeach them, to have the Governor remove these judges and have it done by a two-thirds majority of the members of the House and the Senate.

Now, putting aside the question as to whether they can be removed except by impeachment, in that connection I want to call the attention of the Senate to the decision of the Supreme Court of Pennsylvania, in the case of Commonwealth vs. Gamble, in which the court said:

> "A judge having been elected and commissioned is by the constitution to continue in office ten years, if he shall behave himself well; its duration is assured to him subject to be determined only by death, resignation or breach of condition.
>
> Such breach cannot be determined by the legislature, but only on trial by the Senate on impeachment, or in case the breach amounted to total disqualification perhaps by address of two-thirds of each branch of the legislature.
>
> A legislative act which impinges on the tenure of the judges is invalid.
>
> The power and jurisdiction of a judge constitute the office, are the essence of it and inseparable from it.
>
> This grant of power is incapable of any limitation but that attached to it.
>
> The aggregate amount of the duties of a judge in any district may be diminished by the division of his district or by the election of an assistant.
>
> Constitutional grants imply a prohibition of any limitation or restriction by legislative authority.

The court also said in this decision that the object of the framers of our Constitution was "to establish the complete independence of the judiciary, not only in its operations among the people, but as against possible encroachments by the other co-ordinate branches of the government."

And the Supreme Court also said, in the case of Commonwealth vs. Mann.

> "The independence of the judges is equally requisite to guard the Constitution and rights of individuals from the effect of those ill humors which the acts of designing men, or the influence of particular conjunctures, sometimes create among the people themselves, and which, although they speedily give place to better information and more deliberate reflection, have a tendency, in the meantime, to occasion dangerous innovations in the government, and severe oppression of the minor party in the community."

So I say to you, Mr. President, letting aside the question of whether these judges can be removed except by impeachment and a trial by this Senate, I want to serve notice upon this administration and upon the Governor of this Commonwealth, on behalf of the Republican members of the Senate of Pennsylvania, that we do not propose, and we asure them now, that there will not be a single Republican vote for the removal of these judges, nor will they consent to the removal of these judges unless it be for cause shown and after a fair trial, and I give this warning on behalf of my colleagues, that this administration and this Governor may understand, that if that expense of $550,000. is saddled on the Commonwealth of Pennsylvania and paid to men who have been shorn of their duties, the fault must not be laid at the door-step of the Republican members of this Senate. We are giving you this notice today before these bills pass, before they have been signed by the Governor, that you must not expect any support from the Republican members of this Senate in the carrying out of this diabolical scheme. Whatever burden comes to the taxpayers of Pennsylvania by reason of the passage of these bills and as a result of these rippers will be the sole responsibility of the Democratic machine in this State.

Mr. SHAPIRO. Mr. President, it must be very beautiful to be able to live in the wilds of northwestren Pennsylvania, far away from the troubles of a large city and the newspapers, and the facts that simmer through sometimes so far as Harrisburg. I am afraid the Senator from Tioga does not even read the Harrisburg papers. I am afraid the Senator from Tioga is building up a straw man and trying to knock him down. It is a strange sight to see a Tioga man get worked up about conditions in Philadelphia County. I think it is the best thing that could have happened, that somebody who does not know any-

thing about it to talk, because then you can confuse the mind further, if you do not know what is being talked about. I assure the Republican members of the Senate that they will not be blamed further, because I think they have enough trouble now from the burden of their behaviour in the past; that it would be cruel and barbarous treatment to add further suffering to their burden. Whatever the responsibilities are, I am sure the Democratic Party can take full and complete responsibility, and it will need no aid or comfort from the Republican Party. In fact my experience has been, and I am sure the experience of most of the older members of the Senate has been that you can get no aid or comfort from the Republican Party for something that is constructive and decent. There has been much heard here about a scheme to oust judges which is proof positive that the Senator from Tioga does not know what he is talking about, and I am talking now about the facts of the situation. Yes, there are some judges of that court who are fine gentlemen. As I said once before, and I repeat now, it is no personal pleasure to me to proceed with the course mapped out in this case. One of the gentlemen to whom the Senator from Tioga referred is a former law partner of mine, the other gentlemen is a man whom I knew when he was in short pants. As I said before, I think I went with him when he first enlisted, I met him when he returned a wounded soldier, I took him into the Law School and I suggested to him that he practice law. He spent two years in my office. He is a very fine gentlemen and a very able jurist, but the charge is not against the individuals on this Board, but it is against the Court as a Whole.

I can point to two other gentlemen on the bench who cannot claim the same reputation as those two gentlemen. The Senator from Tioga does not know that one of the members of this court is a man against whom charges of having packed a jury were brought, and nothing done, even by the Bar Association or the Court. I can say to the Senator from Tioga from first hand knowledge that I personally made the charges; I personally brought it to the attention of the President Judge, and that member of the Judiciary is still a members of that Board. I can say further to the Senator from Tioga, that he probably does not know that this same President Judge, who was a member of this Senate, has violated an Act of Assembly passed by this Senate, that he has violated the laws of the Commonwealth in more ways than one. I recommend that the Senator read the facts contained in the testimony produced in the hearings before the Legislative Committee. I might say further to the Senator, that if he take the trouble to read—and I am sure he did not—the report, the facts that are on file here in the Senate, the testimony of witnesses, he will find that Philadelphia has known for the past few years that this court was not a Court, and I agree with the Senator from Tioga that we should be very careful about our courts; and the only way any political party or the judiciary can maintain respect of the people for the party or the judiciary, is by having self respect, and there was no self respect in the management of this Court. This Court was not conducted as a Court; this Court never knew in the last ten years what is meant by an arm of the judiciary branch of the Government. If anything will bring disgrace upon our judiciary, it is the conduct of this Court. I take second place to no one in my desire to maintain respect for the Court, because I realize the importance of its functions; but no one can have any respect for a Court that has lost its own respect and forfeited the right of respect in the minds of the people. There is no attempt necessary to build up publicity and public opinion for the ousting of this Court. The people have been waiting for it and have been waiting for several years. I do not know what the people of Tioga County would have thought of it if they had it in their own county, but I know what my people in Philadelphia think of a judge who would pack a payroll for the purpose of carrying political elections in a county. I know what the people in my county think about a President Judge of a Court who packs a payroll of a $110,000 to $250,000 in only one ward. I know what they think of a Court who appoints to a job, which requires watching the future welfare of families, probation officers who guide the future of children; I know what the people in Philadelphia think of a Court who appoints politicians and illiterates to look after these children, to guide them in their schools for their future welfare. I do not need any publicity to find out what they say; I know what the people of Philadelphia think about the Municipal Court. I know that I have a great respect for a member of that Court, but the fact is that none of these men stood up on their "hind legs" and protested against the procedure that went on in this Court, disgraced as it is now in the minds of the people of Philadelphia. We know that the people of Philadelphia have found that this Court was anything but a Court of Justice, a Court that has grown from a $224,000 payroll, and 166 employees to a 1,250,000.00 payroll and 600 employes. We know what they think when they know that 90 per cent of these people had no qualification for the jobs they hold, and 80 per cent of them are politicians who are wards of the public. We know that it is no longer a Court, we know it is just a haven of rest for a political party. We know that the President Judge increased illegally the salaries of 75 employes. We know that for two years there was not a single approval of appointments made by the President Judge, because they were only appointed for political purposes. We know that a man who was Speaker of the House as early as 1930 objected to the appointments and said they were illegal but that is all the further he went and that is all the further anyone went. They permitted this to grow and to be used for political purposes. They permitted the payrolls to be padded around election time so that they could have a real majority in the various wards. It was strange to have someone to come before this Committee, and when we called the employes to tell us their qualifications, what we heard was the bragging of the fact, "Yes, I am a committeeman," "How did you get your job?" "I went to the Ward leader and I told him I wanted a job." He said, "where do you want to go?" He said, "I don't care where I go, but I want a job." And so he got a job as a Probation Officer in the Municipal Court. We heard dozens of these men were either not performing their duty or were on a doublt payroll—one had three sources of income; one from Municipal Court; the other from private business and the third from being secretary to a Congressman, on a Federal payroll, and he was receiving $3,000 a year for ten years from the Federal Government while he was receiving $2,500 a year fom the City Government, on the payroll of the Municipal Court. We know that they attended political

meetings when they should have been at their duties; we know letters were sent to employes to attend political meetings, and with all this glamour and criticism against the Court, and with the admission by everybody that maybe the Court did do something wrong that maybe it has been political, that only last week we produced evidence at a hearing that a lady who was vice-president of the Women's Republican Club of Pennsylvania is on the payroll of the Municipal Court. Last Tuesday she was subpoenaed by our committee and she was in the City Committee Headquarters, in the Market Street National Bank Building at 10:00 o'clock where she had been from ten until twelve o'clock, and also accompanied by other workers who had received notices to attend that meeting. They do not care about the Legislature, they do not care about public opinion. In the midst of all this investigation, they were political women holding political meetings at the expense of the community, and what is more brazen, the Secretary to the President Judge admitted that. On Friday of last week, or the week before last, she notified the heads of all the departments in the Municipal Court not to leave their offices until they received some petition from her, and that they waited there for several hours, and that the head of each department was given half a dozen petitions to go out amongst neighbors and get protests against the ripping out of the Municipal Courts. All the heads of the departments of the Municipal Court, who were supposed to be non-political, were engaged for two days in a hurried effort to bring in the petitions which the Senator from Philadelphia, Mr. Salus, presented last week, and that was done at the expense, during the activities of the working days, when they should have been at their jobs earning salaries that they got.

It is not so much of the fact that they may have spent two or three hours on it, but it is the fact that this court, which is now before the public eye, charged with political activity, this Court which had the sponsors—speaking of respect—this same Court thinks nothing of going on with its activities, believing that we might faulter in the purpose, which I think is credible, because someone who knows nothing about it may make his speech that might be impressive to those who want to believe what he said, depending upon how the listening in is tuned, as to whether you go along with this proposition or not.

There is nothing wrong about this. I recommend to the Senator from Tioga that he reads House Bill No. 108 which was reported out tonight, and he will find that for the first time in the history of the Municipal Court some provision that the judges shall post notices publicly, setting forth the character of the position and the qualifications for the office, for the first time in the history of that court, the Senator from Tioga will find in the bill that examinations must be held, that appointments must be made from a list resulting from those examinations. I recommend to the Senator fro Tioga, that he give further consideration to the facts before he makes further statements that we are engaged in the job grabbing business, and I suggest to him that the House passed the Bill tonight which ripped out of office the receiver of taxes with 365 employes, and not a single one will be appointed again. The Democratic Party is not creating offices, but is transferring the functions, and there will be 367 jobs less to fill, and there will be a payroll of $676,000 less to meet by the City of Philadelphia. I recommend that the Senator from Tioga refer to the Bill which we passed here, ripping out the board of Revision of Taxes and reducing the payroll from $585,000 to $130,000. and if this be job grabbing, give us more of that; and if this is what the Democratic Party can be accused of, then give us more of this. The payroll of the City of Philadelphia, the whole payroll reflects the attitude of the Republican Leaders of the City of Philadelphia. It is not alone, the Municipal Court, but it is every department of the City that has people who have no experience and no competency for the job. They are paraded from one public office to another, they move their Receiver of Taxes to Register of Wills, from the Register of Wills to Clerks of Court, and they have no more experience for either than they had when they first went in. It was either that a truck driver, or inspector. That is the experience given for any kind of a job. The only thing you had to have in Philadelphia to get a job in the Municipal Court, in the Office of the Clerk of Quarters Sessions, in the Office of the Reporter of Deeds, of the Register of Wills, was the proper influence and the proper majority in the division in which you live, and that is what you call a Court! That is not a Court, that is a Chamber of Political Commerce. That is what it is, and nothing more, and the sooner we get rid of it, the better it will be for all of us. Nobody has anything to say about some of the individuals on there, but let me suggest to the Senator from Tioga, that when I brought to the attention of the President Judge the fact that one of their associates had packed a jury, had called committeemen without going through the regular procedure of drawing them from the jury wheel, but sent his tipstaff out to bring in political brethern, who would roam around on election day and give them $4.00 a day to serve on the jury. When I was told about this matter, I went to the Court and the Court hesitated and saw to it that some excuse should be offered to prevent action to be taken against that judge. And what was the excuse? That they could not do it, because this particular man had been elected on the Democratic ticket and there were some other judges in the Court who had done the same thing, but they were Republicans, and so because they did not want to hurt their fellow Republicans, they could not even hurt a Democrat; so they did not like to take any action. And let me suggest to the Senator from Tioga, that I was not a member of the Democratic Party but I was a member of the Philadelphia Bar, and I resented the condition that has been brought out. I appreciate it is a privilege of practicing before the Court, I appreciate the high privilege that is mine to be a member of the Bar, and it is because of that, I am glad to be doing something which, I think, will cleanse this Philadelphia Jurist System at points where we will not have to be ashamed of it. I said before, and I repeat, that lawyers should be the last ones not to have the courage of their conviction when it comes to doing something about the Court condition; and I say now, that lawyers of Philadelphia have been disbarred for less than what some of these gentlemen on the Municipal Court have done. If a lawyer had dared to do what this particular judge had done, packed the jury with ten men, or spoken to a single juror in the way that might by construed as an attempt to influence him, he would have been disbarred, and there is no greater right in a judge who is not fit to be on the bench, to stay there, than there is for

a lawyer to stay as a member of the Bar Association of Philadelphia, or a member of the Pennsylvania Bar Association, which sent to the committee its recommendations and literature and had the same matter before them. I personally brought it to their attention; and what did their committee do with it? The devil will quote scripture to suit his purposes, and you can quote your cases, and even though the case in question refers to a Judge of a Court of Common Pleas, which is a constitutional court, and, therefore, has no application to the Municipal Court, which is not a constitutional court.

I want to suggest to the Senator from Tioga that he need have no fear about the salaries of these judges. First assuming that we will lose $550,000 over the period of their terms, Philadelphia is a part of Pennsylvania and contributes taxes, and the State of Pennsylvania can afford to lose $550,000 if as a result it will pay Philadelphia a million dollars a year during the eight years which it will consume to pay up the $550,000. Philadelphia will save $8,00,000 and will reduce its deficit of $9,000,000 by that amount. But we need not worry about those salaries, because if the Republicans will not join us in the recall of those judges, the Democratic Party will be able to take care of the situation.

Mr. President, I want to say, with no intent to be personal, that this Senate cannot afford to sit idle and not do anything about this Philadelphia situation. I have been here for four and a half years now, and I know the attitude of some of the gentlemen that come from various counties towards Philadelphia, some of their attitudes and opinions may be justly deserved by Philadelphia, most of it is not, and I am frank to say that their general opinion, not specific but general attitude, has come about by reason of the fact that Philadelphia has been complaining against the rest of the State. The complaints should not have been made against the rest of the State. At first I resented the attitude, but having gone into the picture and learned some of the things, I am surprised that the legislature did not shut down on Philadelphia long ago. Philadelphia does not need help from the State of Pennsylvania, if it runs its government properly. If it had thrown out the Republican party years ago, it would have been the best city in Pennsylvania, and we would not have had any worry about it, but it is the same organization that passed legislation to increase Philadelphia's debt, or emergency borrowing capacity, to send warning to them to decrease the expenditures. Philadelphia played an important part in the Republican Party in the State of Pennsylvania, because it gave a large majority at the expense of the State and at the expense of the people of Philadelphia, because it padded its payroll for the purpose of giving those majorities, and the pepole on the payrolls had to produce or they could not be kept on the payrolls, and the evidence shows that these people on the payrolls had no qualifications for the highest positions, but they did not get the lower salaries. Men were put on who were twenty-one or twenty-two years of age and were given $500, more than women who spent a lifetime in social work were given $1500.00 and $1200.00. When I suggested that a certain gentleman was receiving $1800. compared to someone else who was receiving $1200 and that the $1200 person had an experience of twenty years, and this man was getting $1800 as probation officer and could not read or write, I was told, he wasn't a probation officer, he was a colored door tender who probably opened and shut the doors for the judges when they went out, and held their robes up from the dirt of the street. And what about the dirt there was in the court? What about the dirt known for years around that court? And they were all elected because the Democratic Party did not have the courage of its convictions, they held to the story about re-electing sitting judges. That is a theory that should have been thrown to the winds long ago. A judge who is not fit has no more right to sit than a lawyer who is not fit has a right to practice law. Why should not the people stand up and tell the truth about a judge? He does not hesitate to tell the truth and sit in judgment upon people who were practicing law; he does not hesitate to disbar them because of economic pressure, if they have stolen $100 or $200 from their clients. And we have this same Municipal Court admitting to practice members of the bar who never went to law school, who received the approval of the county committee. Look at the Municipal Court list and see how many lawyers were admitted to practice [illegible] in that court. You will not find them having that privilege in the Common Pleas or the Supreme Court, but because of a friendly act these men were admitted in the Municipal Court. What manner of court was this that my friend can say, "all these things mean nothing"; that expenditures of a million and a quarter can be made for ten years, enough to pay for our deficit in Philadelphia, wasted for political purposes, and that the President Judge can violate the law and nobody say anything about it, that men can be admitted to the bar that are not authorized to practice in other courts, and that juries can be packed?

If you want respect for your courts then do what your real conscience tells you to do, get rid of these courts who do not have respect for the people, or you will not have law and order. Everybody knows that this government depends upon law and order and its enforcement, and no one can rely upon courts like that. I take great pride in participating in this legislation which will eliminate from Philadelphia its worst smear. I take great pride in it, even though I do regret the necessity of hurting two or three men, two of them are personal friends, but friendship has nothing to do with that. These men will find their proper places. They can walk out of their court tomorrow with their heads high, and I think we are doing them a favor by getting rid of the court so that they can take their places in the community which will be much more favorable for them, and so they do not have to have lawyers come up here who have not the courage of their convictions to state publicly what they stated privately. I charged before and I charge again that all these lawyers who came here to our committee and told us about the wonders of the Municipal Court publicily, are the same lawyers who told me and others privately what contempt they had for this court. What is the sense of talking about speeches that were made by people like that, and what is the sense of giving heed to people who talk in favor of this court who know nothing about it?

I suggest to the Senator from Tioga that he come down to Philadelphia and he will change his opinion.

Mr. OWLETT. Mr. President, I do not want to prolong this discussion to any great extent, but I would like to say something on the remarks of my colleague the Senator from Philadelphia, Mr. Shapiro. I am surprised that he does not understand the attitude of us men who rep-

resent the up-state in Pennsylvania. He complains that we concern ourselves with the Constitution. I say to you, Mr. President, that every member of this Senate has a right to be concerned with the expenditure by the State of $530,000—over a half million dollars—for useless service, merely to give this administration the right to appoint ten new judges. Now, they talk about demands in Philadelphia for this Municipal Court ripper. I have witnessed, as the other members of the Senate have witnessed, petitions containing the names of a total up to 80,000 people in the City of Philadelphia, who have protested against this Ripper Bill. Every newspaper in Philadelphia, save one, and it is not necessary to mention the name of that one, is against this ripper. That newspaper has come out publicly for it. Every newspaper in Philadelphia save the one mouthpiece of this administration.

Now, I can understand how the Senator from Philadelphia, Mr. Shapiro, does not understand about the employees going around getting the attitude of the people of Philadelphia. The Republican Party and the judges do not have any W. P. A. workers to call upon to sign petitions. They go to the electorate to find out their feelings in the matter.

For the benefit of this Senate, I would like to quote from a copy of a letter which was sent to the Senator from Philadelphia, Mr. Shapiro, by a lawyer from Philadelphia. He said:

"We all know, professionally, at least, the Court's many weaknesses and perhaps occasional vices, but none of us should allow the dungcart of partisan politics to blind our honest conviction that the men on that Bench have been devoted, conscientious, hard-working servants of the Commonwealth, who deserve a better fate from their neighbors than to be cast dismally into the discard with the irreparable loss of their vast, priceless experience and the machinery they have created for making certain types of social adjustments, merely because of fancied grievances that are certainly susceptible of ready correction. No greater crime against human decency can be conceived than the ingratitude of a State towards its Judges who, having honorably and completely sacrified their private practices and business contacts, in order to serve even-handed justice, are suddenly and brutally asked to rehabilitate themselves anew without even the consoling mercy of a thanks, simply to make way for others, not because of any merit the latter possess, but whose only claim to the succession springs from servile loyalty to the party in power and nothing more.

Among the many infamies already ventured in the maligned name of Democracy, this emasculation of a noteworthy tribunal bids fair to be its greatest mockery. Can you afford to blight your career with this devastating mistake?

Remember well that the verdict of time is impartial and just and the man in power, who seeks to deceive truth and those fundamental canons of fair play that we associate with civilized beings, may gain a temporary ascendency, but in the end deceives himself and must finally pay the harsh penalty that that verdict entails. Because you run with the wolfpack is no reason why you need howl like a wolf.

I send this letter purely as my personal conscience dictates—I represent no party faction or privileged viewpoint, and, needless to say, I send it entirely without the prior knowledge or consent of the Court's members.

It is merely my humble tribute to an institutional tradition, conceived in noble ideals and executed by its stewards, even if at times haltingly, in the spirit of its conception."

Now, the Senator speaks of the infamous crimes which have been committed by some of the members of this Court. I suggest, Mr. President and members of the Senate, that the law provides means for removing any judge who violates the law, and that means his impeachment, and this same Senator who now rants and raves about this Court was a member of the same political organization who now complains bitterly against, and sat in this Senate for several years as a member of that party, and never once did he raise his voice about those crimes which he says have been committed by the members of this Court; never once did we hear a suggestion from him to bring impeachment proceedings; never once did we hear that they ought to be removed until he thought he saw the light of day and that the Roosevelt Band Wagon would bring this about, and he took hold of the tail of the kite. That is the situation, members of this Senate, as I see it. As I said before, I do not want to prolong this discussion, but I want to repeat again, if this is saddled on the State of Pennsylvania do not come to the door step of the Republican members of this Senate and say that it is our fault that they are not removed, because we are giving you notice now that you will not get any votes from us.

Mr. SHAPIRO. Mr. President, I did not mean to prolong this debate, but the Senator form Tioga gives me an opening when he says that I have sat in the Senate four years and he never heard a word from me complaining about the actions of this Municipal Court. I certainly did some talking in this Senate, particularly when I was read out of the Republican Party, some three months after I was in the Senate. The Senator from Tioga knows that I spoke in the caucuses, if he has his memory with him, two months after I was a member of this Senate, and he knows that I protested against the activities in the Republican Party; he knows I was not four months in this Senate before I moved to discharge the Committee who had in charge the old age pension bill, because we had campaigned on the platform to give old age pensions. The Senator from Tioga knows when I was in caucus that I finally refused to sit in caucuses because there was no use talking about anything in the caucus, the Republicans then had the majority, and there was no reason for saying anything or considering the other side. They said: "we have the votes" and they went through with it. The Senator from Tioga talks about expense, but not one voice was raised in protest when the road running to New York City, the Lincoln Highway, was diverted to go around a cemetery to give a front entrance to a cemetery, which the State paid for. Nobody said anything about that money, and I imagine that cost a great deal more than $550,000. But very few people in the Senate knew the inside of that, but if you take a trip, before you get to Trenton you will find the Lincoln Highway turns to the right and goes around the cemetery, which now has a front door instead of a back door. I suppose that was necessary for the improvement of Pennsylvania, but if you look at the road that was left and see the property that was destroyed, you might get some idea of how the Republican Party works.

It looks to me as though they are falling down, and that next November we will be able to make a showing on the Democratic side. So far as I am concerned, and I have no axe to grind, the Democratic Party will have to tolerate me on the same basis that the Republican Party did. Whether I am in the Senate or not, it makes very little difference, except the amount of work that is being done, and I consider that I am in a position of being able to say what I think, and it does not mean anything to me how the other fellow feels about it, except that I hope I am trying to say things that are right. If the Democratic Party attempts to do something with which I do not agree, I am sure I would take the same position as I do with the Republican Party, but one thing I promise, that there will be no Republican Party to go back to, and that is a little bit annoying, and unless the Senator offers something which is more constructive, the less hope there will be for any Republican to go back to, or tie up with. The point that we are trying to get to the Senator from Tioga and his followers is this: If you do not know anything about what the Municipal Court has done, we have prepared the evidence for you in typewritten form, so that he who runs may read, and those of you who are closer to Philadelphia, if you want to do constructive things, if you want Philadelphia to come up here and help it in getting rid of this bonded indebtedness for $514,000,000 created by the Republican Party, then you had better help them get rid of some of their expensive political departments. Out of that $514,000,000 over $240,000,000 of it represents mandamuses, which it acquired by taking from the members of the Republican Party properties assessed at $8,000 and giving them $80,000 for it, and properties worth $85,000 giving them $880,000.

These are the things that at least I am trying to help to rid Philadelphia of. If the Democratic Party is attempting to take advantage of it, that is unfortunate; the Republican Party, they could have done it themselves. I did protest against the Municipal Court's activities. There are 11 judges there; what have they done about cleaning house? As soon as it was brought to their attention that the President Judge made illegal appointments, and they knew about that before, what did they do about cleaning house? They sat down in conclave with the other judges to confirm and approve his illegal appointments, by urging that those employes who received more than the law allowed them should pay it back.

Now, may I say one more word: that there are ten judges appointed to take the place of the 11 members of this Court has nothing to do with this proposition. The Bar Association in Philadelphia for four years have passed resolutions asking this legislature to create two new Common Pleas Courts. They said that they were behind in their work and that they could not catch up. When the question of the Municipal Court came up, they immediately recommended the increase and establishment of No. 6 Common Pleas Court and they protested the abolition of the Municipal Court, and so we passed the bill creating the No. 6 Court.

Now instead of 11 judges there are only 7 judges, and instead of $110,000 in salaries, there will be $98,000, and instead of a payroll of $1,250,000 there will be a payroll of less than $300,000; in other words there will be a saving to the City of Philadelphia of $900,000.

Mr. WOODWARD. Mr. President, it is a delicate moment to make any comment, and I would like to say it with flowers. I listened to the Senators on this Municipal Court Bill and I am firmly convinced that the Democratic Party is completely "lily white;" but as I turn over a page and read about Common Pleas Court No. 7, I say that the Democratic Party's flower is a "for-get-me-not."

Mr. REED. Mr. President, I desire to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. REED. Mr. President, do I understand the Senator from Philadelphia, Mr. Shapiro, to say that the State Supreme Court decision referred to by Senator Owlett has no application to the Municipal Court Judges?

Mr. SHAPIRO. Mr. President, that is correct; it deals with the Common Pleas Court Judges, which is a Constitutional Court, and the Municipal Court is not.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, one question.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Philadelphia, Mr. Shapiro, if I understood him correctly, when I understood him to say that the majority of the newspapers in Philadelphia sold their policy for the sake of the patronage and advertising that they got from the Sheriff's office?

Mr. SHAPIRO. Mr. President, I thought I made pretty plain what I meant to say, that I am still convinced that those newspapers are very much influenced by the advertisements that they get from the Republican Party.

Mr. BUCKMAN. Mr. President, did I understand the Senator from Philadelphia, to mean that they changed their policy by reason of that patronage?

Mr. SHAPIRO. Mr. President, oh, no, their policy has always been the same.

Mr. OWLETT. Mr. President, I cannot allow to go by without protest the answer to Senator Reed's question. Senator Reed asked the question whether the opinion of the Supreme Court applied to the Municipal Court of Philadelphia, and the Senator from Philadelphia, Mr. Shapiro, replied very confidently that it did not; "Oh, no," he said, "that is a Constitutional Court, the Court of Common Pleas." I would like to call the attention of the Senator that the Municipal Court is also a Constitutional Court. Under the Constitution in any court of record the judges who are learned in the law and elected for a period of ten years, is a constitutional court, and if the Senator from Philadelphia will read the decision in Commonwealth vs. Gamble, and I think if Senator Reed will read it, they will be convinced that it is a Constitutional Court and that this decision applied to it.

Mr. WOODWARD. Mr. President, my Republican neighbors, have told me that they understood perfectly my reference to the Democrats being "lily white," but I have no made my point about the for-get-me-nots. This bill which is a forget-me-not bill, increasing the number of Courts of Common Pleas in the County of Philadelphia. I visualize the City Hall of Philadelphia as made up in the future entirely of six courts and the Mayor and nobody else. Every Democratic lawyer of any prominence, I think will be for these courts; then we ought not protest

against it. In the first place if we adopted the plans I proposed of a State-wide Common Pleas Court, we need not have these additional courts, and in the second place, the Senator from Philadelphia, Mr. Shapiro, is doing good work by saving money on one hand, while on the other hand he makes two new Common Pleas Courts, therefore, I say, as far as the tax payers are concerned, the last suggestion is worse than the first.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Henney,	Law,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Rice,	Thompson,
Haluska,	Lanius,	Rodgers,	

NAYS—16

Bean,	Ealy,	Mallery,	Salus,
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,	Heyburn,	Pierson,	Wolfenden,
Deitrick,	Homsher,	Reed,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 806, entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-seven) entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Buckman,	Haluska,	Lanius,	Reed,
Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	Mallery,	Rodgers,
Dent,	Jacobs,	McCreesh,	Rupp,
DiSilvestro,	Jaspan,	McGinnis,	Ruth,
Eroe,	Kahle,	Mundy,	Sipe,
Frey,	Kilgallen,	Pytko,	Sones,
Gilson,	Kunkel,	Rankin,	Stiefel,

NAYS—10

Bean,	Gelder	Pierson,	Wolfenden,
Chapman,	Heyburn,	Scarlett,	Woodward,
Ealy,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 817, entitled:

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447) entitled, "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds, transcrips to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,

DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pierson,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gelder,	Kunkel,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 830, entitled:

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bills which shall be negotiable and usable for the payment of taxes due for said year

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 853, entitled:

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 858, on third reading, entitled:

An Act to amend subsections h and m of section one of the act approved the first day of June, one thousand nine hundred thirty-three (P. L. 1141) entitled "An act fixing and regulating the fees, commission, mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the counties, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaries sheriffs to account to their counties for certain fees and commissions collected and repealing inconsistent laws, general, special or local," reducing the mileage chargeable by sheriffs for their official acts and the services of their deputies.

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 916, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
Dent,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Rice,	Stiefel,
Gilson,	Lanius,	Rodgers,	Thompson,
Henney,	Law,		

NAYS—16

Bean,	Ealy,	Homsher,	Reed,
Buckman,	Gelder,	Mallery,	Scarlett,
Chapman,	Haluska,	Owlett,	Wolfenden,
Deitrick,	Heyburn,	Pierson,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL DROPPED FROM CALENDAR

Mr. JASPAN. Mr. President, I move that Senate Bill No. 920, on third reading, entitled:

An Act requiring corporations incorporated under the laws of this Commonwealth (other than nonprofit corporations) to designate the Secretary of the Commonwealth as their agent for the service of process and regulating the issuance manner of service and effect of such process

be dropped from the Calendar.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. KILGALLEN. Mr. President, I move that the Senate do now resume consideration of Senate Bill No. 697, House Bill No. 1295 on third reading, postponed, entitled:

An Act to amend sections one and two of the act approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred sixty-seven) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one regulating the certification recording advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence" by allowing council to shorten the publications provided for

Mr. DiSILVESTRO. Mr. President. I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill on third reading?

It was agreed to.

Agreeably to order,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 9, on second reading, entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 104, as follows:

An Act authorizing boroughs that have relying on invalid bond issues authorized by the electors entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed to provide for the payment of the reasonable value of such performance to contract for completion and to increase their indebtedness therefor and validating ordinances agreements increases of indebtedness and bonds heretofore adopted entered into issued or to be issued to accomplish such purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of he same That whenever heretofore any borough has in the manner provided by law let any contract for any municipal improvement or public work which is authorized under the provisions of the borough laws of the Commonwealth and more than half of the work on said contract has been performed in a satisfactory and workmanlike manner and the improvements or public works or any part thereof are being used by the borough or by its inhabitants if such contract does not evidence any fraud or conspiracy to violate the provisions of the Constitution or laws of this Commonwealth and the borough has not suffered any pecuniary loss as the result of such contract then such borough may by ordinance provide for the payment of the reasonable value of the work already performed and the materials already supplied and may enter into an agreement with the same or another contractor for the completion of the unfinished portion of such work if any notwithstanding the fact that the obligation undertaken by the borough under the original contract was predicated upon the assumption that the funds for the payment thereof would be available from the proceeds of the sale of bonds issued pursuant to an increase of indebtedness authorized by the electors but which bond issue has subsequently been held illegal because it proposed to create a debt of the borough in excess of its constitutional debt limit and notwithstanding the fact that such contract may under the circumstances have created a debt of the borough which together with any other indebtedness thereof exceeded the constitutional limitation on the indebtedness of such borough

Section 2 Any ordinance adopted pursuant to the provisions of section one of this act shall provide for the payment of the amount agreed upon out of the current revenue of the borough or out of the proceeds of any bond issue duly authorized for such purpose or partially out of current revenues and partially out of the proceeds of any such bond issue Provided That the creation of any new indebtedness thereby shall not together with all other indebtedness of the borough exceed the constitutional limitation on the indebtedness of the borough

Section 3 Any such borough may in the manner and subject to the limitations provided by the Constitution and laws of this Commonwealth increase its indebtedness and issue bonds for the payment of the whole or any part of the amount agreed upon under the provisions of section one of this act

Section 4 All ordinances and agreements heretofore adopted or entered into which conform to the provisions of this act are hereby ratified and made valid and binding and all increases of indebtedness and all bonds securities and obligations issued or to be issued pursuant thereto are hereby made valid and binding obligations of every such borough Provided That all other requirements of the Constitution and laws of this Commonwealth concerning such ordinances agreements increases of indebtedness and issue of bonds have been complied with

Section 5 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 341, on second reading, entitled:

An Act to re-enact and further amend the title and the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties;" further regulating the manufacture, sale, importation, use and traffic in liquors, alcohol and malt and brewed beverages; conferring additional powers and imposing additional duties on the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing additional filing fees and increasing fees for certain permits, and providing for the disposition thereof; further regulating the establishment of State liquor stores and the employment and use of personnel by the board; regulating and providing the procedure for the granting, transfer, revocation and suspension of licenses and for compromises in certain cases and the disposition of moneys arising therefrom; providing for the forfeiture of certain property; regulating the jurisdiction of courts and local option procedure; prohibiting certain interlocking business; and providing penalties.

be recommitted to the Committee on State Boards for the purpose of further study.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 342, on second reading, entitled:

An Act to re-enact and amend the act, approved the nineteenth day of February, one thousand nine hundred twenty-six (Pamphlet Laws sixteen) entitled, as amended, "An act regulating, under permit, through the Pennsylvania Liquor Control Board, the manufacture, production, distillation, development, use in manufacture, denaturization, redistillation, rectification, blending, recovery, reuse, holding in bond, holding in storage by bailees for hire, and transportation for hire, of any alcohol, alcoholic liquid or alcoholic beverage, by certain persons; requiring the registration of Federal permits; also providing for fees and the disposition thereof, and for appeals to the courts; also authorizing the inspection of the records of permittees and purchasers of said alcohol, alcoholic liquid, and alcoholic beverages; also declaring certain places nuisances and providing for their abatement; also providing penalties; and also repealing all acts or parts of acts inconsistent with this act;" further regulating the manufacture, sale, use and traffic in alcohol and alcoholic liquids; conferring additional powers and imposing additional duties upon the Pennsylvania Liquor Control Board; further regulating those licensed under this act; imposing filing fees; changing the method of calculating certain license fees; providing for the use of the word "license" instead of "permit"; regulating and providing the procedure for the granting, suspension and revocation of licenses, and for compromises in certain cases; providing for the disposition of fees, compromise penalties and forfeitures; regulating the jurisdiction of courts; and providing penalties.

be recommitted to the Committee on State Boards for the purpose of further study.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 343, on second reading, entitled:

An Act to re-enact and further amend the title and the act, approved the third day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred fifty-two) entitled as amended, "An act to regulate and restrain the traffic in malt and brewed beverages, as herein defined; providing for the licensing of the manufacture, transportation, sale and distribution of such beverages; imposing license and permit fees, and providing for collection and distribution thereof; restricting ownership and interest in licensed places; permitting municipalities and townships, by vote of the electors, to prevent the licensing therein of places where such beverages may be sold for consumption on the premises, and regulating elections for this purpose; imposing duties upon county treasurers, the Pennsylvania Liquor Control Board, quarter sessions courts, district attorneys, the Department of Justice, proper authorities of political subdivisions of the State, and election officers providing penalties; and repealing existing acts;" defining and further defining and regulating licensees, application for licenses and sales by licensees; and providing for the licensing of package retailers, and fixing fees for such licenses, and for amusement permits; regulating the granting, suspension, revocation and transfer of licenses and the procedure therefor; and conferring jurisdiction on certain courts; providing for the granting of licenses by the Pennsylvania Liquor Control Board instead of the county treasurer, and prescribing the powers and duties of said board; providing for compromises where licenses are suspended, and for the disposition of application, licensing, permit fees, forfeitures and penalties; and providing penalties

be recommitted to the Committee on State Boards for the purpose of further study.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Mr. THOMPSON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill 925, House Bill 1359, on second reading, entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken.

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 925 (House Bill No. 1359), entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1009 Appeals from Report The township or any taxpayer thereof on its behalf or any officer or person whose account is settled or audited by the township auditors may appeal from any settlement or audit to the court of common pleas within [thirty] sixty days after the settlement has been filed in the court of quarter sessions

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 1 (Sec. 1009), page 2, line 5, by striking out the word "sixty" and inserting in lieu thereof: "forty-five"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The title of the bill was read as follows and agreed to.

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. THOMPSON. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill 926 (House Bill 1361), on second reading, entitled:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

Mr. DENT. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 926 (House Bill No. 1361), entitled:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 553 Appeals from Report The township or any taxpayer thereof on its behalf or any officer whose account is settled or audited by the township auditors may appeal from any settlement or audit of the township auditors to the court of common pleas within [thirty] sixty days after the settlement has been filed in the court of quarter sessions

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 1 (Sec. 553), page 2, line 8, by striking out the word: S "sixty" and inserting in lieu thereof: "forty-five"

Mr. KUNKEL: Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2 This act shall become effective immediately upon its passage and approval by the Governor

The title of the bill was read as follows and agreed to.

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 520 (House Bill No. 555), as follows:

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation providing for the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight thirteen fifteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" are hereby amended to read as follows

Section 2 Method of Incorporation A credit union may be incorporated in the following manner to wit

A The articles of association of an intended credit union must be subscribed to by seven citizens of this Commonwealth and shall set forth

I The name of the proposed credit union which shall contain the words "credit union"

II The class of services to be performed by the credit union which services shall be within the scope of activities of such associations as set forth in this act

III The principal place where its business is to be transacted which shall be within this Commonwealth

IV The term for which it is to exist

V The [amount of its capital stock and the number and] par value of its shares [into which it is divided] which par value shall not exceed ten ($10) dollars for each share the names and post office addresses of the subscribers and the number of shares subscribed by each

VI The number of its directors for the first year not less than five the names and residences of those who are chosen for directors for the first year and the name and residence of the treasurer

VII The common bond of membership

VIII Any other provisions not inconsistent with law which the proposed credit union may see fit to adopt governing the regulation and conduct of its affairs

B Notice of the intention to apply for any such charter shall be [inserted in one newspaper of general circulation] advertised one time in a newspaper of general circulation and one time in a legal newspaper as defined by law printed in the county where the principal place of business is situated [for one insertion] setting forth briefly the character and purpose of said corporation and the kind of service to be performed by it such advertisement shall be published at least three days prior to the day fixed in the advertisement for the presentation of the application to the [Governor] Department of Banking

C The articles of association shall be acknowledged by not less than [five] seven of the subscribers thereto before any officer authorized to take acknowledgments and administer oaths and affirmations in the Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

D Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given [a copy] two copies of the proposed by-laws for the general governance of the credit union [, and a certificate of approval by the Department of Banking of this Commonwealth to such application and proposed by-laws] shall then be presented to the [Governor of this Commonwealth] Secretary of Banking who shall examine the same and if he finds [it] the application in proper form and within the purpose mentioned in this act he shall indorse his approved thereon and [direct letters patent to] forword the application to the Department of State The Secretary of the Commonwealth shall then issue a certificate of incorporation in form similar to those issued to business corporations [of the second class] in this Commonwealth which [letters patent] shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth

E [The original articles of association together with all indorsements shall be recorded in the office of the recorder of deeds in and for the county where the principal place of business is situate From thenceforth the subscribers thereto their associates and successors shall be a body politic and corporate for the purposes and upon the terms named in the said articles of association Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth] The articles of association may be amended by including the proposed amendments in the call for the regular or special meeting at which such amendments are to be considered Amendments to the articles of association must be approved by three-fourths of the members present at the regular or special meeting at which the amendments are considered and the proposed amendments shall be acted upon only in the event that a quorum of the members is present as provided in the by-laws of the credit union Articles of amendment shall be filed with the Secretary of Banking who if he approves the amendments shall forward the articles of amendment to the Department of State The Secretary of the Commonwealth shall then issue a new certificate of incorporation and shall record the articles of amendment in the office of the Secretary of the Commonwealth upon payment of the usual filing fee The articles of amendment shall set forth

I The name and principal place of business of the credit union

II The amendment or amendments as adopted by the members

III The date of the meeting at which the amendment or amendments was adopted

IV That notice of the meeting at which the amendment or amendments was considered was given to each member as provided in the by-laws

V That at the meeting at which the amendment or amendments was considered a quorum of the members was present as provided in the by-laws

VI That the amendment or amendments was approved by three-fourths of the members then present

The articles of amendment shall be signed by the President and Clerk of the credit union and acknowledged before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

Section 4 Membership Credit union membership shall consist of the incorporators and such other persons as may be elected from time to time to membership and who subscribe to at least one share of the capital stock and pay the initial installment thereon together with the entrance fee Organizations incorporated or otherwise composed principally of the same general group as the credit union membership may be members Credit union organizations shall be limited to groups of both large and small membership having a common bond of association

by reason of occupation within a well defined neighborhood community or rural district

Section 5 Reports and Examination Credit unions shall be under the supervision of the Department of Banking of the Commonwealth and shall report to it as often as may be required by the Secretary of Banking and at least annually on blanks supplied by the said department for that purpose Supplementary reports may be required by the secretary from time to time Credit unions shall be examined as often as may be required by the Secretary of Banking and at least annually and the department may use such other method of assuring itself of the condition of the credit unions as it shall deem advisable The cost of all such examinations and inspections shall be paid by the credit union [except that no charge shall be made for any examination by the department made during the first six months of operation of a credit union] A credit union shall also pay annually its proportionate share of the overhead expense of the said Department of Banking determined in the same way and manner as may be provided from time to time for banks or trust companies operating under the supervision of the department For failure to file reports when due unless excused for cause a credit union shall pay to the Department of Banking five dollars ($5.00) for each day of its delinquency If the department determines that the credit union is violating any of the provisions of this act or is insolvent the department may serve notice on the credit union of its intention to revoke its certificate of approval and if such violation continues or such insolvency continues for a period of fifteen days after the mailing of such notice the department may revoke the certificate and take possession of the business and property of the credit union and retain possession until such time as it shall comply with the requirements of this act or until its affairs are finally liquidated The department may take similar action if any report is not filed within a period of fifteen days after it is due

Section 8 Directors and Officers A At the first meeting the directors shall elect from their own number a president a vice-president a treasurer and a clerk The same individual may be both treasurer and clerk The directors shall have general management of the affairs of the credit union and are specifically required

(a) To act on applications for membership

(b) To determine interest rates on loans

(c) To fix the amount of the surety bond which shall be required of all officers and employes handling money

(d) To declare dividends and to transmit or cause to be transmitted to the members all proposed amendments to the by-laws

(e) To fill vacancies in the board and in the credit committee until successors are duly chosen and qualified

(f) To determine the maximum individual share holdings and the maximum individual loan which can be made with or without security and

(g) To have charge of investments other than loans to members

B Duties of the officers shall be as determined in the by-laws [No member of the board or of either committee shall as such be compensated] A member of the board of directors and members of the credit committee and the supervisory committee may be compensated if the credit union paid a dividend of not less than three per centem (3%) from the earnings of the last preceding year provided however that the Secretary of Banking may prohibit or regulate the payment of compensation if he deems such compensation excessive or if in his opinion the financial condition of the credit union is not such as to warrant the payment of such compensation

Section 13 Rates and Fines Interest rates on loans made by a credit union to its members shall not exceed the rate of six per centum (6%) per annum [,] when discounted on loans which are repayable in equal installments [over one year except that in addition] or the rate of twelve per centum (12%) per annum when calculated on the unpaid principal balances For failure to pay an installment or installments on a discounted loan when due [or to make payments on subscribed shares when due] a fine may be charged which shall in no case exceed one-fourth of one per centum (¼ of 1%) for each week of delinquency one the amount in arrears except that a minimum fine of five cents may be charged When interest is calculated on the unpaid principal balances it shall be computed for the actual number of days which have elapsed at the time of payment and no other charges or fines shall be collected For failure to make payments on subscribed shares a fine may be charged at the same rate and in the same manner as the fine permitted for failure to pay loan installments when due

Section 15 Loans A credit union may make loans to its members only Loans must be for a purpose deemed by the credit committee to be provident or for productive purposes and must be made subject to the conditions contained in the by-laws A borrower may repay his loan in whole or in part any day the office of the credit union is open for business [,] and shall be entitled to a refund of the unearned interest on a prepaid loan if the interest has been discounted The amount of interest to be refunded on a prepaid loan shall be determined by calculating the interest accrued on the principal balances at a rate of interest equivalent to the discount rate except that a borrower shall not be entitled to a refund when the unearned interest is less than fifty cents (50c) A director officer or member of any committee may only borrow from the credit union in which he holds office an amount not exceeding his total share holdings plus the total share holdings free and unpledged of any endorser on the obligation of such director officer or member of any committee No director officer or member of any committee may [borrow from] endorse a loan granted by the credit union in which he holds office [, nor may he endorse for borrowers]

Section 16 Reserves All entrance fees [fines which may be provided for in the by-laws for failure to make repayments on loans and payments on shares when due] collected and [each year before the declaration of a dividend] twenty per centum (20%) of the annual net earnings shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members provided however that when the reserve fund thus established shall equal ten per centum (10%) of the total amount outstanding in loans to members the credit union may upon written approval of the Secretary of Banking reduce the amount annually set aside from net earnings to ten per centum (10%) and provided further that when the reserve fund shall equal twenty per centum (20%) of the amount outstanding in loans to members the credit union may upon written approval of the Secretary of banking discontinue increasing the reserve fund The reserve fund thus created shall belong to the credit union and shall be used as a reserve against bad loans and shall not be distributed except in case of liquidation Any amount received from the repayment of a loan after it has been charged off against the reserve fund shall be credited back to said fund

Section 17 Dividends On recommendations of the directors a credit union may at the end of the fiscal year declare a dividend from net earnings which dividend shall be paid on all shares outstanding at the end of the fiscal year Shares which become fully paid up during the year shal be entitled to a proportional part of such dividend calculated from the first day of the month following such payment in full The equivalent of the par value of one share of stock shall be considered as a full paid share in the calculation of dividends Dividends may be added to the credit of the members' share accounts or paid in cash at the option of the board of directors

Section 23 Taxation A credit union organized under this act shall be deemed an institution for saving and its assets together with all the accumulations therein shall not be subject to taxation except as to real estate owned by it The shares of a credit union shall not be subject to a capital stock bonus tax or a stock transfer tax when issued by the corporation

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 560, as follows:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission and making an appropriation

Whereas There is located in Exeter Township Berks County the Homestead of Daniel Boone which should be preserved as an historical place and park for the benefit of the people of this Commonwealth therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Property and Supplies is hereby authorized to purchase in the name of the Commonwealth the tract of land which was the Daniel Boone Homestead and which is located and described as follows

"All that certain messauge tenement plantation and tract of land situate in Exeter Township County of Berks State of Pennsylvania bounded and described as follows to wit

Beginning at a corner of the late Daniel Guldin's land and running thence North forty-four and one quarter degrees West one hundred and sixty perches and two-tenths by lands of Daniel Levergood Samuel Guldin James Boone and late David Geiger now of Daniel Gross thence by lands of the late Charles Guldin now Jacob F Guldin and land of Jacob Ludwig South twenty degrees West two hundred and thirty perches thence by land of late Jacob DeTurk now Benj DeTurk the following courses and distances viz

South seventy-nine degrees East six perches North eighty-four and one-quarter degrees East twenty-six perches North eighty-nine and one quarter degrees East eighteen perches and eight-tenths South seventy-two and one-half degrees East twenty-one perches North eighty-five degrees East forty-eight perches and one-tenth North forty-one and one-half degrees East thirty-four perches and three tenths North seventy degrees East Thirteen perches thence by land of Jacob Pile North thirty-nine and one-half degrees West twenty-six perches and North thirty-six and one-half degrees East eighty-four perches to the place of beginning Containing one hundred fifty acres be the same more or less

Together with certain water right on land of late Charles Guldin as described in a certain deed bearing date of June 30 1897 by Chas M Richardson and Lizzie his wife did grant and convey unto Howard S Ahrens their undivided one-half moiety said Indenture being recorded in Deed Book Vol 253 Page 389 Berks Coenty Records" (Description recorded in Deed Book Vol 641 as the property of Arthur B Vossler) Less however the following tract which has heretofore been severed from said tract by conveyance

"All that certain triangular piece of ground situate on the Northwestern side of the public road leading from Amityville to Stonersville in the Township of Exeter Berks County Pennsylvania bounded on the North and west by the Property of Chas Young Walter Kline and Chas Schur on the South and East by property of Arthur B Vossler and Mabel E Vossler his wife and on the East by said public road being more particularly described as follows

Beginning at a point on the Northwestern side of the public road leading from Amityville to Stonersville thence along the same in a Northwestern direction by a line forty-four degrees fifteen feet a distance of four hundred feet to a point a corner of property of Chas Young then by an angle of sixty-four degrees fifteen feet by the following courses South twenty degrees West 1209.06 feet to a point in line of property of Chas Schur thence by an angle of 19 degrees 22 feet North 39 degrees 22 feet East a distance of 1086.78 feet to a point the place of beginning" (Description recorded in Deed Book Vol 693 page 263 as property of Andrew Harcar)

The title to said property before acquisition shall be approved by the Department of Justice

Section 2 Upon the acquisition of the property aforesaid the same shall be transferred to the Pennsylvania Historical Commission which shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for the restoration improvement and maintenance of the part and to make and enforce rules and regulations for the preservation of the property and the visitation thereof by the public

Section 3 The sum of seven thousand dollars ($7,000) or so much thereof as may be necessary is hereby specifically apppropriated to the Department of Property and Supplies for the payment of the cost of acquiring said tract of land and for all expenses in connection therewith including the expense of investigating the title

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 654, as follows:

An Act fixing the salary of the stenographer to the President of the Senate and the clerk to the President Pro Tempore of the Senate

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the salary of the stenographer to the President of the Senate is hereby fixed at one thousand six hundred twenty dollars ($1,620) per annum and the salary of the clerk to the President Pro Tempore of the Senate is hereby fixed at two thousand four hundred dollars ($2,400) per annum

Section 2 All acts and parts of acts inconisistent with this act are hereby repealed

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 670, as follows::

An Act to further amend Section 4 of the Act approved the seventh day of August 1936 (Pamphlet Laws 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Sup-

plies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 4 of an Act approved the seventh day of August 1936 (Pamphlet Laws 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvement and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" as amended by the Act approved the tenth day of March One Thousand Nine Hundred and Thirty-seven is hereby further amended to read as follows

Section 4 [Detailed] Official Plans Notice [When such hearing or hearings on the preliminary plans have been] [completed the board shall proceed to consider all objections filed to the preliminary plans and shall affirm revise modify or change said plans as in its judgment is deemed just and proper and shall then prepare detailed official plans for the proposed flood control district The board shall give public notice of the adoption of such official plan in the same newspapers and by the same number of insertions as hereinbefore provided for the preliminary plans Such official plans shall be printed and distributed in the same manner as the preliminary plans and the board shall also give notice to all persons whose] [property may be taken damaged or destroyed in the completion of such plan by registered mail to the last known post office address of the owner or reputed owner of the property] When the board has completed suitable plans it shall adopt them as official plans and give public notice of such adoption in at least two newspapers in each county wholly or partially within such flood control district if so many are published therein once a week for two consecutive weeks which notice shall state that the official plans are on file in the office of the board The board shall also give notice to all persons whose property may be taken damaged or destroyed in the completion of such plans by registered mail to the last known post office address of the owner or reputed owner of the property A certified copy of the completed suitable plans shall upon their adoption be recorded in the office of the Recorder of Deeds of each county wholly or partially within a flood control district Such recording shall be constructive notice to all owners whose property may be taken damaged or destroyed in the completion of such plans

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 682, as follows:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred six approved March sixteenth one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred and six approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states For the payment of the expenses of such investigation by the commission including the cost of subpoenaing witnesses witness fees stenographic service the wages or other compensation of necessary clerical assistants and any other expenses of every kind and description which may be authorized by a majority of the commission in connection with the conduct of its work

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 683 (House Bill No. 1134), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 689 (House Bill No. 1137), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 690 (House Bill No. 1139), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 691 (House Bill No. 1140), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 692 (House Bill No. 1142), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 693 (House Bill No. 1150), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 713 (House Bill No. 904), entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 721 (House Bill No. 1131), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 722 (House Bill No. 1143), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 725 (House Bill No. 1284), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turn-pike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring power and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation and authorizing the issuance of turnpike revenue refunding bonds

The first to the sixth sections inclusive of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to facilitate vehicular traffic between the eastern and western sections of the Commonwealth the Pennsylvania Turnpike Commission hereinafter created is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County together with connecting tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 2 That turnpike revenue bonds issued under the

provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or in the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 3 That the following words and terms shall have the following meanings

(a) The word "Commission" shall mean the Pennsylvania Turnpike Commission hereinafter created or if said Commission shall be abolished any board commission or officer succeeding to the principal function thereof or upon whom the powers given by this Act to said Commission shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this Act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges the cost of all lands properties rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized the contruction of the turnpike and connecting tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for traffic surveys preparation of plans and specifications supervision of construction and other engineering services performed by the Department and its agents and employes in connection with the construction of the turnpike or any of the connecting tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed to the Department of Highways out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 4 That there is hereby created a commission to be known as the "Pennsylvania Turnpike Commission" and by that name the Commission may sue and be sued plead and be implead contract and be contracted with and have an official seal The Commission shall consist of five members and the Secretary of Highways shall be a member ex officio The four remaining members shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment The appointed members of the Commission shall continue in office for terms of four six eight and ten years respectively from the dates of their appointment and until their respective successors shall be duly appointed and qualified the term of each appointed member to be designated by the Governor at the time of his appointment but their successors shall each be appointed for a term of ten years except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the Commission shall be eligible for reappointment Immediately after such appointments the members of the Commission shall enter upon their duties Each appointed member of the Commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth The Commission shall elect one of the appointed members as Chairman of the Commission and shall also elect a Secretary and Treasurer who may not be a member of the Commission Three members of the Commission shall constitute a quorum who for all purposes must act unanimously No vacancy in the Commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the Commission Before the issuance of any turnpike revenue bonds under the provisions of this Act each appointed member of the Commission shall execute a bond in the penalty of $25,000 and the Secretary and Treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth The Commission shall make necessary rules and regulations for its own government and shall have power and authority to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act and to employ engineering architectural and construction experts and inspectors and attorneys and such other employes as may be necessary in its judgment and fix their compensation provided however that all contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting tunnels and bridges shall be constructed under the supervision of the Department of Highways Each appointed member of the Commission shall receive an annual salary of $5,000 payable in monthly installments and each member of the Commission shall be reimbursed for necessary expenses incurred in the performance of his duties All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made therefor out of funds provided under the authority of this act

Section 5 The Commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient such tunnels whether wholly or partly constructed rights of way franchises easements and other interests in lands as it may deem necessary for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Commission and the owner thereof and to take title thereto in the name of the Commonwealth

Section 6 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the Commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels whether wholly or partly constructed or interest or interests therein and any lands rights easements franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turn-

pike in the manner hereinbefore provided In such event application shall be made by the Commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such tunnel land rights easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the tunnel lands rights easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the Chairman of the Commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the Commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court may confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after final action on the report by the court the Commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the Commission shall be taken in the name of the Commonwealth The Commonwealth shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in no event pay for the same except from the funds provided by this act and in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the Commonwealth and to the owners of the property to be condemned

In addition to the foregoing powers the Commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purposes of making surveys sounding drillings and examinations as it may deem necessary or convenient for the purposes of this act and such entry shall not be deemed a trespass

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the Commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Commission including real property already devoted to public use

The seventh section of the bill was read as follows:

Section 7 Whenever the Commission decides to acquire any such tunnel or tunnels lands rights easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond in sufficient sum to secure the owner or owners for damages and the same has been accepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the Commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and shall enter thereon in the name of the Commonwealth If the owner lessee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the Commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

On the question,

Will the Senate agree to the sections?

Mr. FREY. Mr. President, I move to amend Section 7, page 11, lines 12 to 21, by striking out the following: S "as herein-" in line 12, all of lines 13 to 20, and "enter thereon in the name of the Commonwealth" in line 21, and in lieu thereof: "it shall have no authority to take actual possession of such property until after the filing of the viewer's report, and then only if the commission (a) has sufficient unobligated funds in its possession to pay for the property so to be taken, injured and destroyed, and (b) has tendered payment to the owner of the amount awarded by the board of viewers, or if the commission is of the opinion that the award is excessive, then has tendered such amount as it deems just and proper, and (c) if the amount tendered is less than the amount awarded by the viewers, has tendered to the property owner a bond in sufficient amount to secure the owner for any amount of damage over and above the tender made by it, or if the acceptance of such bond is refused, then after the same has been filed in and approved by the court in which such condemnation proceeding has been instituted. Any property owner may accept the amount tendered by the commission and the commission may pay such tender without prejudice to his or its right to prosecute an appeal or to file exceptions to the report of viewers, but if the owner shall appeal or file exceptions and the final award shall not be greater than the amount tendered by the commission, then the property owner shall pay all costs of the proceeding, otherwise the same

shall be paid by the commission"; amend section 7, page 11, line 22, by inserting after the word "shall" the following: "S after the right of lawful entry by the commission"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. REED. Mr. President, this bill provides for condemnation of real property, but it does not make clear nor assure the land-owner against property taken, injured or destroyed and in order to provide for that contingency I wish to offer this amendment:

And the question recurring,

Will the Senate agree to the amendment?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections from 8 to 18th inclusive of the bill was read as follows and agreed to.

Section 8 The Commission is hereby authorized to provide by resolution at one time or from time to time of the Chairman of the Commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of the negotiable instruments under the negotiable instruments law of the Commonwealth Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth The bonds may be issued in coupon or in registered form or both as the Commission may determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest The Commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the Chairman of the Commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the Commission may under the restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The Commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 9 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant sinking fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Section 10 In the discretion of the Commission such bonds may be secured by a trust indenture by and between the Commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the Commission in relation to the acquistion of properties and the contractors maintenance operation and repair and insurance of the turnpike and the custody safe-guarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as such depository and to furnish such identifying bonds or to pledge such securities as may be required by the Commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the Commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Section 11 The turnpike when completed and opened to traffic shall be maintained and repaired by the Commission through the Department of Highways of the Commonwealth and all charges and costs actually expended by said Department of Highways shall be paid to it by the Commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police toll-takers and other operating employes as the Commission may in its discretion employe.

The Commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b)

the bonds and the interest thereon as the same shall become due Such tolls shall not be subject to supervision or regulation by any other state commission board bureau or agency The tolls and all other revenues derived from the turn pike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the inssuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 12 When the bonds and the interest thereon shall have been paid or a sufficient amount shall have been provided for their payment and shall continue to be held for that purpose the turnpike and the connecting tunnels and bridges shall become a part of the system of state highways and shall be maintained by the Department of Highways free of tolls and thereupon the Commission shall be dissolved and all funds of the Commission not required for the payment of the bonds and all machinery equipment and other property belonging to the Commission shall be vested in the Department of Highways

Section 13 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the Trustee under the trust indenture if any except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the Commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike.

Section 14 The Commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the Commission in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate born by the turnpike revenue bonds to be refunded.

Section 15 The foregoing sections of this act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 16 The provisions of this act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 17 All acts and parts of acts inconsistent with this act are hereby repealed.

Section 18 This act shall become effective upon its approval by the Governor

The title of the bill was read as follows and agreed to.

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act; providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 727 (House Bill No. 1302), entitled:

An Act to amend sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand forty-one) entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties" by excepting from its provisions in certain cases the need for securing a license.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 763 (House Bill No. 1304), as follows:

An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by the act approved the twenty-eighth day of May one thousand nine hundred and fifteen (Pamphlet Laws 573) is hereby further amended to read as follows

Section 8 Every municipal corporation shall have power to lay out establish or re-establish grades of streets and alleys or parts thereof and to construct bridges piers and abutments therefor and sewers and drains in any street or alley or through or on or over private property Every municipal corporation shall also have power upon the petition of a majority of property owners in interest and number abutting the line of the proposed improvement to be verified by affidavit of one or more parties to said petition (a majority in interest of owners of undivided interests in any piece of property to be deemed and treated as one person for the purposes of petition) to grade pave curb macadamize and otherwise improve any public street or public alley or part thereof within its corporate limits or which may be in whole or in part boundaries thereof And also including the improvement of any street road lane or alley and any sections or parts thereof in length in the space between the curb gutter or actual carriage-way line and the property line either by an original work or improvement thereon or by a change repair renewal or alteration in the said highway space by the spacing and constructing of a footwalk curb parking space or shade-trees or by changing altering renewing replanting pruning or otherwise improving the same in any or all of said particulars On petition viewers shall be appointed as provided in the first section of this act who shall assess the costs and expenses of the sewer or grading paving curbing macadamizing footwalks parking shade-tree planting or changing altering renewing replanting pruning or other improvement of each street or alley or part thereof within its corporate limits upon the property benefited according to benefits if sufficient can be found but if not then the deficiency when finally ascertained shall be paid by the municipal corporation and the proceedings of said viewers and the proceedings on their report shall be as provided in this act for viewers and reports of viewers in cases of property taken injured or destroyed

Upon petition as aforesaid of a majority of property owners in interest and number abutting the line of a proposed temporary improvement or paving the municipal corporation shall have the right to make the same the costs and expenses thereof being assessed against the property benefited in the manner heretofore provided Thereafter the municipal corporation may replace said improvement or paving with a permanent improvement or paving in the manner provided by law with the right to have the costs and expenses thereof assessed against the property benefited in the manner heretofore provided but only if the costs and expenses first assessed shall be allowed as a credit or set-off against the costs and expenses assessed for such subsequent permanent improvement of paving

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 771, on second reading, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations, prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 811, as follows:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any borough heretofore has by ordinance authorized the construction of sewers or a sewer system along certain designated streets alleys lanes roads or avenues and in along or over private property in said borough in accordance with certain designated plans and specifications as described in said ordinance and has provided that certain of the costs and expenses of the construction of said sewers and sewer system shall be assessed against the abutting property owners and has further entered into contracts for the construction of such sewers or sewer system and after the work has been com-

menced it appears desirable to make changes in the location of the sewers by placing said sewers or some of them on streets alleys lanes roads avenues or private property in any such borough other than as designated in any such ordiance or in such plans and specifications or as called for in any contract or contracts heretofore executed by the said borough any such borough upon obtaining the assent of the contractor or contractors to whom or which the contract or contracts for the construction of said sewers or sewer system have been awarded and his its or their sureties bondsmen bonding companies and insurance companies and the assent of the Sanitary Water Board of the Commonwealth of Pennsylvania may by an amending ordinance or ordinances change the location of the sewers and sewer system by eliminating certain of said sewer lines or by adding additional sewer lines or both and the property owners abutting upon the streets alleys lanes roads and avenues in upon or over which the sewers and sewer system are located by the original ordinance as thus amended shall be subject to assessment for the costs and expenses of such sewers and sewer system in the manner and to the extent as provided in any such original ordiance That the cost of the construction of the sewers or sewer system to the borough or to the abutting property owners shall not be increased above the amount or amounts specified in the existing contract or contracts therefor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 840 (House Bill No. 1273), entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof;" making further regulations for the election of justices of the peace in such consolidated boroughs.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 845 (House Bill No. 1685), entitled:

An Act to amend section one thousand fifty-seven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further defining the powers of controllers with respect to accounts of boroughs departments, bureaus and officers; and imposing certain duties in reference thereto on banks, banking institutions and trust companies.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 866 (House Bill No. 1625), entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 894, as follows:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes

Whereas Commissioners for the Commonwealth of Pennsylvania and commissioners for the State of Ohio negotiated a compact or agreement relative to the development use and regulation of Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes and

Whereas Such compact or agreement has been executed in duplicate one for each State on behalf of the Commonwealth of Pennsylvania by and through the Water and Power Resources Board and on behalf of the State of Ohio by and through the Conservation Division which compact or agreement is contained in he following words

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF OHIO RE PYMATUNING LAKE

This Agreement made and concluded between the Commonwealth of Pennsylvania acting by and through its lawfully authorized agency namely the Water and Power Resources Board as party of the first part and the State of Ohio acting by and through its lawfully authorized agency namely its Director of Conservation as party of the second part

Witnesseth

Whereas By act of Assembly of Pennsylvania approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1503) as amended by the acts approved the fifth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 84) the twenty-fourth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 67) and the ninth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 619) the Department of Forests and Waters of Pennsylvania acting through the Water and Power Resources Board was authorized inter alia to complete the work begun and continued under an act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1270) entitled "An act providing for the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir to conserve the waters thereof providing for the taking of land and materials necessary thereto vesting certain powers and duties in the Water Supply Commission and making an appropriation" and did duly complete said work whereby there was created a lake or reservoir now known and hereinafter called Pymatuning Lake extending in part across the boundary line between said States of Ohio and Pennsylvania into the State of Ohio and

Whereas The primary purposes of the project by which said lake was created was to conserve water draining said swamp all of which has its source in Pennsylvania as well as control floods and regulate the flow of water in the Shenango and Beaver Rivers and secondary thereto

permit the water and the land surrounding the same to be used for fishing hunting recreational and park purposes under such terms and conditions as the Water and Power Resources Board might determine in such way or ways as in the opinion if the said board will not materially interfere with the primary purpose in said acts of assembly and hereinbefore specifically referred to and

Whereas In view of the fact that a certain part of the lake extends into the State of Ohio whereby it is necessary and desirable that the use of the lake for the secondary purposes namely hunting fishing and recreational use be uniformly provided for as well as to guard against inconveniences and mischiefs which might hereafter arise from the uncertainty or jurisdiction within and on said lake to the end that the lake may be adequately policed and conflicts of jurisdiction for the arrest and punishment of offenders be avoided

Now Then Therefore In order that law and justice may in all cases be executed and take effect upon said lake from shore to shore in all parts and places thereof where the lake is a boundary between said states the said parties hereto do agree for and in behalf of their respective states in the manner following

1 General Use

It is hereby agreed that the entire Pymatuning Lake or Reservoir subject to the primary use thereof by the Commonwealth of Pennsylvania for regulating the flow of the water in the Shenango and Beaver Rivers as in Paragraph 9 hereinafter more specifically mentioned shall be open for recreational use equally to the citizens of both contracting parties save as restricted as to hunting fishing and boating in this agreement set forth or hereafter mutually agreed upon by both parties but no person shall be permitted to hunt or fish therein or thereon unless the lawful holder of a fishing or hunting license authorizing him or her so to do issued by the proper authorities of Pennsylvania or of Ohio

2 Arrest and Prosecution of Offenders

That each state shall enjoy and exercise a concurrent jurisdiction upon the water (but not upon the dry land) between the shores of said lake including the islands therein with respect to the arrest and prosecution of offenders but in such sort that any boat or vessel fastened to or aground on the shore of either state shall be considered exclusively within the jurisdiction of said state but that all capital and other offenses trespasses or damages committed on or over said lake the judicial investigation and determination thereof shall be exclusively vested in the state wherein the offender or person charged with such offense shall be first apprehended arrested prosecuted or first brought to trial it being the intent of this agreement that an offender may be pursued and arrested anywhere on or over said lake or shores thereof or islands therein regardless of the boundary line by any peace officers or persons of either state authorized to make arrests whether the offenses be committed on or over any part of the lake on the shores or islands therein regardless of the state in which the place where the offense was committed lies

3 Islands

All islands within the lake shall be considered as part of the State of Pennsylvania

4 Pollution of Water

The lake shall forever be protected against pollution of its waters by industrial trade waste individual or municipal sewage from shore or boat and the discharge of any noxious or deleterious substance liquid or solid into the waters of the lake which is or may become inimical or injurious to public health or to animal or aquatic life is hereby expressly forbidden

No sewage may be discharged into the waters of the lake except after complete treatment and then only upon permit first approved by the Health Departments of both states

5 Boats and Vessels

No power or motor boats nor hydroplanes or aquaplanes shall be permitted anywhere on said lake except such police or administration motor boats to the number which shall be mutually agreed upon by the parties hereto Sail boats row boats and canoes shall be permitted provided they first obtain a license from the respective state of which the owner is a resident under such regulations as each party to this agreement may now have or hereafter adopt

6 Fishing

Any person possessing a duly issued fishing license by either state shall be permitted to fish anywhere on the entire lake between the low water marks (except such portion thereof as is closed to fishing by Paragraph 8 hereof or such further portion as may hereafter by regulation be mutually agreed to by the parties hereto) but no fisherman shall be entitled to fish from the shores of the state of which he is a nonresident unless he complies with the non-resident fishing license law of said state

In order to permit the fish to fully propagate and develop no part of the lake shall be open for fishing until the first day of July one thousand nine hundred and thirty-seven and thereafter shall be closed in each year between the tenth day of December and the thirtieth day of June

Until otherwise mutually agreed to by both parties hereto the creel size and season limits for the respective kinds of fish caught shall be such as may hereafter be agreed upon between the two states

7 Reciprocal Hunting Rights

Reciprocal hunting rights are hereby granted to the licensed hunters of each state on the water of that portion of the lake both in Pennsylvania and Ohio over the area bounded on the south by an east and west line crossing the State boundary five-tenth of a mile north of Simons Ohio and on the north by a line drawn between the point at which the Padanaram Road crosses the State boundary and a point formerly known as the Polleck Bridge but such reciprocal hunting rights hereby granted shall extend only to such wild migratory birds as are covered by the Federal Migratory Bird Treaty and Federal Laws adopted thereunder

Hunting in such portions of the lake as are not included in the area above described and designated shall be and remain under the jurisdiction of the Commonwealth of Pennsylvania

No permanent blinds shall be erected anywhere on the lake and shores thereof but this provisions shall not be interpreted as forbidding the use of a boat as a blind temporarily moored to or grounded on the shore of the lake or islands thereof

8 Wild Game and Fish Sanctuaries

A The Game Commission of the State of Pennsylvania having established a wild migratory bird and game sanctuary or refuge in that part of the lake located northwest of the Pennsylvania Railroad Crossing it is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or hunt or otherwise to fish or hunt trespass or enter upon said sanctuary for any purpose whatsoever Anyone so doing shall become amenable to prosecution therefore under the Game Laws of the State of Pennsylvania applicable to game refuges

B The Conservation Division of the Department of Agriculture of the State of Ohio having established a fish sanctuary and game refuge in the following portion of the lake

Being the southerly parts of Lots Numbers 79 and 80 Richmond Township all of Lot Number 41 and all of Lot Number 42 except the westerly 1000 feet thereof in Andover Township Ashtabula County Ohio

Beginning at a point in the west line of Lot Number 79 that is 1523 feet south of the north line of Lot Number 79 also being the center line of Padanaram Road thence southerly along the County Highway along the westerly side of Lot Number 79 1869.5 feet to the north line of Andover Township thence westerly along the northerly line of Andover Township 939.7 feet to the northwest corner of Lot Number 41 thence southerly along the highway that marks the westerly line of Lot Number 42 1000 feet to a point thence of Lot Number 42 thence easterly along the north line of Lot Number 42 1000 feet to a point thence in a southerly direction parallel to and 1000 feet easterly from a westerly line of Lot Number 42 2734 feet more or less to the southerly line of Lot Number 42 thence easterly along the said southerly line of Lot Number 42 5180.4 feet to the Ohio and Pennsylvania State line thence

northerly along the said Ohio and Pennsylvania State Line 7297.6 feet more or less to a point that is 1523 feet southerly from the north line of Lot Number 80 thence in a westerly direction 1523 feet southerly from and parallel to the north lines of Lots Numbers 79 and 80 5260 feet more or less to the place of beginning

It is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or otherwise to fish in hunt trespass or enter upon said sanctuary for any purpose whatsoever Anyone so doing shall become amenable to prosecution therefore under the laws of the State of Ohio applicable thereto

9 Reservation of Pennsylvania's Right to the Body of the Water

It is expressly agreed that nothing herein contained shall operate to deny limit or restrict the right of the Water and Power Resources Board of Pennsylvania or any authority established hereafter by said state to exercise such power to at any time now or hereafter raise or draw off so much of the waters of the lake as in their sole judgment may be necessary to maintain or regulate the flow of the Shenango and Beaver Rivers in furtherance of the primary purpose for which said lake was established and said Water and Power Resources Board shall without let or hindrance have the full right irrespective of other considerations to release so much of the water as they may deem proper to maintain the flow of the Shenango and Beaver Rivers irrespective of its effect on the level of the lake or use thereof for other purposes

In witness whereof The parties hereto have hereunto set their respective hands and seals by for and under the authority of their respective states this 28th day of October 1936

Commonwealth of Pennsylvania
by and through
Water and Power Resources Board

Witness

By J F BOGARDUS
Chairman

CHAS E RYDER

State of Ohio
by and through
Conservation Division
By L WOODDELL
Commissioner

R P JOHNSTON

Approved as to form and manner of execution

GROVER C LADNER
GROVER C LADNER
Deputy Attorney General
Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

THAT THE AFORESAID compact or agreement and every article matter and thing therein is hereby ratified and approved and shall be and hereafter remain in force agreeably to the true tenor and intent thereof

Section 2 This act shall become effective immediately upon its signing by the Governor and the passage by the State of Ohio of a substantially similar act ratifying the compact or agreement herein set forth and the passage of an act of Congress of the United States of America consenting thereto

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The Senate proceeded to the second reading and consideration of Senate Bill No. 902 (House Bill No. 2067, entitled:

An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. PYTKO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO from the Committee on State Government reported as amended, Senate Bill No. 961 (House Bill No. 108), entitled:

An Act cerating a court of record for the County of Philadelphia to be known as the Family Court, conferring, defining, prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein, providing for the appointment, election and salaries of the judges of said court and for the appointment of the officers, clerks and employes thereof, providing for the costs and expenses thereof, providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court, the municipal court of Philadelphia and other courts and for the transfer of certain actions pending in said courts and repealing existing laws.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. CAVALCANTE from the Committee on Game and Fisheries re-reported amended, Senate Bill No. 720 (House Bill No. 1130) entitled:

An Act to amend sections fifty and seventy-two as amended, subsection (b) of section one hundred ninety-one, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May, one thousand nine hundred and twenty-five, (Pamphlet Laws four hundred forty-eight) entitled, "An act relating to fish and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking or fish, changing certain penalties and providing new penalties, requiring certain persons to possess fishing licenses, providing for and regulating the revocation of fishing licenses, providing for the payment over old fines collected and the return of fines erroneously collected, vesting certain additional powers in the Board of Fish Commissioners, eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes.

Mr. OWLETT. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT from the Committee on Labor and Industry reported as committed, Senate Bill No. 895, entitled:

An act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings, monuments and bridges.

Mr. RANKIN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN from the Committee on Elections re-reported as amended, Senate Bill No. 762, (House Bill No. 1156, entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors, requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties.

COMMITTEE RELATIVE TO THE CONVERSION OF PENNSYLVANIA STATE COLLEGE INTO A STATE UNIVERSITY.

The PRESIDENT. Pursuant to a resolution adopted by the Senate this evening presented by the Senator from Fayette, Mr. Cavalcante, in re: Pennsylvania State College, the President announces the appointment of the Senator from Fayette, Mr. Cavalcante, the Senator from Centre, Mr. Thompson, and the Senator from Bucks, Mr. Buckman.

MOTION TO READ BILLS THE FIRST TIME

Mr. HUFFMAN. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 740, entitled:

An Act to re-enact and amend the act approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21) entitled, "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing method for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 809, entitled:

An Act to amend section three of Article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 895, entitled:

An Act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings, monuments and bridges.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 961, (House Bill No. 108), entitled:

An Act creating a court of record for the County of Philadelphia to be known as the Family Court, conferring, defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein, providing for the appointment, election and salaries of the judges of said court and for the appointment of the officers, clerks and employes thereof, providing for the costs and expenses thereof, providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court, the municipal court of Philadelphia and other courts and for the transfer of certain actions pending in said courts and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGES

SENATE BILL No. 586.

RETURNED WITH AMENDMENTS.

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 586, entitled:

An Act providing for the appointment and filing of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 587

RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 587, entitled:

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act, approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 123), entitled "An Act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon the respective counties

in the matter of salaries, costs, and expenses thereof." by providing for the appointment of boards of view from the board of revision of taxes, and abolishing the board of viewers in counties of the first class.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 588.
RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 588, entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by abolishing the department of receiver of taxes; and transferring its powers and duties to the department of city treasurer, and abolishing the office of receiver of taxes.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

Amendment to House Bill No. 1128.
RECALLED FROM THE GOVERNOR.

He also, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1128, entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL No. 1183.
RECALLED FROM THE GOVERNOR.

He also presented for concurrence bill of the House of Representatives, as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstrution resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

SENATE BILL No. 590.
RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 590, entitled:

An Act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes and its agents and employes; and repealing general, local and special laws.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Constitutional Changes will meet on Tuesday, April 20th, at 3 p. m. in Room 265.

The Welfare Committee will meet tomorrow (Tuesday) in Room 200 immediately upon adjournment.

The Committee on Education will meet on Tuesday, the 20th, at 3:30 p. m. in Room 402.

The Committee on Public Health will meet on Wednesday the 21st, at 10:30 a. m. in Room 402.

The Mines and Mining Committee will meet on Wednesday the 21st, at 11 a. m. in Room 302.

The Committee on State Government scheduled for a meeting at 10 a. m. Tuesday is cancelled.

The Committee on Welfare will meet on Tuesday, April 20th, at 10 a. m., instead of after adjournment.

ADJOURNMENT

Mr. HUFFMAN. Mr. President, I move that the Senate do now adjourn until 12 o'clock noon tomorrow.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m., until 12 o'clock noon Tuesday, April 20, 1937.

HOUSE OF REPRESENTATIVES

MONDAY, April 19, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our heavenly Father, we invoke Thy divine blessing upon our Nation; upon our Commonwealth; upon The President of our nation; upon The Governor of our State; upon The Speaker of The House; upon all members of The Assembly; upon all employes and upon all guests present. Thy benediction is a constant encouragement so oft are we cast down by words, not of benediction but malediction. The swank fragrance of just a few flowers enriches and quickens tired souls of the living more than banks of flowers on tomb stones. Holy Spirit, heavenly dove, may we feel Thy electrifying presence here tonight. In Christ's name. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, April 14, 1937.

The Clerk proceeded to read the Journal of Wednesday, April 14, 1937, when, on motion of Mr. SCHROCK the further reading was dispensed with and the Journal approved.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 716, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2070, entitled:

An Act to repeal the act approved the twenty-ninth day of April, one thousand nine hundred and twenty-nine, (P. L. 851), entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 978, entitled:

An Act creating the "Valley Forge Peace Memorial Fund" in the State Treasury for the receipt of contributions by this and other states and the Federal Government, for the purpose of providing, erecting and dedicating on the Valley Forge Camping Ground of an Eternal Light Peace Memorial; appropriating the moneys in said fund to the Valley Forge Park Commission; and making an appropriation into said fund.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 589, entitled:

An Act providing for the appointment, promotion, compensation, tenure, rights and privileges of employes of the Pennsylvania Liquor Control Board; conferring powers and imposing duties on the Pennsylvania Civil Service Commission and the Pennsylvania Liquor Control Board; and establishing boards of arbitration, and defining their powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1639, entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institution and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1800, entitled:

An Act to provide for the better protection of life and property by the examination and licensure by the Department of Public Instruction of engineers having charge of stationary steam of mercury boilers, engines, turbines, refrigerating machinery and such power hoisting and portable machinery, irrespective of the motive power, as shall be used in all construction work; designating the requirements necessary to secure the licensure; providing for the collection of fees; making it a misdemeanor to operate or cause to be operated such apparatus without licensure; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1769, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissions refistrars inspectors of regisration and other appontees of registration commissions county election boards election offcers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissionsers peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1642, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal departments and bureaus police officers courts judges prothonotaries sheriffs county com-

missioners peace officers county treasurers county controllers of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 10, entitled:

An Act to amend clause (a) of section seven hundred and seven of the act approved the first day of May one thousand nine hundred and twenyt-nine (P. L. 1005) entitled "An act relating to and regulating tractors and trailers and their operation providing for their registration and the licensing of certain operators by the Department of Revenue upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates alderman justices of the peace the courts and the clerks thereof owners of tractors and trailors providing that records are admissable as evidence imposing upon owners counties cities boroughs incorporated towns and townships within the Commonwealth liability for damages caused by the negligent operation of tractors and trailers imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and mscellaneous receipts making an appropriation and providing for refunds" by providing for the payment of fifty per centum of certain fines penalties and bail forfeited to counties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1521, entitled:

An Act to amend section two thousand one hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by fixing the minimum salaries or compensation for paid firemen and paid employes of the fire department in such cities

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities.

The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1158, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the qualifications of recipient of teachers' ceriificates providing for lapsing of permanent certificates and requiring additional health certificates

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Education.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 621, entitled:

An Act relating to the business of painting paperhanging and decorating defining regulating and providing for the licensing of contractors engaged in such business and for the revocation of such licenses subject to appeal and creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SHUGARTS. Mr. Speaker, I move that this bill be recommitted to the Committee on State Boards for the purpose of a public hearing.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2157, (Senate Bill No. 638), entitled:

An Act to further amend section four of the act, approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws four hundred ninety-eight) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2125, (Senate Bill No. 64), entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WOODSIDE. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Dauphin, Mr. Woodside.

The SPEAKER. Will the gentleman from Dauphin permit himself to be interrogated?

Mr. WOODSIDE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to inquire of the gentleman from Dauphin the nature of the amendments that are contemplated to be added to this bill.

Mr. WOODSIDE. Mr. Speaker, in answer to the gentleman from York, Mr. Cohen, I might say that I did not say that the bill would necessarily be amended; I said possible amendments. There is this situation existing relative to the courts of Dauphin county: in addition to the usual work in the county, the courts of Dauphin County also attend to considerable Commonwealth business, and there is also the question as to what rights the Orphans' Court, if established, shall have and what work the judge shall do. There are a number of questions that are concerned in this general proposition, and that is one of the reasons why I moved that it be recommitted to the Committee on Judiciary General.

QUESTION OF INFORMATION

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. HERBERT B. COHEN. Mr. Speaker, has the bill passed first reading?

The SPEAKER. The bill has passed first reading.

Mr. HERBERT B. COHEN. Mr. Speaker, I offer no objection to the motion to recommit.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2152, (Senate Bill No. 558), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public schol system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1459, entitled:

An Act relating to employers and employes prohibiting the requirement of certain payments for medical services or insurance by employes as a condition to employment or continuance in employment and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 958, entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2162, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 608, entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2153, (Senate Bill No. 559), entitled:

An Act to amend Article ten of the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general special or local, or any parts thereof, that are so may inconsistent therewith," by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed, and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

STATEMENT BY MR. JIROLANIO.

Mr. JIROLANIO asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, on November 3, 1936 the citizens of the Commonwealth of Pennsylvania saw fit to elect to the office of Auditor General one of the greatest Senators that this State has ever had, and I am very, happy to say that the gentleman came from my county, the County of Northampton. The gentleman of whom I speak is none other than your friend and my friend, Senator Warren R. Roberts.

It has been the policy of the Democratic Party from its very inception to always adhere to a program of economy, and, lo and behold, last week I was amazed to read in the newspapers that a special writ had been issued in order that Northampton County may hold a special election to fill the place which will become vacant on May 4 when Senator Warren R. Roberts shall become Auditor General of this Commonwealth. The cost of this election will be between fourteen and sixteen thousand dollars, which will have to be borne by the citizens of Northampton County, and this amount is coming at a time when the people of my county are suffering from over-taxation, when the budget of Northampton County has already been made up and when the people of Northampton County have been saddled with taxes for the past five or six years. I do not think it is fair that the people of Northampton County should be forced to assume the additional burden of an amount between fourteen and sixteen thousand dollars, at a time when there are people in my county suffering from lack of work and suffering from lack of nourishment, and even children crying for milk. Being asked to hold a special election, and even if the special election should be held, if it runs true to form like all other elections in the State of Pennsylvania, not more than thirty per cent of the citizens entitled to vote will exercise their franchise, and thirty percent of the registered voters is not the voice of the entire county. I say to you that even if a special election were held and that only thirty percent of the voters were to exercise their franchise, that would not be a true representation of the electorate of Northampton County.

I do not think it is fair that the county commissioners after they spend a long period of time in making up a budget should be confronted with this situation of an additional expenditure of fourteen to sixteen thousand dollars, when our county has within the past five years been forced to raise its tax rate from seven mills to fourteen mills, and if this special election is called it will mean that a special assessment will have to be gotten somewhere in order to pay for the special election. I do not believe it is fair to my people, I do not believe it is fair to the people of this Commonwealth, that this county should be called upon to suffer such a great expenditure of money for a cause as simple as this. It is also an affront to that great man who has seen fit to serve the Commonwealth of Pennsylvania for the past twelve years in the office of Senator. When he was elected to that office he made a statement that because he had the taxpayers' interest at heart he did not believe it was necessary to hold a special election, and for that reason he would continue in office as long as it was humanly possible. Now comes this special writ or special call, issued by the Senate of the State of Pennsylvania, directed to the Sheriff of Northampton County to the effect that notice be given that a special election will be held. I say to you members that in due fairness and in keeping with the platform which the Democratic party has endorsed, and in due fairness to all the people of the State, especially the people of Northampton County, who will be called upon to pay the expense, that no special election be held. Although the Constitution may say that the President Pro Tem shall order a writ to be served, there is also something in the law, which would have the effect of permitting the Democratic party and the Senate of the State of Pennsylvania to carry out their mandate, and at the same time give the people of Northampton County what is justly due to them. And they can do that in this fashion, by recalling the writ, which has been issued upon the Sheriff of my county, in order that the people of my county will not suffer additional burden to the extent of between fourteen and sixteen thousand dollars. I thank you.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 500, entitled:

An Act relating to local taxation establishing a system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of county borough town township school and poor taxes with certain exceptions through the county treasurers as county tax collectors and city tax collectors in cities of the second class A and third class defining the rights powers and duties of the collectors of county borough town township school and poor district taxes in certain counties defining the rights powers and duties of such taxing units regulating the date of making and certifying of tax levies abolishing the office of county borough town township school and poor district tax collectors except county treasurers and certain tax collectors in cities upon the expiration of existing terms and in cases of vacancies imposing certain duties upon the Department of Internal Affairs defining certain criminal offenses imposing penalties and creating liens and repealing existing laws

The first to the third sections inclusive were separately read and agreed to as follows:

Section 1 Short Title This act shall be known and cited as "The County Tax Collection Law"

Section 2 Definitions A The phrase "city tax collector" as used in this act shall be construed to mean the person who in each city of the second class A and third class is the legally constituted collector of the taxes within the scope of this act levied within each such city

B The term "corporate authorities" as used in this act shall be construed to mean (a) the county commissioners of any county (b) the burgess or council or both of any borough or town (c) the board of township commissioners of any township of the first class (d) the board of township supervisors of any township of the second class (e) the board of school directors of any school district and (f) the managers directors or overseers of any poor district

C The phrase "county tax collector" as used in this act shall be construed to mean the person herein designated in each county of the second third fourth fifth sixth seventh and eighth classes as the collector of the taxes within the scope of this act levied within each such county except county and school taxes in cities of the second class A and third class and poor taxes in such cities levied on the county assessment and valuation

D The phrase "salary board" as used in this act shall

be construed to mean a salary board constituted by any law existing on the effective date of this act or enacted at any time in the future for counties which are taxing units within the provisions of this act Where any such county does not have such a board the county commissioners and the county treasurer shall constitute the "salary board"

E The phrase "taxing unit" as used in this act shall be construed to mean a county of the second third fourth fifth sixth seventh or eighth class or a borough town township school or poor district located wholly or partly within any such county except (a) school districts of the first class and (b) poor districts which levy their taxes only in cities on city assessments and valuations

F The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 3 Saving Clause A The provisions of this act in so far as they are the same as those of existing acts shall be construed as a continuation of such acts and not as new enactments The repeal or superseding by this act of any existing act or any part thereof shall not be construed to revive any act or part of any act heretofore repealed or superseded

B Except as otherwise specifically provided in this act the provisions of this act shall not affect any act done any liability duty or obligation incurred or any right accrued or vested prior to the effective date of this act nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any act repealed or superseded by this act

C All resolutions regulations and rules made pursuant to any act repealed or superseded by this act shall unless inconsistent with any provisions of this act continue with the same force as if such act had not been repealed or superseded

The fourth section was read as follows:

Section 4 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 4, page 4, line 27 by inserting at the end of the line after the word "herein" the following: "In the event that the provisions of subsection B of section seven of this act are held unconstitutional it is hereby declared that it is the legislative intent that the remaining provisions of this act are to become effective in each county subject to the provisions of this act as if the provisions of subsection B of section seven had not been included herein.

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fifth and sixth sections were separately read and agreed to as follows:

Section 5 Construction of References and Section Headings A Any reference in this act to any act by title or otherwise shall be construed to apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted

B Any reference in this act to the provisions of law on any subject shall apply to statutes and decisions becoming effective after the effective date of this act as well as to those then in existence

C Section headings shall not be construed to effect in any manner the scope or meaning of any portion of this act.

Section 6 Jurisdiction of Courts Except where otherwise specifically provided the provisions of this act shall not be deemed to curtail in any manner whatsoever the equity jurisdiction and powers of the courts of this Commonwealth

The seventh section was read as follows:

Section 7 Scope of Act A This act shall be construed to apply to the collection of all county borough town township school and poor taxes in counties of the second third fourth fifth sixth seventh and eighth classes except (a) school taxes in school districts of the first class and (b) poor taxes levied only in cities on the city assessment and valuation

B This act shall not be construed to apply to the collection of (a) city taxes nor (b) any taxes levied on unseated lands which shall continue to be collected as now provided by law

C Nothing contained in this act shall be construed as repealing or changing the existing laws providing for the return of seated real estate to the county commissioners for the collection of delinquent taxes nor the laws relating to the filing and collection of tax claims in and through the office of the prothonotary except that for taxes which are within the scope of this act the making of the returns to the county commissioners and the certifying of the taxes to the proper corporate authorities for entry of liens in the office of the prothonotary shall hereafter be performed only by the persons who are under the provisions of this act the collectors of such taxes and except also that interest shall only accrue and be collected on such deliquent taxes in accordance with the provisions of this act and not otherwise

On the question.

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 7, page 5, line 14 by inserting after the figure "7" and before the word "Scope" the following: "Referendum

Amend section 7, page 5, line 14 by striking out at the end of the line after the word "shall" the following: "[be con-]"

Amend section 7, page 5, line 15 by striking out at the beginning of the line before the word "apply" the following: "[strued to]"

Amend section 7, page 5, line 16 by inserting after the word "in" and before the word "counties" the following: "such"

Amend section 7, page 5, line 17 by inserting at the end of the line after the word "classes" the following: "as shall accept this act in the manner provided in subsection B of this section

Amend section 7, page 5, line 20, by inserting at the end of the line the following:

"Provided, That in the event the provisions of subsection B of this section are held unconstitutional, this act shall apply to the collection of all county, borough, town, township, school and borough taxes in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes, except (a) school taxes in school districts of the first class and (b) poor taxes levied only in cities on the city assessment and valuation.

B. At the municipal election in the year one thousand

nine hundred thirty-seven there shall be submitted to the electors of each county, except a county of the first class, a question to determine the will of the electors of such county with respect to the acceptance of this act and the collection of county, borough, town, township, school and poor taxes under the centralized system of collection established by this act. Such question shall be in the following form:

Do you favor the abolition of the present system of collecting local taxes and the acceptance of Act No. approved 1937 which establishes a centralized county system for the collection of all local taxes (with certain exceptions) through the office of the county treasurer?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used, to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other election returns. The return board shall compute the vote for the entire county and certify the results thereof to the county commissioners, the county treasurer and to the corporate authorities of each political subdivision within the county.

Such election shall be governed by the election laws of the Commonwealth, and all penalties provided by such laws shall apply to such election.

If a majority of the electors voting on such question in any county shall vote "no" on the question submitted, then this act shall not apply to such county and the existing laws for the collection of such taxes shall be continued in force in such county and its various political subdivisions; but if a majority of the electors voting on such question shall vote "yes" then the existing laws, so far as the same are inconsistent with the provisions of this act, shall be repealed when this act shall come into full force and effect in such county.

In any county where the provisions of this act are not in effect by reason of the negative vote of the electors of the county, the question as to whether the provisions of this act shall apply to such county may be resubmitted from time to time in the manner aforesaid to the electors thereof at any election occurring at least two years prior to the election at which tax collectors are elected for the boroughs and townships in such county upon petition of electors equal to at least ten per centum of the highest vote cast for any office in the preceding municipal or general election held in such county.

Amend section 7, page 5, line 21 by striking out at the beginning of the line the following: "[B]" and inserting in lieu thereof the following: "C".

Amend section 7, page 5, line 25 by striking out at the beginning of the line the following: "[C]" and inserting in lieu thereof the following: "D".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed.

The eighth section was read as follows:

Section 8 Tax Collections Before and After Vacancies or Expiration of Terms of Present Collectors A The tax collectors of each taxing unit who are in office on the effective date of this act shall continue in office as provided by law immediately prior to such effective date until the end of their respective terms and shall continue to perform the duties possess the powers receive the emoluments of office and be subject to the liabilities and penalties provided by such law Duplicates of taxes shall as long as such collectors are in office be delivered to them and taxes collected by them in the manner provided by such law

B When any vacancy shall occur in the office of the collector of any of the taxes within the scope of this act whether it be due to death resignation removal expiration of the term of office failure to comply with the law or any other reason whatsoever the particular office or collector of such taxes in which the vacancy occurs shall be abolished and shall not be filled except that where a county treasurer or a city tax collector is the collector of any such taxes his office shall not be abolished but after the effective date of this act his collection of all such taxes shall be made as herein provided and not otherwise All such taxes charged in duplicates which were delivered prior to the vacancy to any tax collector whose office has thus been abolished shall after the vacancy be collected in the manner and by the persons as provided by law immediately prior to the effective date of this act All duplicates issued after any such office has been abolished shall be delivered to the county tax collector or city tax collector as herein provided and the taxes therein set forth collected by him

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 8, page 6, line 15 by striking out at the beginning of the line the word: "[effective]"

Amend section 8, page 6, line 15 by striking out after the word "date" and before the word "this" the word: "[of]"

Amend section 8, page 6, line 15 by inserting after the word "act" and before the world "shall" the following: "becomes effective in its entirety in such taxing unit

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The ninth to the seventeenth sections inclusive were separately read and agreed to as follows:

Section 9 County Treasurer Designated as County Tax Collector Bond A The county treasurer of each county shall as the offices of the collectors of the taxes within the scope of this act are abolished as herein provided become the collector of all of such taxes levied and assessed within the county except county and school taxes levied in cities of the second class A and third class and poor taxes in said cities levied on the county assessment and valuation He shall have and exercise except as herein specifically otherwise provided all of the powers vested by law in the collectors of such taxes immediately prior to the effective date of this act

B Before entering upon his term of office and yearly thereafter before receiving his tax duplicate and warrants each such county tax collector shall give a fidelity bond

to the Commonwealth in an amount to be fixed by the county commissioners and with surety corporate or personal to be approved by the court of quarter sessions Each such bond shall contain a warrant of attorney to confess judgment thereon and shall be conditioned that the tax collector shall well and truly perform his duties and account for and pay over all moneys received by him and account for all uncollected tax items contained in the duplicates delivered to him by showing (a) that they have been certified to the proper corporate authorities for entry as liens in the office of the prothonotary or (b) that the property against which they were levied has been returned to the county commissioners or (c) that in the case of occupation poll and per capita taxes they have been included in a record of uncollected items which the collector has delivered to the proper corporate authorities with an affidavit that he has made a diligent effort to collect such taxes or (d) that they are items for which the collector has been exonerated as herein provided or (e) that they are held in the custody of a court pending a decision on an appeal from the assessed valuation of taxable property In each county where there is a county controller such bonds shall be deposited with that officer In each other county such bonds shall be deposited with the county commissioners

Section 10 Levy of Taxes Certification Warrants The corporate authorities of each taxing unit shall annually not later than the fifteenth day of May of each year make their respective levies of taxes which are to be collected under the provisions of this act including poll and per capita taxes if any and certify such levies except school taxes levied in cities of the second class A and third class to the board for the assessment and revision of taxes or county commissioners as the case may be together with the warrants of such taxing units directed to the county or city tax collector as the case may be authorizing the collection of the taxes levied and assessed in the respective taxing units as will appear upon the duplicates to be furnished to the collectors

Section 11 Duplicates Contents A Not later than the first day of July following the date on which the system for the collection of taxes as herein provided shall go into full and complete effect and annually thereafter not later than such date the board for the assessment and revision of taxes or the county commissioners as the case may be shall prepare a consolidated duplicate for each city borough town and township for all of the taxes within the scope of this act which are to be collected in each such political subdivision except school taxes in cities of the second class A and third class and shall deliver such duplicates not later than such dates to the county or city tax collector as the case may be by whom the taxes are to be collected as provided in this act The consolidated duplicate for each such political subdivision shall show substantially (a) the name and last known address of each taxable (b) the name of each taxing unit whose taxes are included in the duplicate (c) the rates of taxation of each such taxing unit (d) the location and valuation of each parcel of real estate of such taxable and the amount of the tax levied against each such parcel (e) the valuation of the personal property taxable for county purposes and the amount of the tax levied on such property (f) where occupation taxes are levied the valuation of the occupation of each taxable and the amount of the occupation tax (g) the amount of any poll or per capita tax levied by any such taxing unit and (h) the full amount of the taxes which each taxable owes to each such taxing unit Such boards or county commissioners as the case may be shall attach to the duplicates the warrants issued by the corporate authorities of each taxing unit whose taxes are contained in the respective duplicates authorizing the county or city tax collector to collect all taxes levied within the respective taxing units and shall furnish at the same time to each such taxing unit a copy of the portion of each consolidated duplicate pertaining to that taxing unit The duplicates for the taxes of school districts levied in cities of the second class A or third class shall be prepared and delivered as provided by law immediately prior to the effective date of this act

B It shall be the duty of the Department of Internal Affairs immediately after the effective date of this act to prepare a model form of duplicate arranged substantially in accordance with the requirement of this section

Section 12 Duplicates Public Records Form A All such tax duplicates shall be public records duly authenticated copies thereof shall be evidence equally and in like manner as the originals

B All such duplicates shall be preserved in the office of the county tax collector at the county seat or in the office of the city tax collector

Section 13 Preparation of Duplicates for Independent School Districts and Certain Poor Districts In the case of any independent school district or a poor district embracing territory in more than one city borough town or township or any of them the duplicate shall be prepared for each such political subdivision as hereinbefore provided but shall set forth specifically opposite the name of each taxable the school district or poor district to which the taxes charged in the duplicate are payable

Section 14 Tax Bills A At the time of the preparation of the duplicates as herein provided the board for the assessment and revision of taxes or county commissioners as the case may be shall prepare a tax bill for each taxable whose name appears on such duplicates Each such tax bill shall contain all of the information which the duplicate contains relating to the taxable and also (a) if an installment system for tax payments has been established a statement as to when each installment of the taxes becomes due and delinquent and the additional percentage which will be added to each installment as a penalty (b) if no installment system of tax payment has been established and as to those taxes not paid on the installment plan a statement of the discount and time before which the same may be secured the period during which taxes are payable at face and the date when the penalty will be added stating the same and (c) the places where such taxes are payable

B The county comissioners or board for the assessment and revision of taxes as the case may be shall deliver the tax bills to the county and city tax collector as the case may be along with the duplicates as herein provided Each such tax collector shall within one week after receiving such tax bills mail them to the last known addresses of the taxables as set forth in the tax bills Failure of a tax collector to mail the tax bills or of a taxable to receive a bill shall not however relieve the taxable of the obligation of the tax

C The Department of Internal Affairs immediately after the effective date of this act shall prepare a model form of such a tax bill and of a tax receipt The tax bill may be used for receipt purposes where a stub or duplicate showing substantially the same information is attached thereto which stub or duplicate may be detached from the bill for record purposes

Section 15 Appointment of County Tax Collector in Certain Cases Where any county tax collector is unable to furnish a proper bond within the time fixed by this act or fails to settle finally all duplicates in his hands for any year in accordance with this act a vacancy in the office of county tax collector shall exist Upon the occurrence of any vacancy in the office of county tax collector whether if be due to death resignation removal failure to furnish a bond failure to comply with the law or any other reason whatsoever the county commissioners shall immediately appoint a citizen of the county as county tax collector who shall hold office until a new county treasurer is duly elected and qualified The county tax collector so appointed shall furnish bond in like manner and shall have all the rights powers privileges and emoluments conferred upon and be subject to all the liabilities and penalties of the county tax collector as provided by this act and by the laws of this Commonwealth Each such appointed tax collector shall receive in addition to the compensation herein fixed for the county tax collector such further compensation as the salary board shall fix Any

further vacancy occurring in such office after any such appointment shall be filled in like manner

Section 16 Salary of County Tax Collector A When the system for the collection of taxes as herein provided shall be in full and complete effect each county tax collector in addition to any compensation which he may receive for acting as county treasurer shall receive an annual salary of four thousand dollars ($4,000) in counties of the second class three thousand dollars ($3,000) in counties of third class two thousand dollars ($2,000) in counties of the fourth class fifteen hundred dollars ($1500) in counties of the fifth class one thousand dollars ($1000) in counties of the sixth class seven hundred fifty dollars ($750) in counties of the seventh class and five hundred dollars ($500) in counties of the eighth class

B Until such time as the system for the collection of taxes as herein provided shall be in full and complete effect each county tax collector shall receive for the duplicates placed in his hands such compensation as shall be fixed by the salary board

Section 17 Appointment of Deputy and Clerks Salaries A The county tax collector shall have power execpt as herein otherwise provided with the consent of the salary board to appoint one deputy tax collector and such clerks as the collector and salary board deem necessary to effectuate the provisions of this act The number of such clerks shall not however at any time be more than one for each ten thousand or fraction thereof of taxables whose taxes are to be collected by such collector during the then current year The salary of such deputy and clerks shall be fixed by the salary board

B To assist the county tax collector in the collection of taxes the county commissioners with the consent of the board for the assessment and revision of taxes in counties where such boards exist may assign to the county tax collector any of the subordinate assessors or clerks of such board when their services are not required by it but such asssessors and clerks shall not receive any additional compensation for such service

The eighteenth section was read as follows:

Section 18 Division of Cost of Tax Collection The county commissioners shall keep an accurate account of the cost of the collection of taxes which are collected by the county tax collector as herein provided including all moneys expended for books bonds supplies stamps auditis salary of the county tax collector and other salaries clerical hire preparation of duplicates preparation and mailing of tax bills transmittal of funds and records to the county tax collector advertising and any other expenses One half of such cost shall be paid by the county The remaining one half of such cost shall be paid by the other taxing units whose taxes are collected by the county tax collector in the proportion that the amount of the taxes certified to him for collection for the particular taxing unit bears to the total amount of taxes certified to him for collection for all of such other taxing units All such cost shall be paid in the first instance by the county The county commissioners shall once in each year certify to each other taxing unit the amount of its share of the cost and request payment thereof If any such taxing unit shall neglect to pay its proportion of such cost within ninety days after notice to do so the same shall upon certification by the county commissioners be deducted from the funds then or thereafter in the hands of the county tax collector belonging to such taxing unit and the county tax collector shall thereupon pay any such amount into the county treasury The receipt of the county commissioners for any such amount paid into the county treasury shall exonerate the county tax collector from the payment of such amount to such taxing unit

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The Speaker. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 18, page 15, line 11 by striking out after he word "hire" and before the word "mailing" the following: "preparation of duplicates preparation and"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The nineteenth to the twenty-sixth sections inclusive were separately read and agreed to as follows:

Section 19 County Tax Collector's Responsibility for Collections Life of Warrants Surrender of Duplicates to Successor

A The county commissioners shall charge to the county tax collector the whole amount of the taxes in the duplicates to be collected by him as herein provided Each county tax collector shall be responsible for the collection of all taxes charged in the duplicates delivered to him during his term of office except as herein otherwise specifically provided

B The warrants attached to the duplicates shall be effective for the collection of taxes for a period of two years Upon the expiration of the term of office of a county tax collector or in case of a vacancy in the office for any cause whatsoever as herein provided all unsatisfied duplicates shall be delivered to the successor in office who shall continue and be responsible for the collection of the unpaid taxes charged in such duplicates in the manner provided by this act The executors or administrators of any deceased county tax collector shall not have power to enforce the collection of any unpaid taxes

Section 20 Lien of Taxes All taxes within the scope of this act levied upon real property and the penalties and interest thereon shall be a first lien upon such property from the time they become due Each such lien shall continue and remain a valid lien in accordance with the law relating to tax liens immediately prior to the effective date of this act

Section 21 Banks Authorized to Receive Taxes Each county tax collector shall have authority to designate any bank savings bank bank and trust company trust company or national banking association located within the county as a deputy county tax collector for the sole purpose however of receiving and receipting for taxes paid to it at its place of business The county tax collector shall not be held responsible for losses occasioned by the failure of any such institution for moneys received by it as such deputy unless he had knowledge of the unsound condition of the institution when he appointed it his deputy Each such institution acting as a deputy county tax collector shall within five days after the last day of each calendar month transmit to the county tax collector all moneys received by it as such deputy during such preceding month In addition to such monthly payments any such institution may from time to time transmit to the county tax collector moneys received by it as such deputy moneys thus transmitted need not be included in the monthly payments Each such payment shall be accompanied by an itemized statement showing what taxes have been paid the dates when paid and by whom they have been paid Such an institution shall not be allowed any compensation or commission for acting as such deputy other than expenses actually incurred in transmitting moneys and records of payments to the county tax collector

Section 22 Attendance of Collectors in Certain Districts Notice The County tax collector his deputy or one of his clerks shall at least two days prior to the time when a penalty will be attached to any taxes or installment of taxes sit to receive payment of taxes in each political subdivision where a bank savings bank bank and trust company or national banking association is not serving as a deputy county tax collector Public

notice of the time and place of attendance of such collector his deputy or clerk shall be given by him at least two days prior to such attendance by an advertisement inserted one time in one newspaper of general circulation as defined by the Newspaper Advertising Act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) its supplements and amendments published in each such political subdivision In lieu of such advertisement in particular political subdivisions the county tax collector may advertise a list of the times and places when and where he his deputy or clerk will sit in the several political subdivisions of the county in that event such list shall be inserted two times in three newspapers of general circulation as above defined published in said county if so many are there published if there be only two such newspapers the list shall be inserted in those two newspapers if there be only one such newspaper the list shall be inserted in it if there is not any such newspaper the notice shall be inserted in the newspaper of general circulation as above defined published nearest to the county seat of such county The county commissioners may also print on the tax bills the dates when the tax collector his deputy or clerk will sit in the taxable's political subdivision

Section 23 Collecting Taxes Entry of Receipts Depositories A Upon receipt of the duplicates and warrants as herein provided each county and city tax collector shall proceed forthwith to collect the taxes charged in such duplicates Upon receipt of any taxes each such tax collector his deputy or clerk shall issue a receipt for the amount collected If a tax payable to a county tax collector is paid at any place other than his office at the county seat the person or institution receiving the tax shall immediately forward a duplicate of such receipt or the stub attached to the tax bill to the county tax collector who shall enter upon the proper duplicate in his possession a record of the payment

B Each county and city tax collector shall designate one or more banks savings banks bank and trust companies trust companies or national bank associations located within the city or county as a depository or depositories of all taxes collected or received by him Such tax collectors shall not deposit any tax moneys in any such banking institution which is not a properly designated depository Before depositing any tax moneys in any such depository each such tax collector shall secure from such depository a bond or bonds to secure payment of the deposits of such tax moneys secured by a surety company authorized to transact business within the Commonwealth or in lieu of such surety bond or bonds the deposit of tax funds may be secured by the deposit with any bank or trust company within the Commonwealth other than the depository which may be agreed upon of bonds or other interest bearing obligations of the United States of the Commonwealth or of bonds of any city borough township or school district of the Commonwealth the total amount of such bonds or obligations thus deposited measured by their actual market value shall be equal at all times to one hundred twenty per centum of the amount of the deposits All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer and in the event of the failure of the depository to pay the full amount of such deposits such bonds and obligations and the proceeds of the sale thereof shall belong to the tax collector until he shall receive from the depository the full amount of the deposits made by him Provided That any such tax moneys may be insured with the Federal Deposit Insurance Corporation or any other corporation hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name and when so insured the tax collector shall not require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured A tax collector shall not be responsible for the loss of tax moneys caused by the failure of any such depository which has complied with the requirements of this section unless he had knowledge of the unsound condition of the depository when he designated it as such

Section 24 Payment of Taxes Discounts Penalty on Delinquent Taxes All taxes within the scope of this act except when paid on the installment plan shall be subject to a discount of five per centum (5%) if paid on or before the first day of September of the year in which they were levied Beginning on the second day of September to and including the first day of November all such taxes shall be payable at face Beginning on the second day of November at which time all such taxes shall become delinquent to and including the thirtieth day of April of the following year a penalty of one-half of one per centum (½%) for each month or fraction thereof during which such taxes remain unpaid shall be added to their face amount Beginning on the first day of May of the year following the year of levy interest at the rate of six per centum (6%) per annum shall be added to such delinquent taxes until they are paid regardless of whether the lands against which such taxes were levied have been returned to the county commissioners or a lien for such taxes has been filed in the office of the prothonotary All such penalties and interest shall be collected as part of such taxes as herein provided Additional penalties or interest shall not attach to such taxes under any tax return or tax lien laws of the Commonwealth

Section 25 Installments System A The county commissioners of any county which is a taxing unit may by resolution authorize payment of all the taxes within the scope of this act levied within the county in two or more equal installments After the effective date of this act boroughs towns townships school and poor districts which are taxing units shall not have power to require or authorize payment of taxes in installments All existing ordinances and resolutions of any of such taxing units other than counties relating to payment of taxes in installments shall become void upon the effective date of this act

B If the county commissioners of any such county establish an installment plan for the payment of such taxes they shall in their resolution set forth the number of installments in which the taxes shall be paid and the dates when the respective installments shall become due and delinquent A discount shall not be allowed on such taxes paid in installments To each installment on the date when it becomes delinquent a penalty of five per centum (5%) shall be added

C A taxable may evidence his intention to pay a tax on the installment plan either by paying the first installment before it becomes delinquent or by filing with the tax collector prior to the date when the first installment becomes delinquent a written statement to the effect that he elects to pay the tax on the installment plan If after evidencing such an intention a taxable shall permit one-half or more of the total number of installments to become delinquent an additional penalty of three per centum (3%) shall be added to each such delinquent installment Further penalties shall not be added to any installment except that if an installment remains unpaid and the lands upon which the taxes were levied have been returned to the county commissioners or a lien for such taxes has been filed in the office of the prothonotary interest shall be added at the rate of six per centum (6%) per annum on the amount of the tax remaining unpaid on the first day of May of the year following the year for which such taxes were levied Such interest shall begin on such first day of May and shall continue until the taxes have been paid All such penalties and interest shall be collected as part of the taxes as herein provided Additional interest shall not attach to such installments under any tax return or tax lien laws of the Commonwealth

D If a taxable shall fail to evidence an intention to pay on any such installment plan his taxes shall become due and payable and be collected in the manner provided in this act for taxes which are not paid on an installment plan

Section 26 Payment Payment of any taxes within the scope of this act or any installment thereof may be made by the presentation of money check draft or money order

to the tax collector his deputy or clerk personally or by mailing to the collector a check draft or money order in a properly addressed and stamped envelope All payments by check draft or money order shall be conditioned upon the tax collector's receiving actual payment of such check draft or money order in money or unconditional solvent credit All receipts issued by any such tax collector his deputy or clerk shall state that payments by check draft or money order are conditioned upon the tax collector's receiving actual payment in money or unconditional solvent credit Each person who makes a payment by mail shall enclose his tax bill or an identifying stub with the check draft or money order so that the payment may be identified Upon request each such tax collector shall mail to the person paying the tax at the latter's expense a receipt for each such payment

The twenty-seventh section was read as follows:

Section 27 Distress and Sale If any taxable shall fail to pay any tax within the scope of this act or any installment thereof before he becomes delinquent the county or city tax collector or his deputy may thirty days after the making of a demand for payment of such tax as herein provided recover such taxes by distress and sale of the goods and chattels of the delinquent Such collector may make such demand by sending by registered mail a written request for payment or by serving such a written request upon the taxable in the manner nor or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff Each such tax collector or his deputy shall give ten days' notice of each such sale by written or printed advertisement in the manner provided by law immediately prior to the effective date of this act Any such tax collector may deputize any constable resident within the Commonwealth to collect such tax by such distress and sale Each constable thus appointed shall as to such tax possess all of the powers of the tax collector by whom he was appointed For each such distress and sale such constable shall be entitled to a fee of two dollars which shall be collected by him in such sale as part of the costs Failure to demand or to collect any tax by distress and sale of goods and chattels shall not invalidate any return made or lien filed for non-payment of taxes or any sale had for the collection of such taxes

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 27, page 24, line 18 by inserting after the word "or" and before the word "his" the following: "upon authorization by the tax collector"

Amend section 27, page 24, line 18 by inserting after the word "deputy" and before the word "may" the following "or one of his clerks"

Amend section 27, page 24, line 22 by inserting after the word "collector" and before the word "may" the following: "his deputy or clerk"

Amend section 27, page 24, line 28 by striking out at the beginning of the line the word: "[or]"

Amend section 27, page 24, line 28 by inserting after the word "deputy" and before the word "shall" the following "or clerk"

Amend section 27, page 25, line 2 by striking out at the end of the line the following: "[Any such tax collector may deputize any]"

Amend section 27, page 25 by striking out lines 3 to 8 inclusive.

Amend section 27, page 25, line 9 by striking out at the beginning of the line the following: "[such sale as part of the costs]"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The twenty-eighth to the thirty-sixth sections inclusive were separately read and agreed to as follows:

Section 28 Payment of Taxes by Tenant in Common and Coparcener Any tenant in common or coparcener of lands shall have the right to pay his proportionate part of the amount of tax due thereon and it shall be the duty of the proper county or city tax collector to receive such tax The interest of any such tenant in common or coparcener who shall have thus paid his proportionate part of the taxes shall not be affected by any proceeding or sale to enforce payment of the taxes on the other interests in the land

Section 29 Exonerations A The corporate authorities of each taxing unit shall have power to exonerate the county or city tax collector from the collection of any tax penalty or interest in whole or in part for mistakes indigent persons unseated lands et cetera as shall appear just and reasonable to such corporate authorities Such corporate authorities shall direct their clerk to enter in a book to be kept for that purpose (a) the names of all persons as to whose taxes any tax collector has been exonerated (b) the reasons for the exonerations and (c) the amount and date when the exonerations were made and shall give to each such tax collector a certificate stating the nature of the tax the name of the taxables and the amount of each tax as to which such tax collector has been exonerated All such books shall be open to public inspection during business hours

B Such action of the corporate authorities in exonerating a tax collector as to the amounts owing by taxables shall not in way have the effect of discharging or limiting the liability of such taxables for the tax All taxes for which a tax collector has thus been exonerated shall after such exoneration be paid directly to the corporate authorities of the respective taxing units The respective taxing units shall have power to collect such taxes by suit in assumpsit or by levy distress and sale in the manner herein provided for county and city tax collectors

Section 30 Returns and Payments A During the first ten days of each calendar month each county and city tax collector shall make a written return to the corporate authorities of each taxing unit whose taxes he collects of the amount of taxes collected during the preceding calendar month Such returns shall also state the amount of the taxes appearing uncollected upon the duplicates as of the close of such preceding calendar month and shall include an itemized statement showing what taxes have been paid by whom they have been paid and the date of payment Each such tax collector shall at the time of making any such return pay over to the treasurer of each such taxing unit the full amount of the taxes collected for such taxing unit during the preceding calendar month In addition to such monthly returns and payments any such collector may from time to time make supplemental returns and payments information and moneys included in such supplemental returns and payments need not be included in the monthly returns and payments

B Each county or city tax collector failing to make any monthly payment as herein required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 31 Final Settlement A Each county and city tax collector shall make on or before the fifteenth day of June of the year following the one in which the taxes were payable a complete settlement of all taxes within the scope of this act charged upon the duplicates in his possession by showing (a) that they have been collected and paid over or (b) that they have been certified to the proper corporate authorities for entry as liens in the office of the prothonotary or (c) that they were levied against property which has been returned to the county commissioners or (d) that in the case of occupation poll and per capita taxes they have been included in a record of un-

collected items which the collector has delivered to the proper corporate authorities with an affidavit that he has made diligent effort to collect such taxes or (e) that they are taxes for which he has been exonerated as herein provided or (f) that they are held in the custody of a court pending a decision on an appeal from the assessed valuation of taxable property On making final settlement each county and city tax collector shall make an oath or affirmation before the county commissioners or the city clerk as the case may be that he has made a just and true return of all moneys collected by him and a just and true accounting of all items charged in the duplicates delivered to him If the tax accounts of each such collector with each such taxing unit be thus adjusted and balanced to the satisfaction of the corporate authorities of each such taxing unit and the incoming tax collector if any such tax collector whose accounts have thus been settled and his surety shall be discharged from further liability

B If the corporate authorities of any such taxing unit or such incoming tax collector or both refuse to signify their satisfaction with any such settlement any such tax collector whose accounts have thus been settled or his surety may apply by petition to the court of common pleas of the county to have such tax collector's bond released and if it shall appear to such court that settlement has been made according to law it shall enter an order releasing such tax collector and his surety from further liability

Section 32 Collection After Expiration of Warrants Collection by Taxing Units A Each county and city tax collector may sue for any taxes due and unpaid after the date fixed for final settlement if (a) he has not been exonerated as to such taxes and (b) the property against which such taxes were levied has not been returned to the county commissioners and (c) such taxes have not been certified for entry of liens and (d) such taxes are not held in the custody of a court as herein provided

B In addition to all other remedies provided by this act each taxing unit shall have power to collect unpaid taxes from the persons owing such taxes by suit or other appropriate remedy To each judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit Upon each such judgment execution may be issued without any stay or benefit of any exemption law The right of each such taxing unit to collect unpaid taxes under the provisions of this subsection shall not be affected by the fact that such taxes have been entered as liens in the office of the prothonotary or the fact that the property against which they were levied has been returned to the county commissioners

Section 33 Embezzlement If any person charged with the collection safekeeping or transfer of any taxes within the provisions of this act shall convert or appropriate the moneys so collected or any part thereof to his own use in any way whatever or shall use by way of investment in any kind of property or merchandise any portion of the moneys so collected by him from such taxes and shall prove a defaulter or fail to pay over the same or any part thereof at the time or place required by law and to the person legally authorized to demand and receive the same every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken converted appropriated embezzled invested used or unaccounted for which is hereby declared a misdemeanor and every such tax collector and every person whomsoever aiding or abetting or being in any accessory to such an act and being thereof convicted shall be sentenced to an imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both at the discretion of the court

Section 34 Receipt of Unassessed Taxes or Taxes for Which Collector Has Been Exonerated A county or city tax collector or any other person on his behalf shall not receive payment or give any receipt for the payment of any taxes which were not assessed nor shall any such tax collector or other person in his behalf receive payment or give any receipt for the payment of any taxes for which such tax collector shall have been exonerated. If any such tax collector or other person on his beh shall violate any of the provisions of this section he sh upon summary conviction before a magistrate alderm or justice of the peace be sentenced to pay a fine of o hundred ($100) dollars for the use of the county and co of prosecution

Section 35 Return of Unpaid Taxes on Real Prope A Except as herein specifically otherwise provided ea county and city tax collector shall on the first Monday May of each year make a return to the county comm sioners of all real property upon which there remains u paid any taxes within the scope of this act which beca due and collectible during the preceding year Su county commissioners shall thereupon certify such retu to the county treasurer in order that the sale of su properties may be made in the manner provided by l immediately prior to the effective date of this act

B If the corporate authorities of any taxing u shall prior to the first Monday of May of any year not such county or city tax collector in writing that they not desire to have him make a return to the county co missioners of the real property upon which any ta of such taxing unit remain unpaid he shall on such fi Monday of May certify to and file with such corpora authorities or their solicitor as requested schedules unpaid taxes in such form as may be requested by su corporate authorities and shall not use such taxes in ma ing the return to the county commissioners required this section

C If any county or city tax collector shall refuse ne lect or fail to make any return or certification as here provided he shall become personally liable for the pa ment of all taxes upon the real property which shou have been returned or for the taxes which were n certified and recovery of such taxes may be had agai him The provisions of this section shall not prevent t filing of any lien for the collection of such taxes a the collection of such taxes in the manner provided law immediately prior to the effective date of this where any such lien shall be filed the tax collector charg with the collection of the taxes for which such lien w filed shall not thereafter be liable for his failure to c lect such taxes

D When a county or city tax collector shall retu property to the county commissioners or certify unpa taxes to the corporate authorities for the entry of lie as herein provided he shall add the amount of the pe alties to each item of the taxes

Section 36 Audit of Accounts of Tax Collectors A each county in which there is a county controller the a counts of each county and city tax collector coveri taxes within the scope of this act shall be audited a settled annually after the fifteenth day of June by t county controller In counties where there is not a coun controller such accounts shall be similarly audited a settled by an auditor who shall be a certified public a countant and who shall be appointed by the county co missioners Each such county controller and auditor sh receive for such services such compensation as the cou of common pleas of the county may fix which compens tion shall constitute an item of the cost of collection taxes Each such county controller and auditor shall i mediately after such audit is completed prepare a su mary report in a form to be prescribed by the Depa ment of Internal Affairs as herein provided and sh cause a brief summary of such report to be publish once in at least one and not more than three new papers of general circulation as defined by the Newspap Advertising Act of May sixteenth one thousand nine hu dred and twenty-nine (Pamphlet Laws one thousand sev hundred eighty-four) its supplements and amendmen published in the county and in the legal newspaper if a as defined in such act published in such county if newspaper of general circulation as so defined is pu lished in the county the summary shall be printed in su newspaper published nearest to the county seat of su county

B The Department of Internal Affairs shall immediate

after the effective date of this act prepare a model form for the summary reports required by this section

The thirty-seventh section was read as follows:

Section 37 Repeals The following acts and parts of acts are hereby repealed as respectively indicated except that until the system herein provided for the collection of taxes is in full effect such acts and parts of acts shall remain in force to the extent necessary to effectuate the provisions of this act

The act aproved the twentieth day of March one thousand seven hundred and twenty-five (four Statutes at Large ten) entitled "An act for raising of county rates and levies" absolutely

Sections sixteen eighteen nineteen twenty and twenty-one of the act approved the eleventh day of April one thousand seven hundred and ninety-nine (three Smith Laws three hundred ninety-two) entitled "An act to raise and collect county rates and levies" absolutely

Sections five and six of the act approved the sixth day of April one thousand eight hundred and two (Pamphlet Laws one hundred seventy-eight) entitled "An act for laying out making and keeping in repair the public roads and highways within this Commonwealth and for laying out private roads" absolutely

Section one of the act approved the third day of April one thousand eight hundred and four (Pamphlet Laws five hundred seventeen) entitled "An act directing the mode of selling unseated lands for taxes" absolutely

Sections nine and twelve of the act approved the first day of April one thousand eight hundred and thirty-four (Pamphlet Laws one hundred sixty-three) entitled "An act to provide for the incorporation of boroughs" in so far as they relate to taxation and to tax collectors

Sections seventeen eighteen nineteen twenty thirty-one thirty-two thirty-three thirty-five thirty-nine forty-one forty-two forty-four forty-seven forty-eight forty-nine fifty fifty-one and fifty-two of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" absolutely

Sections one two three four and five of the act approved the twenty-eighth day of February one thousand eight hundred and thirty-five (Pamphlet Laws forty-five) entitled "A supplement to the act relating to county rates and levies and township rates and levies and to the act relating to counties and townships and county and township officers" absolutely

Section eight and eleven of the act approved the twenty-seventh day of May one thousand eight hundred and forty-one (Pamphlet Laws four hundred) entitled "An act relating to the election of county treasurers and for other purposes" absolutely

Sections nineteen twenty and twenty-one of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt" absolutely

Section three of the act approved the eleventh day of April one thousand eight hundred and forty-eight (Pamphlet Laws five hundred seventeen) entitled "An act to provide for the ordinary expenses of government the repairs of canals and railroads belonging to the State and the payment of other claims upon the Commonwealth" absolutely

Sections three clause ten section six clause two and section twelve of the act approved the third day of April one thousand eight hundred and fifty-one(Pamphlet Laws three hundred twenty) entitled "An act regulating boroughs" absolutely

The act approved the first day of February one thousand eight hundred and fifty-six (Pamphlet Laws thirteen) entitled "An act in relation to the appointment of collectors of State and county taxes" absolutely

Section three of the act approved the twenty-first day of April one thousand eight hundred and fifty-six (Pamphlet Laws four hundred seventy-seven) entitled "An act relating to the sale of lands for the non-payment of taxes" absolutely

The act approved the twenty-sixth day of March one thousand eight hundred and sixty-seven (Pamphlet Laws forty-five) entitled "An act relating to the powers of the legal representatives of deceased tax collectors in this Commonwealth" in so far as the same to taxes collected under the provisions of this act

The act approved the twenty-fifth day of May one thousand eight hundred and seventy-eight (Pamphlet Laws one hundred fifty) entitled "An act requiring collectors of special taxes to give bond" absolutely

The act approved the twelfth day of April one thousand eight hundred and eighty-one (Pamphlet Laws nine) entitled "An act relating to the collection of borough tax in the boroughs of the Commonwealth of Pennsylvania" absolutely

The act approved the twenty-fourth day of May one thousand eight hundred and eighty-one (Pamphlet Laws thirty-one) entitled "An act authorizing and requiring county treasurers in counties where the treasurer by existing law collects state and county taxes to collect unpaid or delinquent taxes in certain cases" absolutely

The act approved the third day of June one thousand eight hundred and eighty-five (Pamphlet Laws seventy-two) entitled "An act to punish defaulting tax collectors" except in so far as it applies to the collection safekeeping or transfer of State and city taxes and taxes of school districts of the first class

Sections one two three four five six seven eight nine ten and eleven of the act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws one hundred eighty-seven) entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" absolutely

The act approved the thirtieth day of June one thousand eight hundred and eighty-five (Pamphlet Laws two hundred four) entitled "An act to empower the county commissioners in the counties where by present law the county treasurer collects the taxes to change the date or dates at which a reduction of said taxes for prompt payment shall cease" absolutely

The act approved the second day of June one thousand eight hundred and ninety-one (Pamphlet Laws one hundred seventy-five) entitled "An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' by providing the time in which tax collectors shall pay over tax and make settlements" absolutely

The act approved the eighth day of June one thousand eight hundred and ninety-one (Pamphlet Laws two hundred twelve) entitled "An act relating to the collection of state county and poor taxes in the several counties of this Commonwealth and providing for monthly returns and payments of the collectors thereof" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (Pamphlet Laws one hundred eleven) entitled "An act to provide for the more speedy and effectual manner of collecting the road and poor taxes in the several boroughs and townships in this Commonwealth" absolutely

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred ninety-six) entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub and requiring a sheet setting forth name amount of tax paid and number of receipt to be sent twenty days before each election to the county commissioners for public inspection and to provide for punishment of tax collectors violating the provisions of this act" absolutely

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred forty-two) entitled "An act requiring the tax collectors of the several boroughs and townships of this

Commonwealth to make monthly returns of the taxes collected by them and the amount outstanding upon their respective duplicates to the several authorities legally authorized to receive the said taxes and to borough councils and to pay over monthly the amounts so collected by them and providing a penalty for the violation of the same" absolutely

Section one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties" absolutely

The act approved the first day of May one thousand nine hundred and nine (Pamphlet Laws three hundred five) entitled "An act to amend section seven of an act entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' approved June twenty-fifth one thousand eight hundred and eighty-five allowing a reduction of five per centum on all taxes paid within ninety days from date of notice by collector that duplicate has been issued or delivered to him" absolutely

The act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred seventy) entitled "An act providing for notification of taxables by tax collectors in boroughs and townships prescribing the contents of such notices and providing for the payment of the expenses thereof" absolutely

Section five hundred and three five hundred and forty-seven five hundred and forty-eight five hundred and forty-nine five hundred and fifty five hundred and fifty-one five hundred and fifty-two five hundred and fifty-three five hundred and fifty-four five hundred and fifty-seven five hundred and fifty-eight five hundred and fifty-nine five hundred and sixty five hundred and sixty-one five hundred and sixty-two and two thousand eight hundred and seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenues and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and their amendments absolutely

The act approved the fifteenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-five) entitled "A supplement to an act approved the twenty-fourth day of March one thousand nine hundred five entitled 'An act establishing in counties containing a population of from three hundred thousand to one million a board for the Assessment and Revision of Taxes for State and county purposes prescribing their powers and duties and abolishing the office of ward borough and township assessors in so far as respects the assessment of State and county taxes' providing for the appointment by said board of collectors of county taxes in cities of such counties and defining the powers and duties of such collectors" absolutely

The act approved the twenty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred eighty-four) entitled "An act to amend an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' as amended by an act approved the second day of June one thousand eight hundred ninety-one entitled 'An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" by providing the time in which tax collectors shall pay over tax and make settlements' " absolutely

The act approved the twenty-sixth day of March one thousand nine hundred and fifteen (Pamphlet Laws eleven) entitled "An act prescribing certain duties for collectors of taxes in boroughs and townships and for county treasurers" absolutely

The act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred twenty-one) entitled "An act providing for the filling of vacancies in the office of tax-collector in boroughs and townships by the county commissioners and repealing certain acts inconsistent therewith" absolutely

The act approved the twenty-fourth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred seventy) entitled "An act authorizing tenants in common and coparceners of land to pay their proportionate share of the taxes assessed against the land and providing that the sale thereof for unpaid taxes shall not impair or divest the title of those who have paid their respective shares of such taxes" except as to city taxes first class school district taxes and poor district taxes levied on city assessments and valuations

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred sixty-five) entitled "An act to amend section four of an act approved the twenty-fifth day of June one thousand eight hundred eighty-five (Pamphlet Laws one hundred eighty-seven) entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' by changing the time of issuing duplicates" absolutely

The act approved the twenty-second day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred fifty-nine) entitled "An act authorizing counties of the fourth class to arrange for and pay the premiums on the bonds required of delinquent collectors" absolutely

Sections eight hundred and seven nine hundred and one and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" and their amendments in so far as they relate to the tax collector and sections eight hundred and fifty one thousand eight one thousand eight-one one thousand three hundred and three one thousand three hundred and four one thousand three hundred and five one thousand three hundred and six one thousand three hundred and seven one thousand three hundred and eight one thousand three hundred and nine one thousand three hundred and ten one thousand three hundred and eleven one thousand three hundred and twelve and one thousand three hundred and thirteen of said act and their amendments absolutely

The act approved the twelfth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighteen) entitled "An act regulating the collection of county taxes in cities and providing for discounts and penalties" absolutely

The act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred seventy-six) entitled "An act relating to the collection and return of county borough township school and poor taxes" absolutely

The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred three) entitled "An act to amend sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties' by providing certain exemptions" absolutely

Sections five hundred and eleven and one thousand and

one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" in so far as they apply to the office of tax collector and sections eight hundred and five eight hundred and six one thousand seven hundred and twelve one thousand seven hundred and thirteen one thousand seven hundred and fourteen one thousand seven hundred fifteen one thousand seven hundred and sixteen one thousand seven hundred and seventeen one thousand seven hundred and eighteen and one thousand seven hundred and nineteen of said act and their amendments absolutely

The act approved the twenty-fifth day of July one thousand nine hundred and thirty-two (Pamphlet Laws ten) entitled "An act authorizing counties cities boroughs towns townships school districts and poor districts to install by ordinance or resolution a system for the collection of taxes in installments and specifying certain conditions and penalties in such cases' except in so far as it applies to city taxes first class school district taxes and to poor taxes levied on city assessments and valuations

Sections four hundred and two and five hundred and forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" in so far as they relate to the tax collector and sections four hundred and fourteen four hundred and twenty-three five hundred and seventy five hundred and seventy-one nine hundred and nine nine hundred and ten nine hundred eleven nine hundred and twelve nine hundred and thirteen nine hundred and fourteen nine hundred and fifteen and nine hundred and sixteen of said act absolutely

The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-five) entitled "An act relating to the collection of delinquent county taxes in counties of the second class repealing all acts or parts of acts general or local or special inconsistent herewith" absolutely

The act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred seventy-two) entitled "An act requiring tax collectors of townships of the first class to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all township tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania" absolutely

All other acts and parts of acts general local and special inconsistent with or supplied by this act are hereby repealed It is intended that this act shall furnish a complete and exclusive system in itself

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 37, page 46, line 10 by striking out at the end of the line the following: "[It is intended that this act shall furnish]"

Amend section 37, page 46, by striking out line 11

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The thirty-eighth section and the preamble were separately read and agreed to as follows:

Section 38 Effective Date The provisions of this act shall except as herein specifically otherwise provided become effective immediately upon its enactment

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second third fourth fifth sixth seventh and eighth classes a system for the collection of all county borough town township school and poor taxes is hereby established

The title was read as follows:

An Act relating to local taxation; establishing a system in counties of the second, third, fourth, fifth, sixth, seventh and eighth classes for the collection of county, borough, town, township, school and poor taxes, with certain exceptions, through the county treasurers as county tax collectors and city tax collectors in cities of the second class A and third class; defining the rights, powers and duties of the collectors of county, borough, town, township, school and poor district taxes in certain counties; defining the rights, powers and duties of such taxing units; regulating the date of making and certifying of tax levies; abolishing the office of county, borough, town township, school and poor district tax collectors, except county treasurers and certain tax collectors in cities, upon the expiration of existing terms and in cases of vacancies; imposing certain duties upon the Department of Internal Affairs; defining certain criminal offenses; imposing penalties and creating liens; and repealing existing laws.

On the question,

Will the House agree to the title?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 1, line 7 of the title by inserting after the word "class" and before the word "defining" the following: "providing for a referendum to ascertain the will of the electors in each county (except counties of the first class) as to the acceptance of this act; providing that the act shall apply to all of the aforesaid counties in the event the referendum provisions are held unconstitutional"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2040, entitled:

An Act to amend section fifty-nine as amended section one hundred ninety as added section two hundred four as amended and sections two hundred forty-seven and six hundred seventy-five of to add sections one hundred fifty and one-tenth and one hundred fifty-five to

and to repeal section two hundred five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by changing the provisions for filling vacancies in the office of coroner sheriff district attorney and county treasurer providing for and prescribing the procedure for leasing of real property belonging to counties and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifty-none of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth class and revising amending and consolidating the laws relating thereto" as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 59 Deputies to Act in Certain Cases Whenever any county officer is authorized or required to appoint a deputy or deputies such deputy or principal deputy where there are more than one shall during the necessary or temporary absence of his principal perform all the duties of such principal and also in case of a vacancy until a successor is qualified [except in the case of a vacancy in the office of sheriff where the coroner shall act as hereinafter provided and except also in the case of a vacancy in the office of coroner where the sheriff shall act as hereinafter provided]

No person temporarily succeeding to any county office by reason of the death or removal of the duly elected or appointed officer shall execute any of the duties of such office until he has first taken oath and filed the bond required of the principal officer

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BAINE. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties for the purpose of further study and possible amendment.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1000, entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto

CONTENTS

		Sections
Article I	Preliminary Provisions	101- 104
Article II	Pennsylvania Game Commission Executive Director	201- 215
Article III	Hunting Licenses	301- 321
Article IV	Special Permits	401- 419
Article V	Hunting Season Bag Limits	501- 506
Article VI	Fur-Bearing Animals	601- 610
Article VII	General Hunting Regulation Protected Birds	701- 731
Article VIII	Property Damage and Safety Regulations	801- 84
Article IX	State Game Lands Hunting Grounds and Game Refuge	901- 94
Article X	Unnaturalized Foreign-born Residents	1001-100
Article XI	Bounties	1101-110
Article XII	Enforcement of Act Procedure Penalties	1201-121
Article XIII	Deer Proof Fences Bear Damages	1301-130
Article XIV	Game Fund	1401-140
Articles XV	Acts of General Assembly Repealed Saving Cluse	1501-150

The first section was read as follows:

Section 1 Be it enacted by the Senate and House o Representatives of the Commonwealth of Pennsylvania i General Assembly met and it is hereby enacted by th authority of the same That the laws relating to game an other wild birds and wild animals are amended revise consolidated and changed as hereinafter provided

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move tha this bill be recommitted to the Committee on Game.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committe of the Whole being in this case dispensed with,

The House proceeded to the second reading and con sideration of House Bill No. 1640, as follows:

A Supplement to the act approved the second day of Jun one thousand nine hundred fifteen (Pamphlet Law seven hundred thirty-six) entitled as amended "An ac defining the liability of an employer to pay damage for injuries received by an employer in the course o employment establishing a compulsory system an schedule of compensation providing procedure for th determination of liability and compensation thereunde and prescribing penalties" as amended and reenacte providing for the inclusion of occupational disease within the scope thereof and providing definitions pro visions and procedure related to such diseases and mak ing an appropriation

Be it enacted by the Senate and House of Representative of the Commonwealth of Pennsylvania in General Assem bly met and it is hereby enacted by the authority of th same That

Section 1 This act shall be known and be cited as th "Occupational Disease Compensation Act"

Section 2 The term "occupational disease" as used i this act shall mean and include the following diseases

(a) Poisoning by lead mercury arsenic or manganes their preparations or compounds resulting from direct con tact with handling thereof or exposure thereto in an occupation

(b) Poisoning by phosphorus its preparations or com pounds resulting from direct contact with handling thereo or exposure thereto in any occupation

(c) Poisoning by methanol carbon bisulphide naphth or halogenated hydro-carbons or any preparations con taining these chemicals or any of them resulting fron direct contact with handling thereof or exposure thereto in any occupation

(d) Poisoning by benzol or by nitro or amido-derivatie of benzol (dinitro-benzol anilin and others) or their pre parations or compounds resulting from direct contact wit handling thereof or exposure thereto in any occupation

(e) Ceisson disease (compressed air illness) resulting

from engaging in any occupation carried on in compressed air

(f) Radium poisoning or disability due to radioactive properties of substances or to roentgen-ray (X-rays) resulting from direct contact with handling thereof or exposure thereto in any occupation

(g) Poisoning by or ulceration from chromic acid or bichromate of ammonium potassium or sodium or their preparations resulting from direct contact with handling thereof or exposure thereto

(h) Epitheliumatous cancer or ulceration due to tar pitch bitumen mineral oil or paraffin or any compound product or residue of any of these substances in any occupation resulting from direct contact with handling thereof or exposure thereto

(i) Infection or inflammation of the skin or other contact surfaces due to oils cutting compounds lubricants dust liquids fumes gases or vapor resulting from direct contact with handling thereof or exposure thereto in any occupation

(j) Anthrax occurring in any occupation involving the handling of or exposure to wool hair bristles hides or skins or bodies of animals either alive or dead

(k) Silicosis (or silicosis and tuberculosis) or anthracosilicosis including miner's asthma caused by these conditions incurred in any occupation involving hazardous exposure to dust of silicon dioxide (sio2)

(l) Asbestosis resulting from direct contact with handling of or exposure to the dust of asbestos in any occupation

Section 3 The several provisions of the Workmen's Compensation Act to which this act is a supplement shall be applicable to this act insofar as they are consistent with terms hereof In applying the Workmen's Compensation Act to this act the Workmen's Compensation Act shall be construed as including in addition to "injury" and "personal injury" by accident "occupational disease" and the resultant effects thereof including death The word "disabled" as herein used means disabled from earning full wages in the employment in which the employe was employed

"Disability" as used herein means the state of being so disabled The date when the disability occurs from occupational disease shall be deemed to be the date of injury or accident

Section 4 When an employer and employe shall be subject to the provisions of article three of the Workmen's Compensation Act as therein provided compensation for occupational disease which happens either in the course of an employe's employment or which if not in the course of his employment results from his employment shall be paid in all cases by the employer according to the schedule provided in such act subject however to the special terms and conditions relative thereto as set forth in this act

Section 5 Compensation for silicosis or anthraco-silicosis or miner's asthma resulting therefrom and silicosis complicated with tuberculosis and asbestosis shall be paid only when it is shown that the employe has had at least an aggregate employment of at least two years during a period of eight years next preceding the date of disability in the Commonwealth of Pennsylvania in an occupation having a silica hazard

Section 6 If it shall be shown that the employe at or immediately before the date of disability was employed in any process or employment set forth in section two it shall be presumed that the occupational disease is due to the nature of that employment This presumption however shall not be conclusive

Section 7 (a) In the case of such occupational diseases as the Workmen's Compensation Board shall determine develope to the point of disablement only after an exposure of five or more years the compensation for disability or death due to such diseases shall for a period of four years immediately succeeding the effective date of this act be payable jointly by the Commonwealth and the employer as follows For each effective year of this act up to the date of compensation shall first become payable during such four-year period the employer shall be assessed and pay one-fifth of such compensation and the remainder of such compensation shall be paid by the Commonwealth out of moneys to the credit of the Second Injury Reserve Account in the State Workmen's Insurance Fund after the expiration of such four-year peiod the employer shall pay such compensation in full

(b) The sum of one hundred thousand dollars ($100,000-.00) is hereby appropriated out of the General Fund to the State Workmen's Insurance Fund to the credit of the Second Injury Reserve Account and is hereby appropriated for the carrying out of the purpose of paragraph (a) of this section The aforesaid sum of one hundred thousand dollars ($100,000.00) shall as soon as practical be repaid into the General Fund of the State Treasury out of moneys to the credit of the Second Injury Reserve Account in the State Workmen's Insurance Fund and such moneys are hereby appropriated to the State Workmen's Insurance Board for this purpose

Section 8 In any action brought after the effective date of this act in any court by an employe against his employer for damages for personal injury resulting from an occupational disease proof on the part of the employe that he had been subjected to a physical examination by such employer and that he had been discharged by such employer within one year after such examination or proof of discharge by such employer and the further fact that the employe was unable to secure other employment within six months of the date of such discharge by reason of the presence of an occupational disease in any stage shall be prima facie evidence of negligence on the part of such employer In any such action it shall not be a defense on the part of any employer

(a) That the injury was caused in whole or in part by the negligence of a fellow employe or

(b) That the employe had assumed the risk of the employment or

(c) That the injury was caused in any degree by the negligence of such employe or

(d) That the employe was exposed to the hazard of such disease in any other employment more than two years prior to the date of such action

The Statute of Limitations in any such action for personal injury resulting from an occupational disease shall commence to run from the date of the last exposure to the hazards of such disease in the employment of the defendant.

Section 9 Compensation under the provisions of this act shall be recoverable from the employer who last employed the employe during any part of the period of twenty-four (24) months immediately prior to the date of disability or death in which employment the claimant was exposed to the disease hazard Such employer shall be the one to whom notice of disability or death shall be given in accordance with the provisions of the Workmen's Compensation Act.

Section 10 Whenever the Workmen's Compensation Board or a Workmen's Compensation Referee shall deem it to be in the interests of justices to appoint one or more duly qualified impartial physicians or surgeons or experts in accordance with section four hundred twenty of the Workmen's Compensation Act such physicians surgeons or experts shall be selected from a panel to be supplied by the Secretary of Labor and Industry Such panel shall consist of names selected from lists submitted by the deans of all legally recognized medical schools in this Commonwealth

Section 11 The Workmen's Compensation Board or any Workmen's Compensation Referee shall have power to issue an order authorizing the entry of any physician surgeon or expert upon the premises of the defendent employer in order to ascertain the facts in any case arising under this act

Section 12 It is hereby determined to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions shall be given full force and effect as if the part held unconstitutional had not been included herein

Section 13 This act shall become effective on the first day of January one thousand nine hundred thirty-eight

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 872, as follows:

An Act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate divided into lots in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any official or authority charged with the duty of assessing real estate for the purpose of taxation is hereby authorized at any time to split or separate the assessment on any tract of real estate divided into lots in order to permit and facilitate the payment of a portion only of the taxes levied on such tract of real estate which partial payment shall represent the taxes due upon a fixed and described parcel of such tract In such cases the tax collecting authority shall accept the payment of such amount as represents the taxes penalties and interest due on such fixed and described parcel of the larger tract in the same manner and subject to the same duties relative thereto as if such fixed and described parcel had been assessed as one parcel of real estate in the original assessment The provisions of this section shall apply to all taxes heretofore or hereafter levied and assessed including taxes which are or have been returned to the county commissioners or entered as liens in the office of the prothonotary.

Section 2 In all cases where any official or authority charged with the duty of assessing real estate for the purpose of taxation has heretofore split or separated the assessment on any tract of real estate in the manner and for the purpose described in this act such action is hereby ratified confirmed and validated and the assessment of each parcel of real estate which has heretofore been split or separated for the purpose described in this act are hereby declared to pe for all purposes as good and valid as if such parcels of real estate had been assessed separately in the original assessment

Section 3 This act shall not apply to cities of the first class

Section 4 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1325 entitled:

An Act to add section 48.1 to the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substituton of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absenti the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by providing for the apportionment of estate taxes in certain cases

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended by inserting between sections forty-eight and forty-nine a new section to read as follows

Section 48.1 (a) Whenever it appears upon any accounting or in any appropriate action or proceeding that an executor administrator temporary administrator trustee or other person acting in a fiduciary capacity has paid any estate tax levied or assessed under the provisions of the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 859) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time

his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" or its amendments or under any law hereafter enacted or under the provisions of any estate tax law of the United States heretofore or hereafter enacted upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law the amount of the tax so paid except in a case where a testator otherwise directs in his will shall be equitably prorated among the persons interested in the estate to whom such property is or may be transferred or to whom any benefit accrues Such proration shall be made by the orphans' court in the proportion as near as may be that the value of the property interest or benefit of each such person bears to the total value of the property interests and benefits received by all such persons interested in the estate except that in making such proration allowances shall be made for any exemptions granted by the act imposing the tax and for any deductions allowed by such act for the purpose of arriving at the value of the net estate and except that in cases where a trust is created or other provision made whereby any person is given an interest in income or an estate for years or for life or other temporary interest in any property or fund the tax on both such temporary interest and on the remainder thereafter shall be charged against and be paid out of the corpus of such property or fund without apportionment between remainders and temporary estates For the purposes of this section the term "persons interested in the estate" shall with respect to both state and federal taxes include all persons who may be entitled to receive or who have received any property or interest which is required to be included in the gross estate of a decedent or any benefit whatsoever with respect to any such property or interest whether under a will or intestacy or by reason of any transfer trust estate interest right power or relinquishment of power taxable under any of the aforementioned laws providing for the levy or assessment of estate taxes

So far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid by the executor administrator or other fiduciary as such out of the estate before its distribution In all cases in which any property required to be included in the gross estate does not come into the possession of the executor administrator or other fiduciary as such he shall recover from whomever is in possession or from the persons interested in the estate the proportionate amount of such tax payable by the persons interested in the estate with which such persons are chargeable under the provisions of this section and the orphans' court may by order direct the payment of such amount of tax by such persons to the executor administrator or other fiduciary

No executor administrator or other person acting in a fiduciary capacity shall be required to transfer pay over or distribute any fund or property with respect to which a federal or state estate tax is imposed until the amount of such tax or taxes due from the devisee legatee distributee or other person to whom such property is transferred is paid or if the apportionment of tax has not been determined adequate security is furnished by the transferee for such payment

(b) The orphans' court upon making a determination as provided in subdivision (a) of this section shall make a decree or order directing the executor administrator or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorated in so far as he is in possession of property or interests of such persons against whom such charge may be made and summarily directing all other persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor administrator or other fiduciary

On the question,

Will the House agree to the section?

Mr. LONGAKER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 1, page 4, line 5, by striking out at the end of the line the word "preceeding" and insert in lieu thereof "proceeding"

Amend section 1, page 6, line 5, by striking out at the beginning of the line, the words "So far as is practicable and"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 The provisions of this act shall become effective immediately upon its final enactment

An Act to add Section 48.1 to the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilege of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in al matters relating to fiduciaries concerned with the estates of decedents" by providing for the apportionment of estate taxes in certain cases

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGAKER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The moitn was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1977 as follows.

An Act to amend sections three seven eight fifteen twenty-four and twenty-eight sections fourteen thirty-four and thirty-eight as amended sections eighteen and sixty-one as amended sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division changing the designation Staff Corps and Departments to State Staff and Detachment defining the powers of the division commander providing for the vacation of commissions upon transfer to the Inactive National Guard making the period of enlistment and qualifications conform to the National Guard Bureau requirements defining the duties of the Adjutant General providing for the elimination of officers or warrant officers by courts of inquiry changing the basic annual allowance for mounted troops and increasing the minimum allowance providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms providing that any sheriff or constable may receive and confine military offenders providing that any division commander may appoint a general court-martial providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding absolete provision referring to staff offices

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three seven eight fifteen twenty-four and twenty-eight of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" are hereby amended to read as follows

Section 3 Composition of the National Guard The National Guard of this Commonwealth shall consist of [one infantry division and such corps and army and other auxiliary troops and such staff corps and departments] such troops as may under the act of Congress be prescribed by the President of the United States as the portion of the National Guard of the United States apportioned and assigned to the [State] Commonwealth of Pennsylvania The troops of the Pennsylvania National Guard shall be organized [as far as practicable into regiments brigades and a division Hereafter the enlisted personnel of the organizations of the Pennsylvania National Guard shall at all times be maintained at a strength not below the minimum strength fixed by act of Congress or the rules and regulations promulgated by the President under regulations thereto] according to the tables of organization of the Army of the United States

Section 7 [Staff Corps and Departments] State Staff of State Detachments Tere shall be [Staff Corps and Departments] a State Staff and a State Detachment Composed of so many commissioned officers and enlisted men in addition to the officers and enlisted men of the Staff of the higher tactical units as the same are now or may be hereafter authorized by the Federal Government and the Governor is hereby authorized to commission such officers in such number and of such grades and to enlist and warrent such noncommissioned officers in such grades as may comply with the rules and regulations now in force or hereafter to be promulgated in relation thereto [Such staff corps and departments shall] It shall be the duty of the State Staff and State Detachment to furnish the necessary overhead of officers and enlisted men to provide the [administrative sanitary and supply personnel for mobilization and recruiting purposes for the Pennsylvania National Guard in Federal service] personnel for administration sanitation supply and recruiting functions for which the Adjutant General is responsible upon mobilization of the Pennsylvania National Guard The State Staff and State Detachment [and] shall receive such training and perform such other duties as may be required of them by the Governor as Commander-in-Chief in time of peace or by the Federal authorities on and after mobilization

Section 8 Powers of [the] a Division Commander [The Major] A general officer of the Pennsylvania National Guard commanding [the] a Division [Pennsylvania National Guard] shall have in time of peace so far as practicable all the power and authority of a major general [of a tactical division] under the rules and regulations prescribed or hereafter to be prescribed for the government of the armies of the United States subject in time of peace to the orders and direction of the Governor as Comander-in-Chief [He] A division commander shall be responsible [to the Governor] for the training [instruction] discipline administration and efficiency of [all troops of the Pennsylvania National Guard] the division under his command and of any troops attached thereto He shall be responsible for making recommendations for appointment and promotion of officers and shall cause such inspections investigations and reports to be made for the troops under his command as [are required by this act may be required by higher authority He shall appoint such boards and courts-martial as may be be required and authorized He may with the consent of the Governor and Commander-in-Chief [employ] order to active duty such officers and employ such clerical and other force as may be required at his headquarters [Such force] the officers clerical and other force on duty at a division headquarters shall be paid by The Adjutant General at rates of Compensation as may be deemed by the Commander-in-Chief just and proper

Section 15 Vacation of Commissions [by promotion when a commissioned or warrant officer of the Pennsylvania National Guard [is appointed to another office therein and accepts the same] accepts an appointment to another office therein is transferred to the Inactive National Guard resigns or dies [such acceptance shall vacate] the office or assignment previously held shall be deemed to have been vacated

Section 24 Enlistment in the National Guard Hereafter the period of enlistment and qualifications for enlistment in the Pennsylvania National Guard shall be as prescribed by the Federal Government for all National Guard Troops [Hereafter the period of enlistment in the Pennsylvania National Guard shall be the same as prescribed for the Regular Army and the qualifications for enlistment shall be the same as those prescribed for enlistment in the Regular Army]

Section 28 The Adjutant General [The Governor shall appoint by and with the consent of the Senate the Adjutant General who shall hold office for the term of four years and until his successor is appointed and qualified that he may be removed at any time by the Governor He shall give bond in the sum of twenty thousand dollars such form and with such sureties as may be approved by the Governor as Commander-in-Chief He shall have the custody of all books accounts and military property the Commonwealth issued by it pertaining to the Pennsylvania Guard He shall distribute all orders from the Commander-in-Chief and perform such other duties the Governor as Commander-in-Chief shall direct He shall make a return annually in duplicate of the Pennsylvania National Guard and a report of their arms uniforms accoutrements and ammunition according to such form as may be described by the Secretary of War one copy to be filed in the office of the Adjutant General and one copy to be forwarded to the Secretary of War He may with the consent of the Governor as Commander-in-Chief employ such emergency clerical and other force as may

required in his department or at the State Arsenal who shall be paid such rates of compensation as may be by him deemed just and proper He shall pay the troops and make all other disbursements authorized by this act by warrants drawn by him upon the Treasurer of the Commonwealth countersigned by the Auditor General He shall supply to all officers of the Pennsylvania National Guard copies of drill regulations manuals of rifle practice service manuals and military publications forms and books prescribed for use of the United State Army as the Governor as Commander-in-Chief may designate He may with the approval of the Governor as Commander-in-Chief sell or exchange from time to time such military stores belonging to the Commonwealth as are found unserviceable or in state of decay or which it may be deemed for the best interests of the Commonwealth to sell or exchange All moneys received from stores so sold shall be paid into the treasury of the Commonwealth] In addition to the duties prescribed in the Administrative Code of the Commonwealth The Adjutant General will maintain an office through which correspondence on military affairs between the Commonwealth and the Federal Government will be conducted including that pertaining to funds and property issued by the Federal Government for organization of the Pennsylvania National Guard He is also charged with Maintenance of all military records until transfer to Pennsylvania Archives Maintenance of historical outlines and permanent historical records of organizations of the National Guard maintenance of armories arsenal military reservations and all property and equipment not intended to be taken into the field by troops obtaining and issuing medals and enforcing the approved policies of the Governor He is authorized to convene boards of officers to consider and make recommendations upon such matters as may be referred to them including major changes in policy or new policies regulations locations relocations and redesignations of units and similar questions

Section 2 That sections fourteen thirty-four and thirty-eight of said act as amended by the act approved the sixteenth day of May one thousand nine hundred and thirty-five (Pamphlet Laws one hundred seventy-seven) are hereby further amended to read as follows

Section 14 Elimination and Disposition of Officers and Warrant Officers At any time the moral character capacity and general fitness for the service of any Pennsylvania National Guard officer or warrant officer may be detemined by an efficiency board or court of inquiry of three commissioned officers senior in rank if possible to the officer whose fitness for service shall be under investigation appointed by the Governor in case of general officers and [departmental] State Staff officers and the commanding general of [the] a division in all other cases and if the findings of such board be unfavorable to such officer or warrant officer and be approved by the Gofernor he shall be discharged Commissions of officers or warrant officers of the National Guard may be vacated (a) [Upon transfer to the Inactive National Guard] upon attainment of the age of sixty-four years (b) [resignation] for physical or mental disqualification (c) for absence without leave for three months (d) upon the recommendation of an efficiency board (e) pursuant to sentence of a court-martial (f) if recourse has been had to the sureties on his bond in the settlement of his financial or property accounts [or] (g) if he has been convicted of an infamous crime (h) upon withdrawal of Federal recognition or (i) in the case of inactive officers upon failure to complete the necessary training in any one year as required by Federal law or regulations or failure to respond to communications

Section 34 Annual Appropriations Companies troops batteries detachments or similar organizations of the Pennsylvania National Guard except those of the Air Corps found upon examination of the reports made by an inspecting officer duly detailed for that purpose to be up to the standard requirement in strength [drill] discipline and efficiency shall receive in annual allowance the following money per annum which shall be used and expended solely for military purposes and for the use and benefit of the organization for [dismounted] all troops at the rate of ten dollars ($10) per man per year Provided that no organization shall receive less than a minimum sum of [two] three hundred dollars per year [for mounted or motorized troops at the rate of fifteen dollars ($15) per man per year Provided that no such mounted or motorized organization shall receive less than a minimum sum of three hundred dollars per year] Such allowances shall be computed by the Adjutant General from the alloted strength of the unit Newly organized units shall receive a pro rata share of the above named allowance for the portion of the fiscal year based on the actual strength of the organization at the time of its entrance into the service The said allowances shall be paid in the usual manner on the usual lawful vouchers to that effect certified or approved by the unit and regimental or similar commanders but it shall be the duty of the Adjutant General before paying any of the said allowance to procure by purchase or otherwise and issue for each enlisted man not already provided therewith [such articles of dress uniform and] such articles of [service] uniform supplies and equipment as are required for full service [and also such mess tents kitchen tents military stores and supplies required by the respective organizations] not furnished and paid for out of Federal funds and charge the cost of same to the said annual allowance and the balance if any to be paid and disbursed as hereinafter provided Provided however that any regiment battalion squadron or company may at its own expense provide itself with other uniforms of such style and pattern as a majority of its officers may select and the Governor as Commander-in-Chief approve which uniform shall be the property of the organization or the individual members thereof No portion of any allowance made by the [State] Commonwealth to any organization shall be expended in procuring such special uniforms or in repairing or caring for the same No part of the annual allowances paid under the provisions of this act to the several organizations of the Pennsylvania National Guard shall be used in the purchase erection or construction of any armory unless the title thereto be vested in the Commonwealth The Adjutant General shall publish to all organizations a list of authorized expenditures and his decision as to whether any item shall be properly chargeable against these funds shall be final

Section 38 Necessary Expenses of Headquarters The necessary military expenses of division bridge regimental and separate battalion or similar headquarters including clerk hire and other actual outlays shall be paid in the usual manner on the usual lawful vouchers to that effect certified or approved by the commanding officer or the officer charged with the payment of the same such annual expenses except as hereinafter provided in no event to exceed nine thousand dollars ($9,000) for [the] a division headquarters seven thousand dollars ($7,000) for [the aviation headquarters] an observation squadron one thousand dollars ($1,000) for each brigade headquarters two thousand dollars ($2,000) for each regimental headquarters and one thousand dollars ($1,000) for each headquarters of special troops [and each headquarters of trains] These allowances shall be augmented in the amount of ten thousand dollars per year which sum shall be apportioned by the Adjutant General to the various headquarters in proportion to the distance travelled between the respective headquarters and their subordinate units or between the respective regimental brigade and division headquarters for official attendance at military conferences The Adjutant General shall publish to all organizations a list of authorized expenditures and his decision as to whether any item shall be properly chargeable against these funds shall be final

Section 3 That sections eighteen and sixty-one of said act as amended by the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred twenty-seven) are hereby further amended as follows

Section 18 Terms of office of [General Field and Line] Commissioned and Warrant Officers The term of every [general field line] commissioned officer and [department] warrant officer [other than those provided for in section nineteen] shall be permanent or until removed for

cause or other reasons provided in this act [Provided That commissions now in force and which have been issued for a period of five years shall continue until termination of such period unless such commission be otherwise lawfully determined and annulled] When authorized by the [Federal Government] tables of organization published by the War Department Officers and warrant officers may be appointed or promoted by the Governor under such regulations as may be prescribed by the Federal Government Any person commissioned or warranted as an officer of the Pennsylvania National Guard shall hold his position until he shall have reached the age of sixty-four unless [retired prior to that time by reason of resignation or] separated from the service for some other cause set forth in this act

Section 61 Duties of Jailers The keepers and wardens of all county jails are required to receive and confine all military offenders when delivered by [such] any sheriff or constable under the proper certificate of commitment of a general special or summary court-martial pending trial and for and during the term of sentence as set forth in said commitment

Section 4 That sections fifty-four and fifty-seven of said act as last amended by the act approved the fifth day of March one thousand nine hundred and twenty-five (Pamphlet Laws fourteen) are hereby further amended as follows

Section 54 General Courts-Martial Convening Power General Courts-martial in the Pennsylvania National Guard May be convened by order of the Governor or [the] a Division Commander and such courts shall have the power to impose fines not exceeding two hundred dollars ($200) or to sentence to imprisonment in the county jail of the county where the offense was committed for a term not exceeding one year or both together with such reasonable costs as they may assess to sentence to forfeiture of pay and allowances to reprimand to dismissal or dishonorable discharge from the service to a reduction of non-commissioned officers to the ranks or any two or more of such punishments may be combined in the sentences imposed by such courts Provided That sentence shall not become operative until after the approval thereof of the appointing power

Section 57 Collection of Fines Execution of Sentence [Confinement for non-payment of Fines and Costs] All general and special courts-martial of the Pennsylvania National Guard when not in the active service of the United States shall have power to sentence to imprisonment in the county jail of the county where the offense was committed for a term not exceeding one year and after approval of such sentence by the appointing power shall issue a warrant of commitment of such person so sentenced to the aforesaid jail directed to any sheriff or constable he shall forthwith execute said warrant and make proper return to said court

All courts-martial of the Pennsylvania National Guard when not in the active service of the United States shall have power to sentence to confinement in case of failure within twenty days after approval of sentence by the appointing power to pay the fines and costs or any part thereof authorized to be imposed Provided that such sentence of confinement shall not exceed one day for each dollar or fine authorized and imposed [Provided further That the sentence shall not become operative until after the approval thereof by the appointing power] In such cases the courts-martial shall issue a warrant of commitment of such delinquent to the proper jail of the county directed to any sheriff or constable who shall forthwith execute said warrant and make proper return of the same to said court

Section 5 That section nineteen of said act is hereby repealed

Section 6 All other acts and parts of acts inconsistent with this act are hereby repealed

Section 7 This act shall become effective on June first one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1028, as follows:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 216) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as dental hygienists

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two clause (i) of section three and sections five ten and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 216) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" are hereby amended to read as follows

Section 2 Definitions A person engages in the "Practice of Dentistry" within the meaning of this act who diagnoses treats operates on or prescribes for any disease pain or injury or regulates any deformity or physical condition of the human teeth jaws or overlaying tissues or who fits constructs and inserts any artificial appliance plate or denture for the human teeth or jaws or who holds himself or herself out as being able or legally authorized to do so the term "Practice of Dentistry" does not include

(a) The practice of any of the healing arts by duly licensed practitioners

(b) The extracting of teeth or relieving pain by a licensed physician or surgeon in emergencies or the making of applications for such purposes

(c) The taking of X-ray pictures of the human teeth jaws or adjacent structures

(d) The calling into this Commonwealth for consultation of a duly licensed practitioner of dentistry of any other state or country with respect to any case under treatment or demonstrating before any duly authorized dental society in this Commonwealth

(e) The practice of dentistry by bona fide students of dentistry in clinical departments and laboratories of approved dental colleges

"Dental Hygienist" is one who is legally licensed as such by the said dental council and examining board to remove tartar deposits accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the guns in the office of a dentist or any public or private institutions such as schools hospitals orphan asylums and sanitoriums or State health cars [but] under the general supervision of a licensed and registered dentist and not otherwise and who does not perform any other operation or work on the teeth jaws gums or mouth whatever

The word "board" as used in this act means the State Dental Council and Examining Board

Section 3

(i) To suspend and revoke by majority action of the

board the license or registration of any licensee who has been guilty of a crime or misdemeanor involving moral turpitude or of a violation of any of the provisions of this act or of fraudulent or unlawful practices or fraudulent misleading or deceptive respresentations or of unprofessional conduct dertimental or dangerous to the public health safety morals or welfare or of wilful or gross malpractice or neglect or of false misleading or deceptive advertising as respect the skill of the operator the quality of materials drugs or medicines used or methods practiced or of employing or making use of solicitors or free public press agents or of advertising by means of signs posters handbills circulars slides motion pictures radio newspapers magazines or other publications or advertising media (1) professional superiority (2) the performance of professional services in a superior manner (3) the character or durability of his work (4) to guarantee any dental service (5) to perform any dental operation painlessly (6) prices for professional services (7) free dental work or (8) free examinations or (9) by display of a tooth teeth bridge work or any portion of the human head or (10) by means of large glaring or conspicuous light or other signs or of habitual intemperance or who is addicted to the use of narcotic drugs or is insane and to reinstate licenses and registrations in any cases where a majority of the entire board shall determine the same to be just and proper

Section 5 Hearing on Suspensions and Revocation of Licenses and Registrations Appeals Before the license of any licensee or any registration is suspended or revoked by the board a written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity be afforded him or her to be heard before the board personally and by counsel At least ten days' written notice of the time and places of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board

Any person aggrieved by the action of the board in suspending or revoking a license or registration or by any other action of the board which is alleged to be improper unreasonable or unlawful may appeal from such action of the board in writing to the Court of Common Pleas of Dauphin County

Appeals from suspensions and revocations of licenses and registrations must be taken within thirty days after such suspension or revocation of which action immediate notice shall be given the licensee or registrant by registered mail addressed as above provided In the case of appeals from other actions of the board the appeal may be taken at any time by the person aggrieved by such action No such appeal shall act as supersedeas except on special allowance of the court before which the appeal is pending.

Appeals shall be taken by serving upon the department written notice of such appeal together with reasons for such appeal Such service shall be made either by filing the said notice of appeal in the office of the department or in the event that a hearing has been had by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty (30) days after the service of such notice of appeal the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings if any in its office duly certified over the seal of the department which record shall include all papers on file with the department affecting or relating to the inquiry or investigation if any conducted by the department and all evidence taken in the hearing if any including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee or registrant and as well to the party or parties if any upon whose complaint the proceedings before the department were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The court upon aplication by the board or the appellant shall fix a time and place for hearing at which time or at any adjournment thereof the appeal shall be heard by the judge or judges of the court without a jury by whom the proceedings before the department if any its findings and ruling shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy four- and its supplements After hearing the court may sustain modify or reverse the action of the board as in its judgment the facts shall warrant

Either party may appeal from the decision of the Court of Common Pleas of Dauphin County to the Superior Court but not later than thirty days after the entry of the decree by said court Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court and the records certified to the Superior Court shall contain all that was before the court of common pleas The decree of the Superior Court shall be final and conclusive

Section 10 Penalties It is unlawful for any person to practice dentistry or to hold himself or herself out as a practitioner of or entitled or authorized to practice dentistry or to assume any title of "dentist" "dental surgeon" or other letters or titles in conection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or authorized so to do unless he or she has been duly licensed registered and authorized to engage in such practice under the provisions of this act

It is unlawful for any person to practice dentistry or as a dental hygienist under a name other than that on his or her license and annual registration or to practice under the name on his or her license and annual registration with any addition thereto except a purely technical appellation such as "Dentist" "D D S" "Orthodontist" or other word or letters pertaining strictly to the practice of dentistry or to induce any person to practice dentistry or as a dental hygienist in violation of this act

It is unlawful for any person to sell offer to sell or barter or exchange any diploma or document conferring or purporting to confer any dental degree or any license or registration certificate issued acording to law regulating the licensing of dentists or dental hygienists or to alter any such document with fraudulent intent or to use it as a license or registration certificate to practice dentistry under an assumed name or to make any false statement in an affidavit relating to or in an application for a license

It is unlawful for any person to practice dentistry or as a dental hygienist unless his or her license and annual registration certificate are displayed [in his or her regularly established place of business] in the office in which he or she is practicing dentistry or as a dental hygienist

It is unlawful for a person practicing dentistry to employ a dental hygienist as his or her assistant unless such assistant is licensed and registered as a dental hygienist as required by this act and the rules and regulations of the board

It is unlawful for any dentist to permit any dental hygienist operating under his general supervision to perform any operation other than those included within practice as a "Dental Hygienist" as defined by section two of this act

It is unlawful for any dental hygienist to perform any of the operations included in practice as a "Dental Hygienist" as defined by section two of this act except under the general supervisions of a licensed and registered dentist

Any person violating any of the provisions of this section or any other provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dol-

lars or to suffer imprisonment not exceeding six months or both in the discretion of the court

Section 11 Right of Dentists to Practice as Dental Hygienists [Rights of Dental Laboratories and Mechanics] Dental Supplies Nothing contained in this act shall be construed as prohibiting a duly licensed and registered dentist from performing the work of a dental hygienist Nothing contained in this act shall be construed to prevent any [dental laboratory or dental mechanic] person copartnership association or corporation from manufacturing and furnishing to or repairing for licensed and registered dentists artificial teeth crowns bridges prosthetic work and regulating appliances but it shall be unlawful and constitute the practice of dentistry for any [dental mechanic or person employed in a dental laboratory or for any other] person to fit or attempt to fit or to furnish to or repair for any other person artificial teeth crowns bridges prosthetic work or appliances

Section 12. The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1216, as follows:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal investments for certain corporations and certain funds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act the investment by any title insurance company stock fire insurance company stock marine insurance company stock fire and marine insurance company stock casualty insurance company stock life insurance company mutual life insurance company or the investment of funds of any state insurance fund state sinking fund state school fund firemen's relief and pension fund police pension fund or other pension fund or the investment by any building and loan association or by any administrative department board commissioner or officer of the State Government authorized by law to make investments of funds in the custody or under the control of such department board commission or officer in shares of any Federal Savings and Loan Association or other institution within the Commonwealth to the extent to which the withdrawal or repurchasable value of such shares now are or may hereafter be insured by the Federal Government of the United States through the Federal Savings and Loan Insurance Corporation under acts of Congress of the United States of America now in effect or which may hereafter be enacted shall be lawful

Section 2 The legality of such investment shall not be impugned whether the person or persons firm or corporation or association board or commission making the same be foreign or domestic or whether such investment be made from capital reserves or surplus or whether made in a fiduciary or other capacity

Section 3 All acts and parts of acts inconsistent herewith are heerby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1477, as follows:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever local assessments or liens are imposed upon certain property holders in any city of the first class in this Commonwealth the authorities of such city may by general ordinance or by ordinance relating to the specific improvement prescribe that such assessments may be paid in not more than ten equal installments payable at such times as may be fixed by ordinance the last thereof not to be more than ten years after the completion of the work of the improvement for which it is assessed The installments shlal bear interest at the rate of not more than six per centum per annum commencing at such time as may be fixed by ordinance If any of said installments shall remain unpaid for two months after the same shall become due and payable the whole of the assessment remaining unpaid shall be due and payable

Any person upon whom such assessment has been made may pay all or as much as he chooses of such installment before the same is due

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 563, as follows:

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties" requiring licenses for all bakeries further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Ariculture and providing penalties" is hereby amended to read as follows

Section 3 Annual License and License Fee It shall be the duty of every person whether a resident or non-resident of this Commonwealth operating a bakery to apply to the Department of Agriculture for a license to do so and to register with the department all bakery products baked prepared manufactured or compounded in such bakeries before the first day of January one thousand nine hundred thirty-four and annually thereafter before the first day of January of each succeeding year and pay to the

Department of Agriculture at the time said application for registration and license is filed an annual fee as follows For bakeries using less than fifty pounds of flour per week one dollar ($1.00) for bakeries using less than one hundred barrels of flour per week five dollars ($5.00) for bakeries using one hundred barrels and less than two hundred barrels of flour per week ten dollars ($10.00) and bakeries using two hundred barrels or more per week twenty dollars ($20.00) [Provided however That any person operating a bakery in Pennsylvania who does not use more than fifty pounds of flour flour substitute flour mixture or potatoes a week in the preparation of bakery products shall not be required to register such bakery products pay a license fee or obtain a license] Provided however That the licensing provisions of this section shall not apply to charitable or religious organizations or their members who or which manufacture bakery products occasionally for sale by such organizations

The application for a license and registration shall be made on a form to be supplied by the department and shall show trade names of all products and principal address of bakery The application shall have attached thereto the affidavit of the person applying for the license that the facts set forth therein are true and correct

From and after the first day of January one thousand nine hundred and thirty-four it shall be unlawful for any person to operate a bakery for the manufacture of bakery products unless said bakery is duly licensed in accordance with the provisions of this act

Upon approval of application for registration and license and payment of required license fee and also upon approval of sanitary conditions in a bakery and every store or shop connected therewith the Department of Agriculture shall issue to each applicant a license or certificate of registration which shall expire at the end of each calendar year and which will authorize the operation of said bakery and the baking compounding manufacturing and sale of said bakery products for the calendar year or portion thereof for which a license or certificate of registration shall be issued

All wrappers of any kind whatsoever in which bakery products shall be wrapped shall be printed or marked in a clear and legible manner with the trade name or kind of bakery product which it purports to be and with the name and address of the bakery manufacturing such bakery product Provided That when transparent wrappers are employed such printed or legible statement may be inserted in a conspicuous position between such transparent wrapper and the top of the loaf or other bakery product or by printed band or wrapper around the top of the loaf or other bakery product

Section 2 That said act is hereby amended by adding thereto after section five two new sections to read as

Section 6 Sale and Importation of Bakery Products It shall be unlawful for any person

(a) To sell offer for sale or have in his possession with intent to sell a bakery product which is not registered with the department as provided in this act Possession of any bakery product shall be deemed prima facie evidence of an intent to sell such bakery product

(b) To import into this Commonwealth any bakery products manufactured in a bakery in another state that is not licensed according to the laws of this Commonwealth

Section 7 Injunctions The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in the Court of Common Pleas of Dauphin County for the purpose of enjoining the sale of any bakery products in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 3 That sections six seven and eight of said act are hereby amended to read as follows

Section [6] 8 Penalty Any person who violates any of the provisions of this act or any of the rules and regulations of the department adopted under the authority of this act shall [be guilty of a misdemeanor and upon conviction thereof shall] for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) [or] and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment [of] in the county jail for not less than thirty days nor more than sixty days [or both] and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one year or both in the discretion of the court

All fines imposed and recovered for any violation of the provisions of this act shall be paid to the department and all such fines and penalties together with the license fees paid under the provisions of this act shall be paid into the State Treasury through the Department of Revenue into the General Fund

Section [7] 9 Effective Date This act shall become effective on the first day of June one thousand nine hundred and thirty-three

Section [8] 10 Repeals The act approved the ninth day of July one thousand nine hundred and nineteen (Pamphlet Laws seven hundred eighty-eight) entitled "An act to protect the health of the persons employed in bakeries by requiring the ventilation drainage sanitation and purity of bakeries the cleanliness of persons employed therein and of all bakery products tools implements ingredients and other things used in connection with their manufacture delivery and sale by regulating and in certain cases restricting the use of such bakeries by regulating the manufacture sale and delivery of such products by requiring all persons employed or permitted to work therein to be certified as free from certain diseases and skin affections by prohibiting the presence of all animals by requiring a certificate of compliance and regulating the issuance of same by providing for the enforcement of this act and providing penalties for violations hereof" and its amendments are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1921, entitled:

An Act to amend sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assesments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments

The first and second sections were separately read and agreed to as follows:

Section 1 Be tt enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 90) entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" are hereby amended to read as follows

Section 4 Upon all such taxes and taxables shall be allowed [the same discounts for prompt payment and shall be subject to the same penalties for delay or delinquency in payment as is now provided under existing law relating to the particular tax and where such existing laws fix specific dates for such discounts and penalties corresponding times shall be calculated from the time duplicates issue under the provisions of this act] a discount of two (2%) per centum if paid on or before the thirtieth day of April and said taxes shall be payable at face during the months of May and June and if not paid on or before the thirtieth day of June the said taxes shall be demeed delinquent and shall be subject to a penalty of two (2%) per centum up to July thirty-first and in addition thereto interest on the face amount of said delinquent taxes at the rate of one-half of one per centum per month for each and every month or part thereof that the same may be delinquent after the thirty-first day of July of said year

Section 5 It shall be the duty of the collector of taxes in the issuing of tax statements to include [so far as practicable all city school county andn poor taxes against the same properties or persons upon one statement for each year and said tax statement shall be mailed to the taxpayer by the tax collector not later than he first day of April of each calendar year Taxables shall have the option to elect to pay the total amount of their city county school and poor taxes in four equal quarterly payments as follows viz

The first quarterly payment during the months of April May and June the second quarterly payment during the month of July the third quarterly payment during the month of October and the fourth quarterly payment during the month of January The first quarterly payment shall become delinquent if not paid on or before the thirtieth day of June the second quarterly payment shall become delinquent if not paid on or before the thirty-first day of July the third quarterly payment shall become delinquent if not paid on or before the thirty-first day of October the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first day of January

The discount as provided under section four shall be allowed to the taxable on his first quarterly payment only provided the same shall be paid on or before the thirtieth day of April Upon default in the payment of any quarterly installment the entire unpaid balance shall thereupon become due and owing by the taxable and said unpaid balance shall bear the same penalties and interest charges as is hereinbefore provided

Section 2 All acts and parts of acts general local or special inconsistent herewith are hereby repealed

The third section was read as follows:

Section 3 This bill shall become effective January 1 1937

On the question,

Will the House agree to the section?

Mr. COLEMAN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 3, page 4, line 24, by striking out at the end of the line the numerals "1937" and insert in lieu thereof the following: "1938."

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend sections four and five of the act, approved the twenty-sixth day of April one thousand nine hundred and thirty-five (P. L. 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A, by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolishing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county, and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date, giving the taxpayers option of payment of taxes in quarterly installments.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1567, as follows:

An Act to amend section two and section nine as amended of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" further regulating the making of payments to representatives of persons who cannot personally receive compensation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of the act approved the fifth day of January one thousand nine hundred, and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapac-

ity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" is hereby amended to read as follows

Section 2 As used in this act the word "veteran" includes any individual a member of the military or naval forces of the United States during the war between the United States and Spain between the twenty-first day of April one thousand eight hundred and ninety-eight and the thirteenth day of August one thousand eight hundred and ninety-eight or who served in the China Relief Expedition in the Philippines or Guam between the twenty-first day of April one thousand egiht hundred and ninety-eight and the fourth day of July one thousand nine hundred and two or during the World War between the sixth day of April one thousand nine hundred and seventeen and the eleventh day of November one thousand nine hundred and eighteen but does not include (a) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions (b) any conscientious objector who performed no military duty whatever or refused to wear the uniform or (c) any alien at any time during such period or thereafter discharged from military or naval forces on account of his alienage

The term "legal resident of this Commonwealth" means any individual who gave the State of Pennsylvania or any specific place in this Commonwealth as his or her place of residence at the time of entering the military or naval forces of the United States for such period without regard to the place of enlistment commission or induction The proof of such residence shall be either the official records on file in the War Department of the United States or such other evidence of bona fide residence as maybe deemed sufficient by the Adjutant General of Pennsylvania

Section 2 That section nine of said act as amended by the act approved the twentieth day of March one thousand nine hundred and thirty-five (Pamphlet Laws 4) and by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 648) and by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 655) and by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 697) is hereby consolidated and further amended to read as follows

Section 9 Whenever prior to the date of distribution of compensation under the provisions of this act a veteran entitled thereto shall have died [is legally presumed dead] or if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any act for the payment of Federal benefits or become mentally incapable of receiving his or her compensation payment shall be made by the Adjutant General without proceedings in this Commonwealth

(a) In case of mental incapacity to the guardian or committee if any of the [veterans or if there be no guardian or committee then to the person with whom the veteran lives] veteran or if there be no guardian or committee then to the person with whom the veteran lives or in case of a veteran who is hospitalized in a State county or Federal institution for mental or nervous diseases upon order of the Adjutant General without regards to the residence of the veteran to the person or persons as would be entitled thereto under the provisions of this act if the veteran were deceased and in the absence of any such claimant to the superintendent manager or person in charge of such State county or Federal institution to be expended for the clothing and incidental needs of said veteran Provided however That no part of this compensation shall be paid to any county or State institution for the maintenance of the veteran A statement from the manager superintendent or person in charge of any State county or Federal institution wherein the veteran is a patient shall be admitted in evidence to determine the mental condition of the veteran Such statement shall set forth that the veteran due to his weakness of mind is liable to dissipate such funds as may be due him under the provisions of this act and is apt to become the victim of designing persons

[(b) In the cast of death to the executor or administrator of the veteran's estate if an executor or administrator was appointed and the estate has not been settled

(c) In case of death if the veteran's estate has been settled or if an executor or administrator was not appointed and is not necessary for the administration of any other property to the following persons in the order named Surviving unremarried widow if such widow was living with the veteran at the time of his death or if not so living with the veteran at the time of his death if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death or at any time thereafter and before the fourth day of January one thousand nine hundred and thirty-four or surviving minor child or surviving minor children share and share alike or surviving mother or surviving father or surviving foster mother or surviving foster father or in the event that the person so entitled thereto shall have applied for compensation and subsequently died before payment thereof to the duly qualified executor or administrator of such deceased claimant

(d) In the case of a veteran who is hospitalized in a State county or Federal institution for mental or nervous diseases upon order of the Court of Common Pleas of Dauphin County without regards to the residence of the veteran to the person or persons as would be entitled thereto under the provisions of this act if the veteran were deceased and in the absence of any such claimant to the superintendent manager or person in charge of such State county or Federal institution to be expended for the clothing and incidental needs of said veteran Provided however That no part of this compensation shall be paid to any county or State institution for the maintenance of the veteran All court costs in such proceedings shall be waived The Attorney General shall designate any attorney in the employ of the Commonwealth of Pennsylvania to represent the veteran and render such legal services as are necessary to accomplish the purpose of this section Any attorney who charges a fee for services rendered in this respect shall be considered to have violated section thirteen of this act A statement from the manager superintendentor person in charge of any State county or Federal institution wherein the veteran is a patient shall be admitted in evidence to determine the mental condition of the veteran Such statement shall she forth that the veteran due to his weakness of mind is liable to dissipate such funds as may be due him under the provisions of this act and is apt to become the victim of designing persons Action may be taken by the court only upon a petition filed by the Adjutant General or a representative of his office and such petition shall state the amount that is due the veteran and the person or persons to whom payable under this clause and if not denied such statement shall be accepted without further evidence

(d) A veteran shall be presumed to be legally dead for the purposes of this act without proceedings in this Commonwealth if such veteran shall have been or shall be determined to have been legally dead by the Federal authorities under any Federal act for the payment of adjusted compensation]

(b) In the case of death to the following persons in the order named Surviving unremarried widow if such widow was living with the veteran at the time of his death or if not so living with the veteran at the time of his death if she establish to the satisfaction of the Adjutant General that the living apart was not due to her wilful act and that she was actually dependent upon the veteran at the time of his death or at any time thereafter and before the fourth day of January one thousand nine hundred and thirty-four or surviving minor child or surviving minor children share and share alike or surviving mother or surviving father The terms "mother" and "father" include mothers and fathers through adoption and persons who have for a period of not less than one year acted in the capacity of a foster parent to the veteran at any time prior to his or her having attained the age of eighteen (18) years

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1113, as follows:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hudred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any tax collector or receiver of taxes of any county city borough town township school district or poor district shall have failed or neglected to make return to the county commissioners of taxes assessed and levied against seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four or one thousand nine hundred and thirty five within the time required by law such tax collector or receiver may legally and validly make return of such taxes in the manner provided by law for such return at any time within six months after this act takes effect and the liens of any taxes for said years so returned under the authority of this act shall be valid and are hereby ratified and confirmed and a county treasurer's sale may be had for such taxes at any time when a treasurer's sale is held or on any day to which said sale may be adjourned or readjourned in the manner provided by existing law Provided however That the return of any tax under this act shall not revive or re-establish any tax lien against real estate which was transferred to any bona fide purchaser during the time when any such lien was lost nor shall such return affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the collector to return the tax at the regular time

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2147, (Senate Bill No. 626), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws thirty-eight) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2133, (Senate Bill No. 573), entitled:

An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws two hundred twenty-three nineteen hundred thirty-three and nineteen hundred thirty-four) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2144, Senate Bill No. 651, Printer's No. 172, was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1765, as follows:

An Act to further amend the act approved the eighteen day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such county public school psychologists

The first to the fourth sections inclusive were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be

inconsistent therewith" as amended by section twenty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1101 For the superintendence and supervision of the public schools of this Commonwealth there shall be elected or appointed in the manner herein provided county superintendents district superintendents assistant county and district superintendents associate superintendents and supervisors of special education

Section 2 Section one thousand one hundred and two of said act as amended by section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1102 Every person elected or appointed as county district or assistant county or district superintendent or associate superintendent or supervisor of special education must be a person of good moral character

Section 3 Section one thousand one hundred and twenty-six of said act as amended by section twenty of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1078) is hereby further amended to read as follows

Section 1126 Every county superintendent having more than one hundred and fifty (150) and not more than [three hundred and fifty teachers under his supervision shall have an assistant superintendent every county superintendent having more than three hundred and fifty and not more than six hundred teachers under his supervision shall have two assistant superintendents every county superintendent having more than six hundred and not more than eight hundred teachers under his supervision shall have three assistant superintendents and for each additional four hundred teachers or fraction thereof under his supervision a county superintendent shall have an additional assistant superintendent And the school directors of any county at their convention for electing a county superintendent may authorize the appointment of additional assistant superintendents to those herein provided for] five hundred and fifty (550) teachers under his supervision shall have one assistant county superintendent Every county superintendent having more than five hundred and fifty (550) but not more than one thousand and fifty (1050) teachers under his supervision shall have two assistant county superintendents Every county superintendent having more than one thousand and fifty (1050) teachers under his supervision shall have one additional assistant county superintendent for each additional five hundred teachers or fraction thereof but no county superintendent shall have more than five assistants In addition to the assistant county superintendents herein provided for in each county in which there are 550 or more teachers under the supervision of the county superintendent there shall be appointed one supervisor of special education and in each county in which there are less than 550 teachers under the supervision of the county superintendent there shall be appointed a joint supervisor of special education who shall serve in two or more counties In no instance shall such county public school psychologist serve in more than three counties The State Council of Education shall have power and it shall be their duty to determine the counties which shall be served jointly by a joint county public school psychologist The time of the joint county public school psychologist shall be apportioned among the several counties on the basis of the number of teachers under the supervision of the county superintendent in each county

Section 4 Sections one thousand one hundred and twenty-seven one thousand one hundred and twenty-eight and one thousand one hundred and twenty-nine of said act are hereby amended to read as follows

Section 1127 The superintendent of each county entitled to an assistant superintendent or assistant superintendents shall within fifteen days after receiving his commission nominate to the [five officers of the school directors' association of the county] county board of school directors the assistant superintendent or superintendents who must furnish the president of said association [the same evidence of eligibility as is required of candidates for county superintendents] evidence of eligibility in accordance with the regulations of the State Council of Education These nominations shall be appointments until the end of the county superintendent's term of office when confirmed by a majority vote of the [five officers of the directors' association of said county] county board of school directors The president and secretary of the [school directors' associations] county board of school directors shall certify to the Superintendent of Public Instruction the name and post-office addresses of the assistant county superintendents and supervisors of special education appointed as heerin provided [thus appointed] and their salaries as fixed by the directors' convention and such assistant county superintendents and supervisors of special education shall be commissioned by the Superintendent of Public Instruction in the same manner and under the same conditions as in the case of county superintendents Should the county superintendent and the [officers of the School Directors' Association] county board of school directors of any county fail to nominate and confirm the assistant superintendent or superintendents or supervisor of special education for such county within thirty days after the county superintendent has received his commission the Superintendent of Public Instruction shall appoint such assistant superintendent or superintendents or supervisor of special education to serve until the end of the county superintendent's term of office

Any person who is certified to teach in the public schools of the Commonwealth and who is certified as a public school psychologist by the Department of Public Instruction shall be eligible for appointment as a supervisor or joint supervisor of special education

The superintendent of each county entitled to a supervisor of special education shall nominate to the county board of school directors the candidate for the office of supervisor of special education By a majority vote of the county board of school directors the candidate may be appointed to serve until the end of the term of office of the county superintendent

The county superintendents of the counties which are entitled to a joint supervisor of special education shall nominate to their county boards of school directors the candidate for the office of joint county public school psychologist By a majority vote of the several members of the county boards of school directors the candidate may be appointed to serve until the end of the terms of office of the county superintendents

Section 1128 Any vacancy occurring in the position of assistant county superintendent or supervisor of special education shall be filled by the county superintendent and the [officers of the school directors' association] county board of school directors in like manner as at the beginning of a term [In all counties entitled to one or more assistant county superintendents the county superintendents elected in May one thousand nine hundred and eleven (1911) and the officers of the school directors' association therein shall before the first day of September one thousand nine hundred and eleven (1911) nominate and confirm the assistant county superintendents to which the several counties in this Commonwealth are entitled Such assistant county superintendents shall hold office subject to the provisions of this act until the first Monday of June one thousand nine hundred and fourteen (1914)]

Section 1129 Upon the written charges and recommendation of the county superintendent or of the majority of the members of each of three boards of school directors whose schools are under the jurisdiction of the county superintendent assistant county superintendents or supervisor of special education of any county may after a hearing be removed by the Superintendent of Public Instruction for the same cause and in like manner as a county superintendent is removed

The fifth section was read as follows:

Section 5 Section one thousand one hundred and thirty of said act as amended by section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws 300) is hereby further amended to read as follows

Section 1130 The minimum salary of each assistant

county superintendent or supervisor of special education [shall be eighteen hundred dollars ($1,800.00) per year which] as herinafter in this act provided shall be paid out of the State appropriation for public schools in such payments and manner as the county superintendents are paid [The salaries of additional assistant county superintendents whose appointments may be authorized as herein provided shall be fixed by the convention of school directors which provides for their appointment and together with any additional salary granted by said convention to any required] Any additional salary granted by the school directors of any county at their convention for electing a county superintendent to any assistant county superintendent or supervisor of special education shall be paid from the school appropriation apportioned among the several school districts under the supervision of the county superintendent before the same is distributed The salaries of assistant county superintendents and of supervisors of special education shall be paid monthly

In addition to the said salary each assistant county superintendent and each supervisor of special education shall be entitled to receive annually a sum not to exceed five hundred dollars for the payment of actual and necessary expenses incurred in visiting schools within his district in attending educational meetings and in the performance of such other official duties as may be required by him by law Payments shall be made monthly on account of such expenses to any such assistant county superintendent of supervisor of special education by requisition of the Superintendent of Public Instruction upon the Auditor General upon the production to him of itemized vouchers in the usual manner

[This act shall take effect June first one thousand nine hundred nineteen]

On the question,

Will the House agree to the section?

Mr. BURROWS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 5 (section 1130) page 9, line 8, by striking out the word "of" and inserting in lieu thereof the following: "or"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The sixth to the ninth sections inclusive were separately read and agreed to as follows:

Section 6 Section one thousand one hundred and thirty-one of said act is hereby amended to read as follows

Section 1131 Every assistant county superintendent shall diligently visit the schools assigned him by the county superintendent and shall under his direction supervise and direct the work of the schools and see that each school is equal to the grade for which it was established and that there is as far as practicable uniformity in the courses of study of the several grades respectively and shall when so directed by the county superintendent the Superintendent of Public Instruction or a State Inspector of High Schools direct or conduct examinations for promotion or graduation He shall also inspect school property and see that the requirements of the law as to buildings grounds equipment and sanitary arrangements are fully observed and complied with During the school terms and vacations he shall assist the county superintendent in his work and perform such other duties in connection with the public schools of the county as may be assigned him by the county superintendent Provided however That the duties herein prescribed for the assistant county superintendent shall in no case be constructed to lessen or limit the duty and responsibility of the county superintendent to visit all the schools under his jurisdiction as frequently as possible

It shall be the duty of each supervisor of special education to examine and investigate the abilities disabilities and needs of the exceptional children in the schools to make recommendations concerning the instruction of such children and to supervise such instruction It shall also be his duty to make reports to the judge of the juvenile court upon request by such judge concerning any child who is a resident of a school district that is under the jurisdiction of the county superintendent of schools

It shall also be his duty to assist the county superintendent in the preparation administration and interpretation of examinations for promotion or graduation when so directed by the county superintendent

Section 7 Section one thousand one hundred and thirty-two of said act is hereby amended to read as follows

Section 1132 Assistant county superintendents and supervisors of special education shall meet with boards of school directors for conference when they deem it necessary or when they are requested by the directors to do so and shall make to their county superintendents monthly reports concerning the condition and progress of the schools which they have visited and the needs of individual pupils together with any needed recommendations which reports shall be kept on file in the county superintendents' offices for not less than one year The county superintendents shall forward to the various boards of school directors the reports and recommendations of the assistant county superintendents and supervisors of special education concerning the schools and pupils in their districts or such portions thereof as they deem wise together with any additional suggestions or recommendations

Section 8 Clause eight of section one thousand two hundred and ten of said act as last amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1587) is hereby further amended to read as follows

8 County superintendents of counties having a population of less than twenty thousand (20,000) minimum annual salary three thousand dollars ($3,000) county superintendents of counties having a population of twenty thousand and more but less than forty-five thousand (45,000) minimum annual salary three thousand five hundred dollars ($3,500) county superintendents of counties having a population of forty-five thousand and more but less than one hundred and fifty thousand (150,000) minimum annual salary four thousand dollars ($4,000) county superintendents of counties having a population of one hundred and fifty thousand $150.000) or more minimum annual salary four thousand five hundred dollars ($4,500) all assistant county superintendents and supervisors of special education minimum annual salary three thousand dollars ($3.000)

Section 9 The amendments to this act which pertain to supervisors of special education shall become effective on the first day of July one thousand nine hundred and thirty-nine

The title was read as follows:

An Act to further amend the act approved the eighteen day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such county public school psychologists

On the question,

Will the House agree to the title?

Mr. BURROWS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 16, by striking out the words "county public school psychologists" and inserting in lieu thereof the following: "supervisors of special education"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1712, as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district

Section 1 (a) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the powers now possessed and exercised by the judges of the County Court in and for the County of Allegheny said judges shall when called upon by the president judge of the Court of Common Pleas of the same judicial district as hereinafter provided have power to hear and determine when certified according to the provisions of Clause (b) of this section all pleas or criminal issues and all issues and other matters in the Court of Oyer and Terminer and General Jail Delivery and the Court of Quarter Sessions of the Peace for said judicial district so fully and effectually and to dispose thereof in the same manner as may be done by the judges of the Court of Common Pleas sitting in said courts

(b) Nothing in this section shall be construed to make it compulsory upon the judges of said County Court to render the services aforesaid but when the proper dispatch of business requires it and an arrangement can be made with the president judge of said County Court in and for the County of Allegheny for the services of a judge or judges of said County Court in and for the County of Allegheny the president judge of the Court of Common Pleas of the same judicial district may certify all matters or issues to be heard and determined by such judge or judges of the County Court in and for the County of Allegheny specially serving as aforesaid

(c) Whenever either of the president judges of the Court of Common Pleas or of the County Court in and for the County of Allegheny shall be absent from the district or disabled by sickness and occasion shall occur it shall be competent for the judge oldest in commission in either of said courts being then in the district and able to act to arrange for the services herein provided for and to make the necessary certificates in like manner and to the same intent effect and purpose as the same could be done by said president judge

(d) No judge of the County Court in and for the County of Allegheny who shall render services as herein provided shal receive any extra compensation or renumeration for such services in addition to the salary provided for the services of such judge as a judge of the County Court in and for the County of Allegheny

Section 2 The provisions of this act shall become effective immediately upon final enactment

Section 3 All acts or parts of acts which are inconsistent herewith shall be and the same are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1981, entitled:

An Act to amend the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the Public Health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four nine and ten of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" are hereby amended to read as follows

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. McArdle.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. McARDLE. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny, Mr. McArdle, whether under this bill a small retailer of ice cream, who is accustomed to putting ice cream out in a small round container or square container without a name of any kind on it would not be liable to the penalty under the act.

Mr. McARDLE. Mr. Speaker, as I understand the bill, he would be liable to the penalty under this act.

Mr. TURNER. Mr. Speaker, does the gentleman not think that that is a very stringent provision and might work a hardship on a great many small merchants? For instance, if I may illustrate and make my point clear, I know that in my own neighborhood there is a great number of small merchants who buy ice cream from the large Philadelphia supply houses, like Breyers and Supplees, and if you want some of that ice cream they have signs outside their stores and so forth, and you go there and they dish it out in a small container, of cardboard or whatever it is made of, it bears no name. This would mean they would either have to have containers with names on or they would have to have their own printed on them, or if the merchant should be out of the container and somebody comes in and wants ice cream, he would be liable to the penalties under this act. Therefore, it appears to me that the thing to do, unless you want this bill to pass second reading,—I am sorry I did not see you in the House so that I could talk to you about this interrogation,— but it seems to me the thing to do is to pass the bill over and amend it to carify that situation.

Mr. McARDLE. Mr. Speaker, as I understand this bill, it covers the manufacturer of ice cream and then the retailer automatically meets the requirements of it.

Mr. TURNER. Mr. Speaker, that is not the understanding that I have from the study of the bill that I have made, that it only applies to the manufacturer.

Mr. McARDLE. Mr. Speaker, I will be very glad to pass the bill over until we can get together on it.

Mr. TURNER. Mr. Speaker, I would ask the gentleman if he would not pass the bill over and then decide that question a little latter.

Mr. McARDLE. I will, Mr. Speaker.

BILLS PASSED OVER

There being no objection House Bill No. 1981, Printer's No. 601 was passed over at the request of Mr. McARDLE.

There being no objection House Bill No. 2143, Senate Bill No. 607, Printer's No. 175 was passed over at the request of Mr. SAMUEL A. WEISS.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2141, (Senate Bill No. 515), as follows:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the current funds of the poor district of any county of the seventh or eighth class shall be exhausted it shall be lawful for the county commissioners of any such county at any time during the last nine months of the fiscal year to transfer from time to time to the account of the poor district any county moneys which in the opinion of the county commissioners will not be needed during the current fiscal year for general county purposes and the county moneys so transferred shall be available for expenditure by the poor district in the same manner and for the same purposes as if raised by taxation for poor purposes including the payment of any temporary indebtedness of the poor district

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1416, (Senate Bill No. 177), as follows:

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or officer to hire or induce any minor to purchase or offer to purchase spirituous vinous or brewed and malt liquors from a duly licensed dealer for the purpose of obtaining evidence to be used in any legal proceeding against said licensed dealer Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to suffer imprisonment not exceeding one year or both at the discretion of the court

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1651, as follows:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled 'An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844), the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) the act approved the fourth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 275) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 1 Be it enacted &c That the following words and phrases as used in this act unless a different meaning is plainly required by the context shall have the following meanings

1 "Retirement System" shall mean the arrangement for the payment of retirement allowances under the provisions of this act

2 "Retirement Association" shall mean the State employes' retirement association provided for in section three of this act

3 "Retirement Board" shall mean the State employes' retirement board provided for in section four of this act

4 "Secretary of the Commonwealth" shall mean the Secretary of the Commonwealth of Pennsylvania

5 "State Treasurer" shall mean the Treasurer of the Commonwealth of Pennsylvania

6 "State employe" shall mean any person holding a State office or position under the Commonwealth of Pennsylvania [or] employed and paid on a yearly or monthly basis by the State Government of the Commonwealth of Pennsylvania in any capacity whatsoever and shall include also any attorney solicitor investigator appaiser and clerk employed by the year or by the month in the office of any register of wills howsoever appointed whose compensation is actually paid from Commonwealth moneys and shall also include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth and also all clerks and secretaries employed by judges and paid on a yearly or monthly basis by such judges from moneys appropiated by the Commonwealth for such purposes and also all officers and employes of the Pennsylvania State College paid on a yearly or monthly basis other than those paid wholly from Federal funds and also all officers and employes of the Delaware River Joint Commission paid on a yearly or monthly basis if the Delaware River Joint Commission shall agree to contribute and contributes to the State Employes' Retirement Fund from time to time the moneys required to build up the reserves necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropiations for such purposes and also all officers and employes of The General State Authority paid on a yearly or monthly basis if the General State Authority shall agree to contribute and contributes to the State Employes' Retireemnt Fund from time to time the moneys required to build up the reserve necessary for the payment of the State annuities of such officers and employes without any liability on the part of the Commonwealth to make appropriations for such purposes But the term "State employe" shall not include those persons defined as employes in section one paragraph seven of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting anuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by section one paragraph seven of the act approved the twenty-first day of April one thousand nine hundred and twenty-one (Pamphlet Laws two hundred forty-five) excepting such officers and employes of the Department of Public Instruction as are not members of or who may withdraw from the public school employes' retirement association provided by said act and no member shall be deprived of credit for prior service as a State employe because of the fact that such service was rendered while he or she was a member of the public school employes' retirement association

The term "State employe" shall also include all State officers and employes regularly emploed by the year or by the month at a fixed annual or monthly compensation when the General Assembly is not in session but who during a legislative session instead of a fixed annual or monthly salary or compensation are paid upon a per diem basis or by a fixed salary or compensation from the legislative session

In all cases of doubt the retirement board shall determine whether any person is a State employe as defined in this parrgraph and its decision shall be final

7 "Head of the Department" as applied to State employes shall mean the head of the department or branch of service not a department of the Commonwealth of Pennsylvania of which the State employe is a member and shall include all judges of the several courts of this Commonwealth whose salaries are paid by the Commonwealth

8 "Member" of the retirement association shall mean a State employe who shall be a member of the retirement association established by this act

9 "Original member" of the retirement association shall mean a State employe who was at any time a State employe prior to January first one thousand nine hundred twenty-five whether or not such employment has been continuous and who shall have become a member of the retirement association on or before December thirty-first one thousand nine hundred thirty-five

Any such State employe who shall become an original member of the association after the approval of this amendment including those who having heretofore become a new member thereof shall become an original member under the provisions hereof shall pay to the retirement association a sum equal to all the back payments which such person would have made had he or she become a member of the retirement association when the retirement system was established Such back payments may be spread over a period of years by having such regular payroll deduction of such person increased by not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing and shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

Original member of the retirement association shall also mean any judge in service on the second Monday of January one thousand nine hundred thirty who shall elect to become a member of the retirement association at any time during the term for which he was then elected or appointed and any person hereafter elected or appointed

a judge who at the time of his election or appointment is an original member of the retirement association or who was retired voluntarily or involuntarily as an original memebr and is at the time of his election or appointment as a judge receiving a retirement allowance as an original member

10 "New member" of the retirement association shall mean a State employe who shall have become a State employe and a member of the retirement association at a date subsequent to the thirty-first day of December one thousand nine hundred twenty-four or who upon becoming a member subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elects not to make back payments and in the case of a judge shall mean any judge who was not na original member and who is elected reelected or appointed to the office of judge subsequent to the second Monday of January one thousand nine hundred and thirty Any person who became a State employe as herein defined subsequent to December thirty-first one thousand nine hundred and twenty-four may become a "New member" as of the date when he or she became such "State employe" upon payment to the retirement association of a sum equal to all back payments which such person would have made had he or she become a member at the date of becoming a "State employee" Such back payments may be spread over a period of years by having the regular payroll deduction of such person increased for not less than one-third of the amount thereof which deduction increase shall be credited to such back payments owing which shall be continued until the amount thereof shall be paid in full unless such member is retired under the provisions of this act before such back payments have been completed Any such deduction increase may be anticipated in full by the member at any time and shall be anticipated in full at the time of retirement before a retirement allowance is granted and if not so anticipated then the member's annuity shall be calculated on the total accumulated deductions standing to his credit and his State annuity shall be reduced by an amount equivalent to the reduction which occurs in the member's annuity due to the amount of the back payments not so anticipated

11 "Contributor" shall mean any person who has accumulated deductions in the fund created by this act to the credit of the annuity savings account

12 "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided in this act

13 "Prior service" shall mean all service as a State employe completed not later than the thirty-first day of December nineteen hundred twenty-three and in the case of judges shall mean all service completed prior to becoming a member of the retirement association

14 "Disability Retirement" shall mean retirement as defined in section twelve of this act

15 "Superannuation retirement" shall mean retirement as defined in section thirteen of this act

16 "Superannuation Retirement Age" shall mean as applied to State employes sixty years of age

17 "Final Salary" shall mean the average annual salary earnable by a contributor as a State employe for the five years of service immediately preceding retirement except that at the member's option the salary earnable by a contributor as a Ctate employe for the years beginning June first one thousand nine hundred thirty-three and June first one thousand nine hundred thirty-four shall not be included in determining such "final salary"

18 "Accumulated Deductions" shall mean the total of the amounts deducted from the salary of a contributor and paid into the fund created by this act to the credit of the annuity savings account together with the regular interest thereon

19 "Regular Interest" shall mean interest at four per cent per annum compounded annually

20 "State Annuity" shall mean payments for life derived from contributions made by the Commonwealth of Pennsylvania as provided in this act

21 "Members Annuity" shall mean payments for life derived from contributions made by the contributor as provided in this act

22 "Retirement Allowance" shall mean the State annuity plus the member's annuity

23 "State Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any State annuity granted and based on contributions made by the Commonwealth of Pennsylvania

24 "Member's Annuity Reserve" shall mean the present value computed on the basis of such mortality tables as shall be adopted by the retirement board with regular interest of the future payments to be made on account of any member's annuity granted and based on the accumulated deductions of the cotnributor

25 "State Employes' Retirement Fund" shall mean the fund provided for in paragraph number two in section

26 "Contingent Reserve Account" shall mean the account provided for in paragraph number three in section eight of this act

27 "State Annuity Reserve Account" shall mean the account provided for in paragrhph number four in section eight of this act

28 "State Annuity Reserve Account Number Two" shall mean the account provided for in paragraph number five in section eight of this act

29 "Member's Annuity Saving Account" shall mean the account provided for in paragraph number six in section eight of this act

30 "Member's Annuity Reserve Account" shall mean the account provided for in paragraph number seven in sectoin eight of this act

Section 2 That section three of said act as last amended by the act approved the twenty-sixth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 844) is hereby further amended to read as follows

Section 3 A State employes' retirement association is hereby organized the membership of which shall consist of all State employes as defined in paragraph six of section one of this act who by written application to the Retirement Board shall either as an original member or a new member elect to be covered by the retirement system Any State employe who becomes a State employe subsequent to the thirty-first day of December nineteen hundred twenty-four except as provided in paragraphs nine and ten of section one of this act as to judges shall during the first [twleve] six months of employment as a State employe have the option of membership but after the first [twelve] six months of such employment as a State employe membership as a new member shall be compulsory Provided however That neither the Governor nor the Lieutenant Governor nor the head or deputy heads of any administrative depatrment nor the members of any independent administrative board or commission or of any departmental administrative board or commission or of any advisory board or commission nor the secretary to the Governor nor the budget secretary nor any person over the age of fifty years shall be compelled to become members of said State employes' retirement association

The head of each department board commission or other agency of the State government shall see to it that an application for membership is executed by each new State employe within said six months period and that payroll deductions are not delayed beyond said period

Section 3 That section four of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) is hereby further amended to read as follows

Section 4 (1) Within sixty days following the enactment of this line a retirement board to be known as the "State Employes' Retirement Board" shall be consituated within the Treasury Department [of State] which shall consist of the following

(a) The Secretary of the Commonwealth [who shall be chairman thereof]

(b) The State Treasurer who shall be chairman thereof

(c) One member who shall be appointed by the Governor of the Commonwealth of Pennsylvania who shall serve until his successor is appointed

(d) Two members of the retirement association elected

from among their number in a manner to be approved by those persons named in paragraphs (a) (b) and (c) of this section one to serve for one year one for two years and whose successors shall be elected for a term of three years from among the members of the retirement association in a manner to be approved by the retirement board

A vacancy occurring during a term shall be filled for the unexpired term by the appointment of a successor in the same manner as his or her predecessor Until the establishment of the retirement association and the election of two representatives therefrom the [person] persons named in paragraphs (a) (b) and (c) of this section are empowered to perform the duties of the retirement board

(2) The expenses of the administration of this act by the retirement board exclusive of the payment of retirement allowances and of the other benefits provided for in this act shall be paid by the Commonwealth by biennial appropriations from the general fund made on the basis of estimates submitted by the retirement board The members of the retirement board shall serve without compensation but shall be reimbursed from the aforesaid appropriations for any necessary expenditures and no contributor shall suffer loss of salary or wages through serving on the retirement board

(3) The [Secretary of the Commonwealth] State Treasurer shall [with the approval of the Governor] appoint a secretary an actuary and such medical clerical and other employes as may be necessary

(4) The compensation of all persons so appointed shall be fixed by the [Secretary of the Commonwealth with the approval of the Governor] State Treasurer [Provided That after the Executive Board of this Commonwealth shall have established applicable standards the compensation of the persons employed by the retirement board shall conform to such standards]

(5) Subject to the limitations of this act and of law the retirement board shall from time to time establish rules and regulations for the administration of the fund and ledger accounts created by this act and for the transaction of its business

(6) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuation of the various accounts created by this act

(7) In the years nineteen hundred twenty-seven and nineteen hundred thirty and in every fifth year thereafter the actuary of the retirement board shall make an actuarial investigation into the mortality and service experience of the contributors and beneficiaries as defined in this act and shall make a valuation of the various accounts created by this act and on the basis of such investigation and valuation the retirement board shall

(a) Adopt for the retirement system one or more mortality tables and such other tables as shall be deemed necessary

(b) Certify the rates of deduction from salary necessary to pay the annuities authorized under the provisions of this act and

(c) Certify biennially the [rates of contribution expressed as a percentage of salary of new members at various ages] amount of appropriation which shall be made by the Commonwealth and other agencies to the State Employes' Retirement Fund [and credited to the contingent reserve account] which amounts shall be based on estimates furnished by the actuary and shall be credited to the proper accounts created by this act

The General Fund of the Commonwealth shall not be held liable to appropriate the moneys required to build up the reserves necessary for the payment of the State annuities of contributors whose salary or compensation is payable from special operating funds or agreed to be paid by other agencies from moneys not in the State Treasury but the appropriations or payments necessary for such purposes shall be paid into the retirement fund only from moneys in such special operating funds or by such agencies In case any such special fund or agency shall fail to provide the moneys necessary for such purpose then for such period as moneys are not so provided the credits on which the State annuity of such contributors is based shall not be increased but the rights of such contributors in the retirement system shall nevertheless be continued and payroll deductions shall continue in the case of such contributors to be credited to their member's annuity savings account

(8) Immediately after the passage of this act the actuary of the retirement board shall make such investigation of the mortality service and salary experience of the State employes as he shall recommend and the retirement board shall authorize for the purpose of determining upon the proper tables to be prepared and submitted to the retirement board for adoption On the basis of such investigation and recommendation the retirement board shall adopt such tables and certify such rates as are required in subsections (a) (b) and (c) of paragraph seven immediately preceding On the basis of such tables the actuary of the retirement board shall immediately after the first day of January nineteen hundred twenty-four make a valuation of the various accounts created by this act

(9) The retirement board shall prepare and have published annually a financial statement showing the condition of the fund and the various accounts created by this act and setting forth such other facts recommendations and data as may be of use in the advancement of knowledge concerning State employes' pensions and annuities and said retirement board shall submit said financial statement to the Governor of the Commonwealth of Pennsylvania and shall file copies in the offices of the Secretary of the Commonwealth of the State Insurance Department and of the head of each department for use of the State employes and the public

(10) Each member of the retirement board shall take an oath of office that he or she will so far as it develops upon him diligently and honestly administer the affairs of said retirement board and that he or she will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to this act Such oath shall be subscribed by the member making it and certified by the officer before whom it is taken and shall be immediately filed in the office of the Secretary of the Commonwealth

(11) The retirement board shall keep a record of all its proceedings which shall be open to inspection by the public

(12) The retirement board shall perform such other functions as are required for the execution of the provisions of this act

Section 4 That section eight of said act as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1723) the act approved the twelfth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 519) and the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

State Employes' Retirement Fund and Accounts

Section 8 (1) The fund and accounts created hereby are the State Employes' Retirement Fund the contingent reserve account State annuity reserve account number two the members' annuity savings account and the members' annuity reserve account

(2) The State Employes' Retirement Fund on and after the first day of July one thousand nine hundred twenty-nine shall consist of all moneys in the several separate funds in the State Treasury set apart to be used under the direction of the State Employes' Retirement Board for the retirement of members of the State Employes' Retirement Association which on the aforesaid date shall be consolidated into one special fund to be known as the "State Employes' Retirement Fund" and thereafter the Treasury Department shall credit to the State Employes' Retirement Fund all moneys received by it from the Department of Revenue arising from contributions [from] by the Commonwealth from the General Fund from the special operating funds and from other agencies and members of the retirement association as hereinafter provided and all interest earned by the investments or moneys

of said fund Upon the consolidation of the separate funds as aforesaid there shall be established and maintained by the retirement board for actuarial purposes the several hereinafter named ledger accounts equivalent to and which shall stand in lieu of the several separate funds hereby abolshed and all credits to each abolishd fund shall be credited by the retirement board to the ledger account hereinafter created to stand in place of said fund

(3) In the month of January nineteen hundred and twenty-six for a period covering the twelve months next preceding and semi-annually thereafter covering the six months next preceding the Commonwealth of Pennsylvania shall from the General Fund from special operating funds and from other agencies pay into the fund created by this act through the Department of Revenue on account of each new member of the retirement association who was a contributor for one or more months of such respective periods such amounts as shall be certified by the retirement board as necessary to provide by such method of payment during the prospective service as State employe of such new member the State annuity reserve required at the time of retirement for the disability or superannuation State annuity allowable by the State Commonwealth under the provisions of this act or required at the time of discontinuance of service under paragraph four of section eleven of this act which amount shall be credited by the retirement board to a ledger account to be known as the contingent reserve account The amount so certified by the retirement board shall be computed to bear a ratio to the salary earnable by such new member during the period for which the amount is certified which shall remain constant during his or her entire period of prospective active service and shall be based on such mortality and other tables as shall be adopted by the retirement board and on regular interest

(4) Upon the retirement of a new member an amount equal to his or her State annuity reserve shall be transferred by the retirement board from the contingent reserve account to the credit of a ledger account to be known as State annuity reserve account His or her State annuity shall be charged to said State annuity reserve account and paid from the fund created by this act Should said new member be subsequently restored to active service his or her State annuity reserve shall thereupon be transferred from State annuity reserve account to the contingent reserve account Should the State annuity of any such new member be otherwise reduced or discontinued in accordance with the provisions of this act his or her State annuity reserve or such proportionate part of his or her State annuity reserve as corresponds to the amount of the reduction of his or her State annuity shall be transferred from State annuity reserve account to the contingent reserve account

(5) The actuary after making the first valuation required shall determine the present value of the liability on account of all State annuities payable to original members and the percentage of the total compensation paid to all members during the preceding year which is equivalent to one twenty-fifth of the said liability The Commonwealth and other agencies designated by this act shall pay into the fund created by this act through the Department of Revenue annually beginning with the month of June nineteen hundred and twenty-five and until the accumulated reserve equals the present value of said liability the amount as certified by the retirement board which shall be equal to the per centum determined in accordance with this section of the total compensation paid to all members for service during the preceding year which amount shall be credited by the retirement board to a ledger account to be known as State annuity reserve account number two Each annual payment shall be sufficient when combined with that in the fund to the credit of the aforesaid account to provide the [pensions] State annuities payable by the Commonwealth during the year then current to original members then retired or to be retired as provided in this act Upon the retirement of an original member his or her State annuity shall be charged to the State annuity reserve account number two and paid from the fund created by this act

(6) There shall be credited by the retirement board to a ledger account to be known as the members' annuity savings account the amounts of the accumulated deductions from the salaries of contributors made under such rules and regulations as the retirement board shall prescribe as follows

From the salary of each member who is a contributor there shall be deducted and paid into the fund created by this act through the Department of Revenue such per centum of his or her earnable salary as shall be computed to be sufficient with regular interest to procure for him or her on superannuation retirement a member's annuity equal to one one-hundred sixtieth (1-160) [or] if the member [shall] has so [elect] elected prior to the effective date of this amendment or one one-hundredth (1-100) of his or her final salary for each year of service after the thirty-first day of December nineteen hundred twenty-three but after the effective date of this amendment every person becoming a member shall be required to contribute at the one one-hundredth (1-100) rate except that if the deduction so computed shall exceed [five] seven per centum of his or her earnable salary [and] the member [shall so elect] may request the board to be permitted to contribute at the lesser rate and if the board finds that there are reasons which justify such reduction then there shall be deducted [five] seven per centum of his or her earnable salary Provided That those members who have elected to contribute at a five per centum rate prior to the effective date of this amendment may continue such rate of contributions And further provided That a beneficiary restored to service shall not be required to contribute at a per centum rate of his or her earnable salary which is greater than the per centum thereof which he or she was required to contribute prior to his or her retirement The rate per centum of said deductions from salary shall be based on such mortality and other tables as the retirement board shall adopt together with regular interest and shall be computed to remain constant during the prospective service of the contributor

(7) Upon the retirement of a contributor a credit equivalent to the amount of his or her accumulated deductions shall be transferred from the members' annuity savings account to a ledger account to be known as the members' annuity reserve account His or her members' annuity shall be charged to said members' annuity reserve account and paid from the fund created by this act Should said contributor be subsequently restored to active service his or her members' annuity reserve shall thereupon be transferred from the members' reserve account to the members' annuity savings account

(8) No contributor who prior to the effective date of this amendment ceased to make contributions shall be required to continue to contribute to the State Employes' Retirement Fund after he or she shall have become eligible for superannuation retirement if her or she shall have already completed ten years of service [all contributions made thereafter to said Fund shall be voluntary] but any such contributor may elect at any time before retirement to resume contributions to the fund and shall also have the privilege to pay into the fund an amount equal to the total amount her or she would have contributed had he or she not elected to cease to make contributions Every contributor who after the effective date of these amendments becomes eligible for superannuation retirement shall be required to continue to make contributions so long as he or she shall remain in State service

(9) A contributor whether an original member or a new member who is in active service on the date when this amendment becomes effective may transfer from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class Provided That he completes the transfer on or before the thirty-first day of December one thousand nine hundred and [thirty-one] thirty-seven Provided also That in the event of such transfer the per centum of salary deductions applicable to such transferred member in the one one-hundredth (1-100) class shall be based upon the same age of the contributor as was used in determining the per centum of salary deduction ap-

plicable while in the one one-hundred-sixtieth (1-160) class

Where a member has transferred from the one one-hundred-sixtieth (1-160) class to the one one-hundredth (1-100) class as above provided his State annuity upon retirement shall be calculated as follow

(a) For service prior to the time of transfer at the one one-hundred-sixtieth (1-160) rate

(b) For service subsequent to the date of transfer to the date of retirement at the one one-hundredth (1-100) rate

(c) For all service prior to the time of commencing contribution as the time he contributed at the one one-hundred-sixtieth (1-160) rate bears to the total time of contribution and as the time he contributed at the one one-hundredth (1-100) rate bears to the total time of contribution

Section 5 That section ten of said act is hereby amended to read as follows

Service Allowance

Section 10 In computing the length of service of a contributor for retirement purposes under the provisions of this act full credit shall be given to each original member by the retirement board for each year of prior service as a State employe as defined in section one paragraphs six and thirteen of this act As soon as practicable after each original member shall have joined the retirement association the retirement board shall issue to him or her a certificate certifying to the aggregate length of his or her prior service Such certificate shall be final and conclusive as to his or her prior service unless thereafter modied by the retirement board either upon application by the member or upon its own initiative The time during which a State employe is absent without pay shall not be counted in computing the [prior] service or the average salary of a contributor [unless allowed by the head of the department in which said contributor served at the time said leave of absence was granted and further unless said alowance shall be approved by the retirement board]

Section 6 That section eleven of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Withdrawal

Section 11 (1) Should a contributor before reaching super-annuation retirement age by resignation or dismissal or for any other reason than death or retirement upon disability under section twelve or for superannuation under section thirteen cease to be a State employe he or she shall be paid on demand from the fund created by this act (a) the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or in lieu thereof should he or she so elect (b) an annuity or a deferred annuity beginning at superannuation retirement age which shall be the actuarial equivalent of said accumulated deductions His or her membership in the retirement association shall thereupon cease

(2) Should a State employe so separate from his or her service as State employe without retiring return within [seven] ten years and restore to the State Employes' Retirement Fund to the credit of the annuity savings account in such manner as may be agreed upon by the State employe and the retirement board his or her accumulated deductions as they were at the time of his or her separation the annuity rights forfeited by him or her at [that] the time of separation from service shall be restored and his obligations as a member of the retirement association shall begin again but nothing contained in this clause shall limit the right of a State employe who has heretofore retired or shall hereafter retire voluntarily or involuntarily to return to service as a State employe at any time and to continue from the time of re-entry into State service his rights as an original or new member as they existed at the time of retirement and add to such rights by further service and by further payroll deductions In any such case his or her annuity or allowance shall cease upon re-entry into State service until subsequent retirement

(3) Should a member be discontinued from service not voluntarily after having completed ten years of total service but before reaching superannuation retirement age he or she shall be paid as he or she may elect as follows

(a) The full amount of the accumulated deductions standing to the credit of his or her individual account in the annuity savings account or

(b) An annuity of equivalent actuarial value to his or her accumulated [contributions] deductions and in addition a State annuity [beginning immediately] having a value equal to the present value of a State annuity beginning at superannuation retirement age [of one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and in addition thereto if an original member of the retirement association of a further State annuity beginning immediately having a value equal to the present value of a State annuity beginning at superannuation retirement age of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act] calculated in accordance with the provisions and with the privileges of the same options provided for in sections thirteen and fourteen of this act with respect to State annuities for superannuation retirement

[(4) Should a judge discontinue service valuntarily or not voluntarily after having completed twenty years of total service but before reaching superannuation retirement age he or she may elect (in addition to the elections otherwise provided for by this act for State employes) to take at the time of retirement an annuity calculated in accordance with clause three (b) of this section as provided for in the case of State employes retiring not voluntarily after having completed ten years of total service or her or she may elect to take a deferred annuity beginning at superannuation retirement age calculated in accordance with section thirteen (2) as provided for in the case of State employes retiring for superannuation but in no event shall the total State annuity exceed fifty per centum of his or her final salary]

[(5)] (4) Should a contributor die before retirement his or her accumulated deductions shall be paid to his or her estate or to such person as he or she shall have nominated by written designation duly executed and filed with the retirement board In case any contributor heretofore or hereafter dying has failed to nominate a beneficiary or the beneficiary nominated shall have died prior to the death of the contributor and in either event the amount of his or her accumulated deductions is less than one hundred dolalrs ($100) the board may if letters testamentary or of administration have not been taken out on the estate of such contributor within six months of death pay such accumulated deductions on the claim of the undertaker or any person or persons or political subdividision who or which shall have paid the claim of the undertaker

Section 7 That sections twelve and thirteen of said act as amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Disability Retirement

Section 12 Retirement upon disability shall be made and discontinued as follows

(1) Upon the application of a contributor or of one acting in his or her behalf or upon the application of the head of his department the retirement board shall retire said contributor on a disability allowance if her or she is under the superannuation retirement age and on a

superannuation allowance if her or she has attained or passed such age Provided The physician or physicians designated by the retirement board after a medical examination of said contributor made at the place of residence of such contributor or at a place mutually agreed upon shall certify to the retirement board that said contributor is physically or mentally incapacitated for the performance of duty and that said contributor ought to be retired And provided further That said contributor has had five or more years of service as a [State employe] member

(2) Once each year the retirement board may require any disability annuitant while still under the superannuation retirement age to undergo medical examination by a physician or physicians designated by the retirement board said examination to be made at the place of residence of said beneficiary or other place mutually agreed upon Should such physician or physicians thereupon report and certify to the retirement board that such disability beneficiary is no longer physically or mentally incapacitated for the performance of duty or that such disability beneficiary is able to engage in a gainful occupation and should the retirement board concur in such report then the amount of the State annuity shall be discontinued or reduced to an amount that shall not be in execess of the amount by which the amount of last year's salary of the beneficiary as a State employe exceeds his present earning capacity

(3) Should any disability annuitant while under the superannuation retirement age refuse to submit to at least one medical examination in any year by a physician or physicians designated by the retirement board his or her State annuity shall be discontinued until the withdrawal of such refusal and should such refusal continue for one year all his or her rights in and to the State annuity constituted by this act shall be forfeited

(4) Upon the application of any beneficiary under the superannuation retirement age drawing a disability retirement allowance under the provisions of this act said beneficiary may be restored to active service by the head of the department in which he or she served at the time of his or her retirement Upon the restoration of a beneficiary to active service his or her retirement allowance shall cease and her or she shall resume membership in the retirement association

(5) On retirement for disability a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his or her accumulated deductions and

(b) A State annuity which together with the member's annuity shall be sufficient to produce a retirement allowance of one-ninetieth (1/90) of his or her final salary multiplied by the number of his or her years of service but in any case not less than thirty per centum of said final salary unless said thirty per centum shall exceed eight-ninths of the rate of retirement allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age when the State annuity granted shall be such as to make the rate of the total retirement allowance equal to eight-ninths of the rate of allowance to which the member might have been entitled had retirement been deferred until the superannuation retirement age

Where a member deferred taking membership and has not completed his back payments at the time of disability retirement then the State annuity shall be the amount to which the member would have been entitled had the back payments been completed at the time of becoming a member

Should a disability annuitant die before the total allowance received for disability shall be at least equal to the amount of his or her accumulated deductions at the time of disability retirement then the board shall pay to the named beneficiary or to the annuitant's estate an amount equal to the difference between the allowance received and the annuitant's accumulated deductions and if such amount is less than one hundred dollars ($100) and no letters have been taken out on the estate within six months after death then payment may be made to the undertaker or to any person or political subdivision who or which shall have paid the claim of the undertaker

Superannuation Retirement

Section 13 Retirement for superannuation shall be as follows

(1) Any contributor who has reached the superannuation retirement age may retire for superannuation by filing with the retirement board a written statement duly attested setting forth [at what time subsequent to the execution of said application] on what date he or she desires to be retired Said application shall [retire said contributor at the time so specified or in the discretion of the retirement board at the end of the year in which the time so specified occurs] make the superannuation allowance effective on the date so specified if such application was filed in the offices of the board or deposited in the United States mail addressed to the board before the date specified in the application and before the death of the contributor Provided however That the date so specified in the application shall not be more than thirty days from the date of filing or depositing the application in the mail

(2) On retirement for superannuation a contributor shall receive a retirement allowance which shall consist of

(a) A member's annuity which shall be the actuarial equivalent of his ir her accumulated deductions and

(b) A State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of total service except in the case of members who upon becoming members subsequent to December thirty-first one thousand nine hundred and twenty-four elected or hereafter elect not to make back payments in which case the State annuity shall be calculated only for each year of total service while a member and

(c) In addition thereto if an original member of the retirement association a further State annuity of one one-hundred-sixtieth (1-160) or one one-hundredth (1-100) of his or her final salary for each year of prior service as certified to said original member in the certificate issued to him or her by the retirement board under the provisions of section ten of this act but in no event shall the total State annuity exceed fifty per centum of his or her final salary

Section 8 That section fourteen of said act as last amended by the act approved the twenty-first day of June one thousand nine hundred and thirty-five (Pamphlet Laws 389) is hereby further amended to read as follows

Section 14 At the time of his or her superannuation retirement any contributor may elect to receive his or her benefits in a retirement allowance payable throughout life or if such retirement allowance amounts to less than [five] ten dollars [($5)] ($10) per month he or she may elect to receive the full amount of the accumulated deductions standing to his or her individual credit in the annuity savings account or he or she may on superannuation retirement elect to receive the actuarial equivalent at that time of his or her member's annuity State annuity or retirement allowance in a lesser member's annuity or a lesser State annuity or a less retirement allowance payable throughout life with the provisions that

Option 1 If he or she die before receiving in payments the present value of his or her member's annuity State annuity or retirement allowance as it was at the time of his or her retirement the balance shall be paid to his or her legal representatives or to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 2 Upon his or her death his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly acknowledged and filed with the retirement board at the time of his or her retirement

Option 3 Upon his or her death one-half of his or her member's annuity State annuity or retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his or her life as he or she shall nominate by written designation duly ack-

nowledged and filed with the retirement board at the time of his or her retirement

Option 4 Some other benefit or benefits shall be paid to either the contributor or such other person or persons as he or she shall nominate provided such other benefit or benefits shall together with such lesser member's annuity or lesser State annuity or lesser retirement allowance be certified by the actuary of the retirement board to be of equivalent actuarial value and shall be approved by the retirement board

Section 9 That section twenty-two of said act is hereby amended to read as follows

Section 22 The retirement board created by this act within the Treasury Department [of State and Finance] shall be and be deemed a departmental administrative board within the said department and shall be subject in all respect to the laws of this Commonwealth limiting the powers of departmental administrative boards with regard to the expenditure of money and prescribing the duties of departmental administrative boards with reference to the making of financial reports the furnishing of financial and budgetary information to the department with which it is connected and the making of biennial reports

Section 10 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transacted for a third reading.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1128, as follows:

An Act requiring unemployment relief orders issued by the State Veteran's Commission to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Military Affairs shall as of the first day of January one thousand nine hundred thirty-seven and periodically thereafter take credit on its books and calculate as cash to the credit of the current appropriation to the State Veterans' Commission for unemployment relief purposes all amounts held in the form of cash for the payment of unemployment relief orders issued by said commission which have not been presented for payment within one year from the date of issue The State Veterans' Commission shall concel all such orders at the time credit is taken on its books and notify the State Treasurer accordingly in order that the full amount thereof shall be credited to the current appropriation to the commission for unemployment relief purposes

All claims against the Commonwealth represented by relief orders issued by the State Veterans' Commission which are not presented for payment prior to the time o concellation shall be considered paid and all sums of money held or appropriated for the payment of such relief orders not presented within said period are hereby escheated to the Commonwealth and shall be credited to the current appropriation to the commission as hereinbefore provided.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McShane,	Simpson,
Alexander,	Flinchbaugh,	Melchiorre,	Skale,
Allen,	Ganser,	Mellott,	Sloan,
Allmond,	Gerard,	Merrell,	Smith, James A.,
Arnold,	Gillette,	Mihm,	Smith, John A.,
Atkins,	Habbyshaw,	Moomaw,	Snyder,
Aukerman,	Haberlen,	Mooney,	Sollenberger,
Baine,	Hagerty,	Moran,	Spengler,
Baker, F. T.,	Hall,	Moul,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Stackpole,
Balthaser,	Hamilton, R. S.,	Munley,	Stank,
Bierly,	Harkins,	Murrin,	Stewart,
Blank,	Harmuth,	Nagel,	Stockham,
Bohn,	Hays,	O'Brien,	Strode,
Boies,	Hering,	O'Connor,	Terry,
Boltz,	Hess,	O'Keefe,	Thomas,
Boose,	Hetrick,	Ominsky,	Thompson,
Boyer,	Hindman,	O'Neill,	Toole,
Bradley,	Hirsch,	Ostroff,	Tronzo,
Brancato,	Holland,	Patterson, C. S.,	Trout,
Brigerman,	Holmes,	Patterson, J. W.,	Tumelty,
Broad,	Holstrom,	Peale,	Turner,
Brown,	Hontz,	Pearson,	Valibus,
Brownfield,	Horting,	Perry,	VanAllsburg,
Burrows,	Huntley,	Pershing,	VanSickle,
Cadwalader,	Imbrie,	Piole,	Vogt,
Caesar,	Jirolanio,	Powers,	Wagner,
Caputo,	Keenan,	Preston,	Wall,
Chervenak,	Kelso,	Readinger,	Walsh,
Coakley,	Kilroy,	Reese,	Wampole,
Cohen, H. B.,	Kline,	Reising,	Watkins,
Cohen, R. E.,	Kroll,	Richter,	Webster,
Coleman,	LaRue,	Robinson,	Weidemann,
Coolahan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Rush,	Welliver,
Decker,	Long,	Sarraf,	Welsh,
DeNote,	Longaker,	Scanlon,	Westrick,
Dickinson,	Lopresti,	Schor,	Whalen,
Donohoe,	Lovett,	Schrock,	Whitenight,
Dougherty,	Lyons,	Schrope,	Wilson,
Downey,	Marino,	Schumacher,	Winner,
Dubbs,	Matthews, J. F.,	Serrill,	Wood,
Dyson,	McArdle,	Shaw,	Woodside,
Eckels,	McCullough,	Shea,	Wright,
Elpern,	McDermott,	Shepard,	Yanoshat,
Falkenstein,	McDevitt,	Shoemaker,	Yeakel,
Finnerty,	McElroy,	Shugarts,	Yourishin,
Fiss,	McFall,	Siegel,	Zappala,
Fitch,	McGee,	Simon,	Furman,
Flanagan,	McKinney,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1183, as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Cobbs Creek Parkway thence southerly over Cobbs Creek Parkway to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with Cobbs Creek Parkway thence northerly over Cobbs Creek Parkway to an intersection with Chestnut Street beginning again at the intersection of Cobbs Creek Parkway and Walnut Street thence southerly over Cobb's Creek Parkway to an intersection with Sixty-third Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence south-easterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue Beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue a distance of about 6.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Tinicum Avenue thence northeasterly over Tinicum Avenue to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill

Avenue thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Tinicum Avenue thence northeasterly on Tinicum Avenue to the intersection of Tinicum Avenue and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue thence northeasterly on Mt. Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue beginning again at the intersection of Rising Sun Avenue and Adams Avenue thence over Adams Avenue to an intersection with the Roosevelt Boulevard a distance of about 8.76 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with West College Avenue thence southerly on West College Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive a distance of about 11.00 miles

Beginning at a point on the Philadelphia City-Rockledge Borough Line on Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Seventy-first Street thence northerly over Seventy-first Street to an intersection with Lansdown Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street a distance of about 9.00 miles

Beginning at the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Avenue thence southeasterly on Island Avenue to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue a distance of about 6.25 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now open which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January one thousand nine hundred thirty-eight subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved or recommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by low such damages to be as certained and paid in accordance with the laws applicable thereto.

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subpect to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening from the Department of Highways Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assistaing in the improving constructing reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of January one thousand nine hundred thirty-eight

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flinchbaugh,	McShane,	Simpson,
Alexander,	Ganser,	Melchiorre,	Skale,
Allen,	Gerard,	Mellott,	Sloan,
Allmond,	Gillette,	Merrell,	Smith, James A.,
Arnold,	Gorski,	Mihm,	Smith, John A.,
Atkins,	Habbyshaw,	Moomaw,	Snyder,
Aukerman,	Haberlen,	Mooney,	Sollenberger,
Baine,	Hagerty,	Moran,	Spengler,
Baker, F. T.,	Hall,	Moul,	Sproul,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Stackpole,
Balthaser	Hamilton, R. S.,	Munley,	Stank,
Bierly,	Harkins,	Murrin,	Stewart,
Blank,	Harmuth,	Nagel,	Stockham,
Bohn,	Hays,	O'Brien,	Strode,
Boles,	Hering,	O'Connor,	Terry,
Boltz,	Hess,	O'Keefe,	Thomas,
Boose,	Hetrick,	Ominsky,	Thompson,
Boyer,	Hindman,	O'Neill,	Toole,
Bradley,	Hirsch,	Ostroff,	Tronzo,
Brancato,	Holland,	Patterson, C. S.,	Trout,
Brigerman,	Holmes,	Patterson, J. W.,	Tumelty,
Broad,	Holstrom,	Peale,	Turner,
Brown,	Hontz,	Pearson,	Valibus,
Brownfield,	Horting,	Perry,	VanAllsburg,
Burrows,	Huntley,	Pershing,	VanSickle,
Cadwalader,	Imbrie,	Piole,	Vogt,
Caesar,	Jirolanio,	Powers,	Wagner,
Caputo,	Keenan,	Preston,	Wall,
Chervenak,	Kelso,	Readinger,	Walsh,
Coakley,	Kilroy,	Reese,	Wampole,
Cohen, H. B.,	Kline,	Reising,	Watkins,
Cohen, R. E.,	Kroll,	Richter,	Webster,
Coleman,	LaRue,	Robinson,	Weidemann,
Coolahan,	Leisey,	Rothenberger,	Weiss, D. H.,
Costanzo,	Levy,	Royer,	Weiss, S. A.,
Davies,	Lewis,	Rush,	Welliver,
Decker,	Long,	Sarraf,	Welsh,
DeNote,	Longaker,	Scanlon,	Westrick,
Dickinson,	Lopresti,	Schor,	Whalen,
Donohoe,	Lovett,	Schrock,	Whitenight,
Dougherty,	Lyons,	Schrope,	Wilson,
Downey,	Marino,	Schumacher,	Winner,
Dubbs,	Matthews, J. F.,	Serrill,	Wood,
Dyson,	McArdle,	Shaw,	Woodside,
Eckels,	McCullough,	Shea,	Wright,
Elpern,	McDermott,	Shepard,	Yanoshat,
Finnerty,	McElroy,	Shoemaker,	Yeakel,
Fiss,	McFall,	Shugarts,	Yourishin,
Fitch,	McGee,	Siegel,	Zappala,
Flanagan,	McKinney,	Simon,	Furman,
Flannery,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2080, (Senate Bill No. 586), as follows:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows

One of the two members required to be attorneys-at-law the one member required to be a construction engineer and the one member required to be a real estate appraiser shall be appointed by the county treasurer of the county

One of the two members required to be attoreys-at-law the one member required to be a civil engineer and the one member required to be a real estate broker shall be appointed by the county controller

The one member required to be a business man an accountant or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the Board shall be appointed by the county treasurer and the county controller acting jointly

All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled

Section 2 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 3 This act shall become effective on the first day of May one thousnad nine hundred and thirty-seven

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, on today's calendar on bills on final passage, there are three Senate bills, Senate Bill No. 586, Senate Bill No. 589 and Senate Bill No. 590. Then on third reading there is House Bill No. 2081, and House Bill No. 2082. Those bills are all Philadelphia ripper bills and are all related to each other. Therefore, Mr. Speaker, in order to conserve the time of the House, I will ask permission of the House to discuss all the bills together but of course vote on them separately.

The SPEAKER. The gentleman from Philadelphia asks permission of the House to discuss Senate Bills No. 586, No. 589, No. 590, No. 587 and No. 588. These bills all pertaining to the same subject and have some relationship to each other. The Chair hears no objection.

Mr. McDEVITT. Mr. Speaker, I will ask the gentleman from Philadelphia, Mr. Ominsky, to discuss these bills for the information of the members of the House.

The SPEAKER. The gentleman from Philadelphia, Mr. McDevitt, yields to the gentleman from Philadelphia, Mr. Ominsky.

Mr. OMINSKY. Mr. Speaker, may I interrogate the gentleman from Philadelphia, Mr. McDevitt.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McDEVITT. I will, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, does the gentleman from Philadelphia, Mr. McDevitt, wish to interrogate me about any of these bills?

Mr. McDEVITT. Mr. Speaker, I would answer the gentleman from Philadelphia by stating that these five bills propose to make certain changes in existing departments, transfer certain duties and set up different systems. I would like the gentleman from Philadelphia to explain to the members of the House just what changes are made, what the purposes of the changes are, and what the savings if any are sought to be accomplished.

Mr. OMINSKY. Mr. Speaker, in answer to the question of the gentleman from Philadelphia, Mr. McDevitt, and for the information of the members of this House, I wish to say that the five Senate bills which he has mentioned are really not ripper bills. We call them reconstruction bills for the good of the city of Philadelphia. At the present time we have in the city of Philadelphia a Board of View composed of nine members, which has recently voluntarily reduced its membership to six, appointed by the board of Judges, who receive ten thousand dollars a year. They have also a Board of Revision of Taxes composed of five members, who are today receiving ten thousand dollars a year each. In addition to that we had until recently eighty real estate assessors, who re-

ceived five thousand dollars a year, but by a recent act approved by this Legislature the number was reduced to thirty. We also have a Department of Receiver of Taxes, who receives ten thousand dollars a year, and who has several hundred thousand dollars of a budget to play with thoroughout the year. These five bills are a result of the investigation by the Shapiro Joint Legislative Committee, which at the present time is investigating the government of the City of Philadelphia. They found in their report, which was submitted to this House on March 15 of this year, that there is no necessity for the Board of View, that there is no necessity for the present membership of the Board of Revision of Taxes, that there is no necessity for the thirty assessors as constituted today, and that the work of the Receiver of Taxes can be accomplished by combining the work of the Treasurer as well as the Controller in this new setup of the Board of Revision of Taxes. Under the present set up the Board of View is abolished and the Board of View is taken from the membership of the Board of Revision of Taxes. It is set up with a membership of seven. The appointive powers are placed in the control of the Treasurer and the Controller of the county of Philadelphia. Three are appointed by each one of these officials and the seventh member is appointed jointly by both those county officials. In addition to that, after all the other assessors and personnel are eliminated, there will be appointed under these bills two deputy appraisers of personal property, who will receive five thousand dollars, twenty senior assistants instead of thirty who are now receiving five thousand dollars,—there will be twenty assistants who will receive four thousand dollars, and ten junior assistants who will receive from eighteen hundred dollars to twenty-seven hundred and fifty dollars a year, depending upon what the tax levying people will think is justified. In addition to that, all of the personnel or whatever personnel is necessary will be eliminated from the Receiver of Taxes, and the work will be done, the billing and so on, will be done by the Board and the taxes will be collected by the City Treasurer.

I just wish to call to the attention of the membership of the House, that in the report to which I alluded, submitted on March 15; it may be noted on page 39 that this will accomplish the following savings for the taxpayers of the City of Philadelphia: The present annual expenditures of the Board of View are eighty-three thousand six hundred dollars, the Board of Revision of Taxes has a budget of five hundred seventy-five thousand nine hundred thirty dollars; the Receiver of Taxes today has an expenditure of six hundred thirty-nine thousand eight-hundred fifteen dollars, and the Treasurer has an expenditure along the lines of collecting taxes of one hundred thousand dollars, which makes the grand total cost to the city of Philadelphia today of $1,399,345.

The estimated cost under the present five bills which we are now considering will be, as to the Board of View, there will be no cost because they will be eliminated. The Board of Revision of Taxes composed of seven members will cost seventy-two thousand five hundred dollars. The chief assessor will get eight thousand five hundred dollars; the two personal property assessors will receive ten thousand dollars each, and the twenty assistant assessors will be about eighty thousand dollars, which makes the grand total of $170,000 under the present setup.

In addition to that the extra clerical hire necessary under these bills will be approximately, estimated by the committee, sixty thousand dollars. The entire cost of the Receiver of Taxes will be eliminated and the city treasurer will have an additional expenditure of sixty thousand dollars together with one hundred thousand dollars which they are now spending, making a grand total of about four hundred thousand dollars under the present setup. Thus you can see there will be a total savings to the taxpayers of Philadelphia under the present new setup which we are asking you to vote on the nine hundred ninety-nine thousand three hundred forty-five dollars. To these savings must be added those savings which will accrue as a result of the transfer of the functions of the paymaster to the city treasurer and the resultant elimination of at least fifty-nine paymasters in the city of Philadelphia, and the cost of their bonds and such assistants that they now have in their work. Under those circumstances I cannot see how any one in this House who is interested in economy can do anything else but vote for the five measures which started in the Senate and are now up for consideration. Therefore, I ask the membership of this House to vote "aye" on all five measures, as they have been presented, Senate Bill No. 588, Senate Bill No. 586, Senate Bill No. 587, and Senate Bill No. 590 and Senate Bill No. 589. All these will accomplish the results I have enumerated.

Mr. McDEVITT. Mr. Speaker and members of the House, if I believed these bills were anything but ripper bills, if I believed they did anything but transfer jobs from one department to another and a change that would make a complete and new functional setup for those offices, if I believed there would be a real saving for the city of Philadelphia I would not opppose the bills. My friend has referred to the Shapiro Committee Report and read it as though it were a bible. I do not believe this report has been analyzed so far. Now, might be a good time to do it and I firmly believe if any business enterprise set up their books like this report they would go to jail. Let us take a sample of the figures contained in that report, as appears on page 39. We find on that page the present annual expenditures are set up as follows:

Board of Viewers, $83,600. The report fails to state the personnel item is only $76,950. The Board of Revision is carried at $575,930 with a personnel item of only $562,005. The Receiver of Taxes is set up at $639,815, and the personnel item is only $558,230. So that the personnel total on all amounts to $1,197,135.

Therefore, Mr. Speaker, as this report, in referring to the new setup, refers entirely to the personnel, in reference to the old setup, it also should refer only to the personnel, so if you take off those items that are not for personnel there should be deducted from the present cost $202,160. Of course, in addition as I will point out later, there has already been a reduction of fifty at four thousand a year as far as assessors are concerned.

Taking their setup on the new costs we find several changes have been made since the report was filed, but taking their figures as noted we see the costs of the new Board of Revision to be $256,000. Then there is the Treasurer $160,000. They forgot to put in the department which they had dropped from their plans, namely the Water Bureau, assessing and collecting all water rents, which will probably be run by the city of Philadelphia to which it has been turned over.

They failed to mention the fact in the setup, that the Bureau of Water assessing and collecting has been transferred to the city. That would cost some $160,000 a year and certainly should be considered in determining whether or not it is a saving under this plan. Also there is no provision for the increase in the cost of running the Controller's office. I understand with this setup the Controller is going to take over all the books now in the hands of the Receiver of Taxes, which are innumerable, they include lien books, and delinquent tax books. I believe a fair item for that service is $176,000. In discovering whether or not there is any saving, let us first of all take the true figure of the personnel cost $1,197,185, deduct from that $716,000 and you have an apparent saving of $481,185. Then we also find there is nothing in this new setup to cover the various expense, such as postage, running of the office or anything of that character, which will be a substantial item.

As I said before they haven't set up the reduction which has already been in force, by the dropping of fifty assessors at four thousand dollars a year. So, I believe we will come right back to the same point, that this new setup will cost just the same as the present setup will cost.

Members of this House, I feel this way: We are right in the middle of a tax year. The Tax Department is working every day, and anybody who has had any experience with them,—I might say I doubt very much if any of the members of the committee have ever been through the office of the Receiver of Taxes. It is a most interesting office, it is a most systematic office. Every day they are receiving visitors from all cities of the country to check up on new methods, and instead of going to Detroit or Cleveland or places like that, they come here and ask the Receiver of Taxes what form they use for this bill or that bill.

I might also point out that under the proposed personal property tax as the bill now stands, in other words, the State is to collect the part formerly collected by the county, and the State will charge the county one percent of the tax collected. The Receiver of Taxes in Philadelphia collected over ninety million dollars last year. The cost of that collection personnel, as I pointed out, was $562,000 or a little more than half of one percent. That is certainly not a high cost of collection. May I point out also that some reference has been made to the city of Detroit in the report to the effect that it only costs the sum of $450,000 to collect fifty-five million dollars in taxes. May I not point out that in the city of Philadelphia the Receiver of Taxes collected almost twice that much for a slightly increased cost. I do not believe that anybody can attack the office of Receiver of Taxes. Anybody who is at all interested in the affairs of that office, who has been enaged in politics, will know that the people employed there work, and they know it is certainly not a haven for drones. Anybody that comes in that office comes in with the understanding that he will have to work hard; it is not an eight hour job or anything of that kind, and at certain portions of the year they work until after midnight. I believe if you pass this legislation you will create disorder, you will break up the system when you are getting people used to paying taxes again. You are going to change the complete setup and you are going to break down certain customs, such as having certain places for paying taxes. I believe you are going to come out at the end of the year with less collections than we had the year before, if this system is disturbed. This is a political proposition, it is nothing else. I do not believe that a five cent piece will be saved by this change. I believe the tax collections will go down. In all fairness let us not break up this system, let us not break up a system that has been tried out for one that is untried, which will be purely a trial.

Mr. OMINSKY. Mr. Speaker and members of the House, it is not our intention to argue the question as to which figures are the true ones. Suffice is to say that these figures were brought out at the various hearings held in Philadelphia. There was no refutation of these figures. However one of the important things that the gentleman from Philadelphia has overlooked, and if he has read this report submitted on March 15, like a bible, to use his language, I believe he may be correct because some portions of the bible we would like to skip over and not read in full.

On page 10 of the report you will find in a majority of cases before the Board of View that they have awarded damages far in excess of the amount assessed for taxation purposes. As an illustration of their shuffling of values, the assessed values for taxation purposes are compared with those awarded by the Board. In one instance, the assessed value was two hundred and thirty thousand dollars, and the award by the Board was three hundred twenty-four thousand dollars. In another case we have an assessed value of one hundred thousand dollars and the award by the Board was eight hundred nine thousand dollars. Now, apparently one of those two bodies was wrong. Either the assessed value was far below what it ought to be or the Board of View granted an excess amount over what it should have granted. Both of these bodies we intend to eliminate, and in eliminating those bodies we will create that confidence which the people of Philadelphia should have in the assessed valuation of the real property of Philadelphia because today the real estate of Philadelphia in inequitably assessed. Under the proposed method which we intend to put forth in Philadelphia you will find that the Board of Revision of Taxes will be composed of experts, accountants, engineers, attorneys and businessmen, and in that way you will get a cosmopolitan sense of opinion of scientifically assessing real property in Philadelphia. As a matter of fact if he had read the report further on he would have found that one tract owned by the Wolfenden-Shore Company, consisted of about eleven acres, with a large building which had been used as a mill sometime prior to condemnation.

This property was acquired by the City of Philadelphia under condemnation proceedings at a cost of $885,000; and at that time the property was assessed for taxation purposes in Delaware County at $85,000, one-tenth of the amount awarded by the Board.

You can go on and find another tract of land consisting of 6.3 acres. The Board of View awarded to the owner of that property $141,000, in spite of the fact that the property was assesed for taxation purposes at only $9,000. This award was later reduced on appeal to $116,000.

Another result is that the City of Philadelphia paid $1,001,000 for property assessed for taxation purposes at $94.000.

Now of course there is something radically wrong; even if we were not to save one penny on this new setup, it would be worth while to make the change, let alone the

fact that we propose to save close to one million dollars in this new setup. In spite of what our friends from Philadelphia have to say.

Mr. McDEVITT. Mr. Speaker and members of the House, I overlooked one point which I intended to cover, and that is that the report of the Shapiro committee does not refer to paymasters. Anybody who has had any experience or cares to go into the department in Philadelphia, will find that the paymaster does not receive any compensation, but on the contrary is either somebody in that department who is designated for that purpose or else is the head of the department himself.

I might also point out that if we are really going to have any reform, if we are really going to make these departments non-political, why not make them bipartisan, why not have a civil service provision in the bill, why not have a provision in there that the employes cannot engage in politics. There is a very good reason why you don't have any of those because you have a lot of politicians you want to put in jobs. Senator Shapiro said very clearly at one of the recent hearings that he did not see any reason why a committeeman should be disqualified from holding a job. I don't either. Let us not carry water on both shoulders. If the present department is political, why not admit that the new one will also be political. I don't see that it is anything but a switch over from one hand to the other, I do not believe that a five cent piece will be saved regardless of all claims.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—140

Alexander,	Fitch,	McElroy,	Scanlon,
Allen,	Flanagan,	McFall,	Schor,
Allmond,	Flannery,	McGee,	Schropc,
Arnold,	Ganser,	McShane,	Shaw,
Aukerman,	Gerard,	Melchiorre,	Shea,
Baine,	Gorski,	Mellott,	Shepard,
Baker, J. J.,	Haberlen,	Mihm,	Shoemaker,
Balthaser	Hagerty,	Moomaw,	Shugarts,
Bierly,	Hamilton, F. P.,	Mooney,	Siegel,
Blank,	Harmuth,	Moran,	Simon,
Bohn,	Hays,	Moul,	Skale,
Boles,	Hering,	Munley,	Smith, James A.,
Boltz,	Hess,	Murrin,	Smith, John A.,
Bradley,	Hetrick,	Nagel,	Spengler,
Brancato,	Hindman,	O'Brien,	Stank,
Brigerman,	Hirsch,	O'Keefe,	Thomas,
Broad,	Holland,	Ominsky,	Thompson,
Brown,	Holmes,	O'Neill,	Toole,
Brownfield,	Holstrom,	Ostroff,	Tumelty,
Caesar,	Hontz,	Patterson, C. S.,	Valibus,
Chervenak,	Horting,	Patterson, J. W.,	Vogt,
Cohen, H. B.,	Keenan,	Pearson,	Wagner,
Cohen, R. E.,	Kelso,	Pershing,	Walsh,
Coolahan,	Kilroy,	Piole,	Weiss, D. H.,
Costanzo,	Kroll,	Powers,	Weiss, S. A.,
Decker,	LaRue,	Preston,	Welliver,
DeNote,	Levy,	Readinger,	Welsh,
Dickinson,	Lewis,	Reese,	Westrick,
Donohoe,	Long,	Reising,	Whalen,
Dougherty,	Lopresti,	Richter,	Whitenight,
Downey,	Lovett,	Robinson,	Wright,
Dubbs,	Marino,	Rothenberger,	Yanoshat,
Elpern,	McArdle,	Ruffennach,	Yourishin,
Falkenstein,	McCullough,	Rush,	Zappala,
Finnerty,	McDermott,	Sarraf,	Furman,

NAYS—50

Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Sloan,	Wall,
Cadwalader,	Lyons,	Snyder,	Wampole,
Davies,	Matthews, J. F.,	Sollenberger,	Watkins,
Eckels,	McDevitt,	Sproul,	Webster,
Fiss,	McKinney,	Stackpole,	Weidemann,
Gillette,	Merrell,	Stewart,	Wilson,
Habbyshaw,	Muir,	Stockham,	Winner,
Hall,	Peale,	Strode,	Wood,
Hamilton, R. S.,	Perry,	Terry,	Woodside,
Huntley,	Royer,	Trout,	Yeakel,
Imbrie,	Schrock,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL PASSED OVER

There being no objection House Bill No. 2083, Senate Bill No. 589, Printer's No. 279 was passed over at the request of Mr. OMINSKY.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2084 (Senate Bill No. 590), as follows:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall establish a system of tax assessments and records thereof which shall include a complete survey of each parcel of ground and of each building and other improvement in the county and a record thereof showing in full detail descriptions character and size of both land and buildings and other improvements together with the names and address of the owners thereof and the amounts for which such land buildings and improvements respectively stand assessed and the basis upon which such assessments were made The records hereby required shall be in such form and of such kind and character as in the opinion of the board and the chief appraiser shall be necessary and proper to set up and maintain a scientific and modern system of appraisement

Section 2 Such records shall be set up as soon as conveniently may be after the effective date of this act and shall be in such form as the board shall determine

The work of preparing such records together with the necessary maps plates and other details may be performed by contract entered into by the tax levying body of the county in the manner provided by law

Whenever after the completion of such records any change shall occur in the physical condition of any land building or improvement or any change in ownership or whenever any change in the assessed valuation is made in accordance with the provisions of this act such change or changes shall be made and noted on the record of the office of the board

Any taxable inhabitant shall have the right at any time during office hours to examine the assessment of any property shown on such record

Section 3 Immediately after their appointment in the year one thousand nine hundred and thirty-seven and again during the year one thousand nine hundred and thirty-nine and triennially thereafter the board of revision of taxes may assess rate and value all objects of taxation whether for county city school or poor purposes according to the actual value thereof In arriving at such value the price for which any property would separately bona filed sell shall be considered but shall not be control-

ling In assessing real property the board shall classify the same in such manner as to distinguish between the buildings on land and the land exclusive of the buildings but no distinction shall hereafter be made between farm and suburban property

Section 4 In the year one thousand nine hundred and thirty-eight and in each year between the years of the triennial assessments the board of revision of taxes shall take an account of all personal property taxable by law together with a just valuation thereof and all persons and also a valuation of all offices and posts of profit professions trades and occupations taxable by law and shall note all persons who have arrived at the age of twenty-one years since the last triennial assessment and all others who have since that time come to inhabit in the county together with the taxable property such persons may possess and the valuation thereof The Board shall also reassess all real property which may have been improved by the erection of buildings or other improvements subsequent to the last preceding triennial assessment and shall note such alterations as may have been occasioned by the transfer or division of real property or by the destruction of buildings

Section 5 In any year other than a triennial year the board of revision of taxes shall if it deems the same necessary make a new assessment of all the property within the county or any part thereof or of any particular property as it deems necessary and advisable

Section 6 As soon as the assessment required to be made during the year one thousand nine hundred and thirty-seven and as soon as the assessment required to be made during the year one thousand nine hundred and thirty-nine and each triennial assessment thereafter shall have been completed the board of revision of taxes shall prepare a statement in such form as will show the assessed values of all properties within the county Such statement may be in book form and shall be posted or made available for public inspection at such places throughout the county as the board shall deem necessary Copies of such statements may also be sold in such manner and at such price as the board shall determine The proceeds of such sales shall be paid into the county treasury

Section 7 When the times for the meetings of the board of revision of taxes to hear appeals have been fixed the board shall give at least five days' printed or written notice to each taxable of the amount or sum for which such taxable stands rated in any triennial assessment also of any sum or amount for which said persons stand rated by reason of any changes in his her or their assessment in any intervening year for any cause whatsoever together with the time and place of hearing appeals Such notice may served personally or by posting on the premises or by mailing the same to the last known address of the taxable Any person dissatisfied or aggrieved by the assessment or any change thereof may appeal to the board of revision of taxes and be heard at the time and place fixed in the notice

Section 8 At the time and place fixed for the appeal whether at a triennial or inter-triennial assessment the board of revision of taxes shall attend and hear all persons who may apply for redress and grant such relief as to them shall appear just and reasonable Provided That the board of revision of taxes shall not make any allowance or abatement in the valuation of any real estate in any other year than that in which the triennial assessment is made excepting where building or other improvements have been destroyed subsequently to such triennial assessment or where a new assessment has been made as hereinbefore authorized in which cases such allowance or abatement may be made

From any decision of the board an appeal may be had to the court of common pleas of the county as now provided by law On any such appeal the appraisement made by the board of revision of taxes shall be prima facie evidence of the value of the property involved in such appeal

Section 9 For the purpose of all hearings and for all other purposes necessary to the discharge of the duties of the board of revision of taxes each member of the board the chief appraiser each assistant appraiser and such other employes of the board as it may designate shall have authority to administer oaths and affirmations touching any matter relating thereto

Section 10 It shall be the further duty of the board of revision of taxes upon certification of the proper authorities levying taxes for county city school and poor purposes of the rates of such levies to prepare tax bills in such form and setting forth such information as the controller of the county shall prescribe Such bills shall cover water rents water charges and all taxes on both real and personal property occupations per capita and poll taxes that are levied by any such tax levying authority under any general local or special law

Section 11 Except where inconsistent therewith this act does not repeal any of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" nor any of the provisions of the provision of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subjected to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" or its amendments

Section 12 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 13 This act shall become effective on the first day of May one thousand nine hundred and thirty-seven

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—152

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Tocie,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Costanzo,	Kilroy,	Preston,	Welsh,
Decker,	Kroll,	Readinger,	Westrick,
DeNote,	LaRue,	Reese,	Whalen,
Dickinson,	Levy,	Reising,	Whitenight,
Donohoe,	Lewis,	Richter,	Wright,

Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Rothenberger,	Yourishin,
Dubbs,	Lovett,	Ruffennach,	Zappala,
Dyson,	Marino,	Rush,	Furman,

NAYS—52

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Simpson,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Davies,	Matthews, J. F.,	Snyder,	Watkins,
Eckels,	McDevitt,	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Gillette,	Merrell,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. WESTRICK asked and obtained permission for the Committee on Agriculture to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1565, as follows:

An Act to amend the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws 520) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof' as amended further regulating the adulteration and misbranding of food providing for injunctions against the sale of food in certain cases and changing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirteenth day of May one thousand nine hundred and nine (Pamphlet Laws 520) entitled "An act relating to food defining food providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture or sale the offering for sale or exposing the sale or the having in possession with intent to sell of adulterated misbranded or deleterious foods prescribing certain duties of the Dairy and Food Commissioner in reference thereto and providing penalties for the violation thereof" is hereby amended to read as follows

Section 1 Be it enacted etc That it shall be unlawful for any person firm copartnership limited partnership joint-stock company or corporate body by himself herself itself or themselves or by his her its or their agents servants or employes to manufacture sell offer for sale expose for sale or have in possession with intent to sell any article of food which is adutlerated or misbranded within the meaning of this act

The possession of any adulterated or misbranded article of food shall be deemed prima facie evidence of an intent to sell such article of food

Section 2 That section three of said act as last amended by the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 899) is hereby further amended to read as follows

Section 3 (a) That for the purpose of this act an article of food shall be deemed to be adulterated

First If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality strength or purity

Second If any substance has been substituted wholly or in part for the article

Third If any valuable constituent of the article has been wholly or in part abstracted

Fourth If it be mixed colored or changed in color coated polished powdered stained or bleached whereby damage or inferiority is concealed or so as to deceive or mislead the purchaser or if by any means it is made to appear better or of greater value than it is

Fifth If it contains any added sulphurous acid sulphur dioxide or sulphites benzoic acid or benzoates or other preservatives except as hereafter provided or if it contains any added boric acid or borates salicylic acid or salicylates formaldehyde hydrofluoric acid or fluorides fluoborates fluosilicates or other fluorine compounds [dulcin glucin] saccharin [alum compounds of copper] or other artificial sweetening agents except as hereafter provided metallic salts betanapthol hydronapthol abrastol asaprol pyroligeneous acid or other [added] ingredients deleterious to health or if in the case of confectionery it contains any of the substances mentioned in this paragraph or any mineral substance or injurious color or flavor alcoholic liquor or any other ingredients not herein mentioned deleterious to health Providing That this act shall not be construed to prohibit the use of harmless colors of any kind in confectionery or in fruits used in fruit cake when used for coloring and not for any fraudulent purpose And provided further That nothing in this act shall be construed to prohibit the use of common salt sugar pure corn syrup pure glucose wine vinegar cider vinegar malt vinegar sugar vinegar glucose vinegar distilled vinegar spices or their essential oils alcohol (except in confectionery) edible oils edible fats wood smoke applied directly as generated or proper refrigeration And provided further That in the manufacture of confectionery the use of alcohol shall be permitted as it may be found in customary alcoholic tinctures or extracts used for flavoring purposes only and as a solvent for glazes and that oil of sweet birch or methylsalicylic ester may be used as a substitute for oil of wintergreen as a flavor And provided further That in the preparation of dried fruits and molasses sulphur dioxide either free or in simple combination may be used in the proportion of not in excess of twenty-five hundred (2500) parts a million and that when any dried friuts and molasses are used in any foods or food products or contain as a part of or as an ingredient in any food the sulphur dioxide in such dried fruits and molasses shall not exceed the proportion of fifty (50) parts a million and that sodium benzoate may be used in the preparation of those articles of food in which it has heretofore been generally used in quantities not exceeding one-tenth (1-10) of one per centum or benzoic acid equivalent thereto And provided further That when any quantity of sulphur dioxide or sodium benzoate is used in any article of food the fact that sulphur dioxide or sodium benzoate has been used in the preparation thereof shall be plainly stated on each package of such food And provided further That any article of food containing saccharin or any artificial sweetening agent may be manufactured transported or sold if it contains no added sugar honey or other natural sweetening agent and the name of the artificial sweetening agent followed by the word "sweetened" is placed upon the label each time the name of the article of food is mentioned in type no smaller than the largest type on said label Said label shall also contain such appropriate warning statement as shall be prescribed by the Department of Agriculture

Sixth If it consists of or is manufactured in whole or in part from a diseased contaminated filthy or decom-

posed substance either animal or vegeable or an animal or vegetables substance produced stored transported exposed or kept in a way or manner that [would] might tend to render the article diseased contaminated or unwholesame or if it is any part of the product of a diseased animal or the product of an animal that has died otherwise than by slaughter

(b) It shall be unlawful for any person manufacturing articles of food or selling articles of food whether at wholesale or retail to have in his possession or to transport any article of food which is adulterated unless the same has been completely denatured and rendered unfit for food by kerosene or other suitable denaturant prescribed by the Department of Agriculture

Section 4 That clause two of section four of said act is hereby amended to read as follows

Second If it be labeled or branded so that it may deceive or mislead the purchaser or purport to be a foreign product when not so or if the contents of the package as originally put up shall have been removed in whole or in part and other [inferior] contents shall have been placed in such package

Section 5 That section four of said act is hereby amended by adding thereto clauses five six and seven to read as follows

Fifth If the package or container containing the article of food or the label thereon shall not bear the name and address of the manufacturer or packer of the contents thereof or the name and address of the wholesale dealer or distributor preceded by the words "manufactured by" or "packed by" or "distributed by" or "packed for" as the case may be or followed by the word "manufacturer" or "packer" or "wholesale dealer" or "distributor" as the case may be

Sixth When the package or container containing the article of food or the label thereon shall not bear the name and address of the manufacturer or packer of the contents thereof preceded by the words "manufactured by" or "packed by" or followed by the word "manufacturer" or "packer" as the case may be unless the wholesale dealer or distributor in such cases shall keep true and correct records of the name and address of the manufacturer or packer of the contents thereof which records shall be open at all reasonable times to inspection by the Department of Agriculture or its agents Such records shall be kept by the wholesale dealer or distributor for a period of five years from the date of the sale of said articles of food by said wholesale dealer or distributor

Seventh When the package or container shall not bear the name and address of the manufacturer or packer of the contents thereof preceded by the words "manufactured by" or "packed by" or followed by the word "manufacturer" or "packer" as the case may be unless such package or container shall bear a code marking identifying to the wholesale dealer or distributor the name and address of the manufacturer or packer of the contents thereof Such information shall be kept as part of the records of the wholesale dealer or distributor for a period of five years from the date of the sale of said articles of food by said wholesale dealer or distributor and such records shall be open at all reasonable times to inspection by the Department of Agriculture or its agents

Section 6 That sections five and seven of said act are hereby amended to read as follows

Section 5 When the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent shall obtain an article of food or a sample or portion thereof from any person for the purpose of determning whether the same is adulterated or misbranded within the meaning of this act and it shall be found that the said article of food is adulterated or misbranded within the meaning of this act then the [Dairy and Food Commissioner] Department of Agriculture shall proceed against the said person from whose store warehouse or other place of business said article sample or portion thereof shall have been obtained for a viclation of the provisions of this act

But no prosecution shall be sustained under the provisions of this act against a retail dealer for the selling offering for sale exposing for sale or having in possession with intent to sell of any adulterated or misbranded article of food as defined herein if the retail dealer from whom the said articles of food sample or portion thereof was obtained by the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent can establish a guaranty signed by the manufacturer or wholesale dealer or jobber or distributor residing in the United States from whom such article of food was purchased or procured to the effect that the same is not adulterated or misbranded within the meaning of this act designating it unless such article of food shall have been adulterated or misbranded while in the possession of such retail dealer

Said guaranty to afford protection shall contain the name and address of the manufacturer or wholesale dealer or jobber or distributor making the sale of such article of food to such retailer and in such case the said manufacturer or wholesale dealer or jobber or distributor so as aforesaid giving such guaranty shall be amendable to the prosecution fines and other penalties which would attach in due course to the retailer holding such guaranty under the provisions of this act for a violation hereof and every manufacturer or wholesale dealer or jobber or distributor giving a guaranty under the provisions of this act shall be held responsible and shall be proceeded against for the adulteration or misbranding of any article of food sold under said guaranty and shall be subject to the penalties for the violation of the provisions of this act No such guaranty shall operate as a defense to prosecution for a violation of the provisions of this act if the retailer holding such guaranty shall continue to sell the same article of food after written or printed notice from the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent that such article is adulterated or misbranded within the meaning of this act

But if said person shall violate the provisions of paragraph six section three of this act by having stored [or] transported exposed or kept said article in said paragraph mentioned in a way or manner to render it diseased contaminated or unwholesome said person shall be proceeded against for a violation of the provisions of this act and it shall not be necessary for conviction that any article sample or portion thereof shall be obtained by the [Dairy and Food Commissioner] Department of Agriculture or [his] its agent as a condition precedent to prosecution

Section 7 Any person who shall violate any of the provisions of this act or any rule regulation or order made pursuant to this act shall [be guilty of a misdemeanor] for the first or second offense upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than sixty dollars nor more than one hundred dollars and costs of prosecution and in default of payment of such fine and costs shall be sentenced to undergo imprisonment in the county jail for not more than thirty days and for a third or subsequent offense shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars or to undergo imprisonment not exceeding one year or both in the discretion of the court

Section 7 That said act is hereby amended by adding thereto after section seven a new section to read as follows

Section 7A The Attorney General at the request of the Department of Agriculture may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining any person violating any of the provisions of this act from selling articles of food in this Commonwealth and for such purpose jurisdiction is hereby conferred upon said court In such cases the Attorney General shall not be required to give bond

Section 8 That sections eight and nine of said act are hereby amended to read as follows

Section 8 The [Dairy and Food Commissioner] Department of Agriculture of the State shall be charged with the enforcement of the provisions of this act and shall make rules and regulations for the proper enforcement thereof including rules and regulations setting up defini-

tions and standards of articles of food and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same

Section 9 All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid [to the Dairy and Food Commissioner or his agent and by the Dairy and Food Commissioner be paid] into the State Treasury [for the use of the Commonwealth] through the Department of Revenue and credited to the General Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Falkenstein,	McArdle,	Rush,
Alexander,	Finnerty,	McCullough,	Sarraf,
Allen,	Fitch,	McDermott,	Scanlon,
Allmond,	Flanagan,	McElroy,	Schor,
Arnold,	Flannery.	McFall,	Schrope,
Aukerman,	Flinthbaugh,	McGee,	Shaw,
Baine,	Ganser,	McShane,	Shea,
Baker, J. J.,	Gerard,	Melchiorre.	Shepard,
Balthaser	Gorski,	Mellott,	Shoemaker,
Bierly,	Haberlen,	Mihm,	Shugarts,
Blank,	Hagerty,	Moomaw,	Simon,
Bohn,	Hamilton, F. P.,	Mooney,	Skale,
Boles,	Harkins,	Moran,	Smith, James A.,
Boltz,	Harmuth,	Moul,	Smith, John A.,
Bradley,	Hays,	Munley,	Spengler,
Brancato,	Hering,	Murrin,	Stank,
Brigerman,	Hess,	Nagel,	Thomas,
Broad,	Hetrick,	O'Brien,	Thompson,
Brown,	Hindman,	O'Connor,	Toole,
Brownfield,	Hirsch,	O'Keefe,	Tronzo,
Burrows,	Holland,	Ominsky,	Tumelty,
Caesar,	Holmes,	O'Neill,	Valibus,
Caputo,	Holstrom,	Ostroff,	VanSickle,
Chervenak,	Hontz,	Patterson, C. S.,	Vogt,
Coakley,	Horting,	Patterson, J. W.,	Wagner,
Cohen, H. B.,	Jirolanio,	Pearson,	Walsh,
Cohen, R. E.,	Keenan,	Perry,	Watkins,
Coleman,	Kelso,	Pershing,	Weiss, D. H.,
Coolahan,	Kilroy,	Piole,	Weiss, S. A.,
Costanzo,	Kline,	Powers,	Welliver,
Decker,	Kroll,	Preston,	Welsh,
DeNote,	LaRue,	Readinger,	Westrick,
Dickinson,	Levy,	Reese,	Whalen,
Donohoe,	Lewis,	Reising,	Whitenight,
Dougherty,	Long,	Richter,	Wright,
Downey,	Longaker,	Robinson,	Yanoshat,
Dubbs,	Lopresti,	Rothenberger,	Yourishin,
Dyson,	Lovett,	Royer,	Zappala,
Elpern,	Marino,	Ruffennach,	Furman,

NAYS—48

Atkins,	Huntley,	Siegel,	Turner,
Baker, F. T.,	Imbrie,	Simpson,	VanAllsburg,
Boose,	Leisey,	Sloan,	Wall,
Boyer,	Lyons,	Snyder,	Wampole,
Cadwalader,	Matthews, J. F.,	Sollenberger,	Webster,
Davies,	McKinney,	Sproul,	Weidemann,
Eckels,	Merrell,	Stackpole,	Wilson,
Fiss,	Muir,	Stewart,	Winner,
Gillette,	Peale,	Stockham,	Wood,
Habbyshaw,	Schrock,	Strode,	Woodside,
Hall,	Schumacher,	Terry,	Yeakel,
Hamilton, R. S.,	Serrill,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2081 (Senate Bill No. 587), entitled:

An Act to further amend section five and to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws one thousand one hundred twenty-three) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class.

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—152

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery.	McGee.	Shea,
Baine,	Flinchbaugh.	McShane.	Shepard,
Baker, J. J.,	Ganser,	Melchiorre.	Shoemaker
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty.	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, S.,	Vogt,
Coakley,	Hontz,	Patterson, W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Costanzo,	Kilroy,	Preston,	Welsh,
Decker,	Kroll,	Readinger,	Westrick,
DeNote,	LaRue,	Reese,	Whalen,
Dickinson,	Levy,	Reising,	Whitenight,
Donohoe,	Lewis,	Richter,	Wright,
Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Rothenberger,	Yourishin,
Dubbs,	Lovett,	Ruffennach,	Zappala,
Dyson,	Marino,	Rush,	Furman,

NAYS—52

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Simpson,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Davies,	Matthews, J. F.,	Snyder,	Watkins,
Eckels,	McDevitt.	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Gillette,	Merrell,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate

with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2082 (Senate Bill No. 588), entitled:

An Act to amend the act, approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—152

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser,	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, S.,	Vogt,
Coakley,	Hontz,	Patterson, W.,	Wagner,
Cohen, H. B.,	Horting,	Pearson,	Walsh,
Cohen, R. E.,	Jirolanio,	Pershing,	Weiss, D. H.,
Coleman,	Keenan,	Piole,	Weiss, S. A.,
Coolahan,	Kelso,	Powers,	Welliver,
Costanzo,	Kilroy,	Preston,	Welsh,
Decker,	Kroll,	Readinger,	Westrick,
DeNote,	LaRue,	Reese,	Whalen,
Dickinson,	Levy,	Reising,	Whitenight,
Donohoe,	Lewis,	Richter,	Wright,
Dougherty,	Long,	Robinson,	Yanoshat,
Downey,	Lopresti,	Rothenberger,	Yourishin,
Dubbs,	Lovett,	Ruffennach,	Zappala,
Dyson,	Marino,	Rush,	Furman,

NAYS—52

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Simpson,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Davies,	Matthews, J. F.,	Snyder,	Watkins,
Eckels,	McDevitt,	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Gillette,	Merrell,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1557, entitled:

A Joint Resolution proposing an amendment to Article nine Section eight of the Constitution of the Commonwealth of Pennsylvania

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SKALE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 843, entitled:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

On the question,

Will the House agree to the bill on third reading?

Mr. REUBEN E. COHEN. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend Section 5, page 3, line 21, by striking out the words "one year" and substituting in lieu thereof the words: "six months"

Amend Section 5, page 3, lines 23 to 27, inclusive, by striking out the entire passage beginning with the word "in" on line 23 and concluding with the figures "($25)" at the end of line 27, and substituting in lieu thereof the following: "shall be ten dollars ($10)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection?

Mr. LaRUE. Mr. Speaker, I understood that these amendments were to be inserted in the bill in the Senate in order not to delay this bill, and for that reason I object.

The SPEAKER. The Chair hears objection, and consent is not granted.

Mr. REUBEN E. COHEN. Mr. Speaker, I withdraw the amendments.

On the question recurring,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. SPROUL. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Cohen.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. REUBEN E. COHEN. I will, Mr. Speaker.

Mr. SPROUL. Mr. Speaker, I notice that this act requires executors, administrators and receivers to take out a license. On page 4, section 6, the bill says, "This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court State or Federal selling goods wares and merchandise." Would you interpret that to mean that an executor or administrator or receiver was acting under the authority and direction of a court?

Mr. REUBEN E. COHEN. I would, Mr. Speaker, and I might state further that I have taken up this subject with those who will have the bill in the Senate and they have agreed to delete from the bill the words "executors" and "administrators."

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Finnerty,	McArdle,	Sarraf,
Alexander,	Fitch,	McCullough,	Scanlon,
Allen,	Flanagan,	McDermott,	Schor,
Allmond,	Flannery,	McElroy,	Schrock,
Arnold,	Flinchbaugh,	McFall,	Schrope,
Aukerman,	Ganser,	McGee,	Shaw,
Baine,	Gerard,	McShane,	Shea,
Baker, J. J.,	Gorski,	Melchiorre,	Shepard,
Balthaser	Haberlen,	Mellott,	Shoemaker,
Bierly,	Hagerty,	Mihm,	Shugarts,
Blank,	Hamilton, F. P.,	Moomaw,	Siegel,
Bohn,	Hamilton, R. S.,	Mooney,	Simon,
Boles,	Harkins,	Moran,	Skale,
Boltz,	Harmuth,	Moul,	Smith, James A.
Bradley,	Hays,	Munley,	Smith, John A.,
Brancato,	Hering,	Murrin,	Spengler,
Brigerman,	Hess,	Nagel,	Stank,
Broad,	Hetrick,	O'Brien,	Thomas,
Brown,	Hindman,	O'Connor,	Thompson,
Brownfield,	Hirsch,	O'Keefe,	Toole,
Burrows,	Holland,	Ominsky,	Tronzo,
Caesar,	Holmes,	O'Neill,	Tumelty,
Caputo,	Holstrom,	Ostroff,	Valibus,
Chervenak,	Hontz,	Patterson, C. S.,	VanSickle,
Coakley,	Horting,	Patterson, J. W.,	Vogt,
Cohen, H. B.,	Jirolanio,	Pearson,	Wagner,
Cohen, R. E.,	Keenan,	Perry,	Walsh,
Coleman,	Kelso,	Pershing,	Weiss, D. H.,
Coolahan,	Kilroy,	Piole,	Weiss, S. A.,
Costanzo,	Kline,	Powers,	Welliver,
Decker,	Kroll,	Preston,	Welsh,
DeNote,	LaRue,	Readinger,	Westrick,
Dickinson,	Levy,	Reese,	Whalen,
Donohoe,	Lewis,	Reising,	Whitenight,
Dougherty,	Long,	Richter,	Wright,
Downey,	Longaker,	Robinson,	Yanoshat,
Dubbs,	Lopresti,	Rothenberger,	Yourishin,
Dyson,	Lovett,	Ruffennach,	Zappala,
Elpern,	Marino,	Rush,	Furman,
Falkenstein,			

NAYS—49

Atkins,	Imbrie,	Simpson,	VanAllsburg,
Baker, F. T.,	Leisey,	Sloan,	Wall,
Boose,	Lyons,	Snyder,	Wampole,
Boyer,	Matthews, J. F.,	Sollenberger,	Watkins,
Cadwalader,	McDevitt,	Sproul,	Webster,
Davies,	McKinney,	Stackpole,	Weidemann,
Eckels,	Merrell,	Stewart,	Wilson,
Fiss,	Muir,	Stockham,	Winner,
Gillette,	Peale,	Strode,	Wood,
Habbyshaw,	Royer,	Terry,	Woodside,
Hall,	Schumacher,	Trout,	Yeakel,
Huntley,	Serrill,	Turner,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1254, Printer's No. 556 was passed over at the request of Mr. WATKINS.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'KEEFE asked and obtained permission for the Committee on Elections to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2004 (Senate Bill No. 305), as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding at the end thereof a new subdivision and section to read as follows

(1) Proceedings before Public Utility Commission

Section 495 Counties of the Second Class May Assist Municipalities Upon the request of any political subdivision or subdivisions within the county any county of the second class may assist such political subdivision in any negotiations or contest with any public service company and for such purpose may employ or place at the disposal of such political subdivision the legal engineering accounting or clerical service of the county The county commissioners of any such county may also enter their appearance as interveners or otherwise in any proceedings before the Public Utility Commision or before any court in any proceeding involving any controversy between any political subdivision in the county and a public service company

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McFall,	Siegel,
Alexander,	Flinchbaugh,	McGee,	Simon,
Allen,	Ganser,	McKinney,	Simpson,
Allmond,	Gerard,	McShane,	Skale,
Arnold,	Gillette,	Melchiorre,	Sloan,
Atkins,	Gorski,	Mellott,	Smith, James A.,
Aukerman,	Habbyshaw,	Merrell,	Smith, John A.,
Baine,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hagerty,	Moonaw,	Sollenberger,
Baker, J. J.,	Hall,	Mooney,	Spengler,
Balthaser,	Hamilton, F. P.,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stackpole,
Blank,	Harkins,	Muir,	Stank,
Bohn,	Harmuth,	Munley,	Stewart,
Boles,	Hays,	Murrin,	Stockham,
Boltz,	Hering,	Nagel,	Strode,
Boose,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1770 (Senate Bill No. 153), entitled:

An Act to amend the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws six) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by including display or placard advertising and changing the penalties prescribed and the manner of proving violations.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1603, entitled:

An Act to amend further section one of the act approved the twentieth day of July one thousand nine hundred seventeen (P. L. 1158 No. 401) entitled "An act to fix regulate and establish the fees to be charged and received by constables in this Commonwealth" reducing the mileage chargeable by constables.

On the question,

Will ths House agree to the bill on third reading?

BILLS RECOMMITTED

Mr. JIROLANIO. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. STACKPOLE. Mr. Speaker and members of the House I rise to oppose the motion. This bill, several weeks ago, was sent back to the Committee on Municipal Corporations for further study. At that time I explained that the bill itself was intact except for the fact that a clause had been added cutting down the expense of constables from ten cents a mile to six cents a mile. It seems to me that this is a perfectly simple thing to understand and the fact that the Committee on Municipal Corporations has re-reported this bill to the House would bear me out in that conviction. I do not believe that this motion is a sincere motion for further study of the bill. I honestly believe that it is the intention to kill the bill. I believe that this bill is a very simple bill. There is no reason for sending it back to any committee. If you want to kill this bill or if you want to defeat this bill, that can be done by voting right here on the floor of the House, and I ask the members of the House to vote against the motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. JAMES W. PATTERSON and Mr. SAMUEL A. WEISS and were as follows:

YEAS—81

Achterman,	Falkenstein,	Lovett,	Siegel,
Allmond,	Finnerty,	McCullough,	Simon,
Baker, J. J.,	Fitch,	McElroy,	Skale,
Bierly,	Flanagan,	McGee,	Smith, James A.,
Blank,	Flannery,	McShane,	Thomas,
Boles,	Gerard,	Melchiorre,	Thompson,
Bradley,	Hagerty,	O'Brien,	Toole,
Brancato,	Hess,	O'Connor,	Tumelty,
Brigerman,	Holmes,	O'Keefe,	Valibus,
Chervenak,	Holstrom,	Ominsky,	VanSickle,
Coakley,	Hontz,	O'Neill,	Vogt,
Cohen, H. B.,	Jirolanio,	Ostroff,	Wagner,
Cohen, R. E.,	Kilroy,	Pearson,	Weidemann,
Costanzo,	Kline,	Powers,	Weiss, D. H.,
DeNote,	Kroll,	Readinger,	Welliver,
Dickinson,	LaRue,	Reese,	Woodside,
Donohoe,	Levy,	Royer,	Wright,
Dougherty,	Lewis,	Scanlon,	Yanoshat,
Downey,	Long,	Schor,	Yourishin,
Dubbs,	Lopresti,	Shepard,	Furman,
Elpern,			

NAYS—49

Atkins,	Harkins,	McKinney,	Sloan,
Aukerman,	Harmuth,	Mihm,	Sollenberger,
Baine,	Hays,	Mooney,	Sproul,
Baker, F. T.,	Holland,	Moran,	Stackpole,
Boose,	Huntley,	Patterson, J. W.,	Stockham,
Boyer,	Imbrie,	Perry,	Strode,

Broad,	Leisey,	Piole,	Turner,
Cadwalader,	Longaker,	Reising,	Wampole,
Davies,	Lyons,	Schumacher,	Webster,
Fiss,	Marino,	Serrill,	Weiss, S. A.,
Hall,	Matthews, J. F.,	Shaw,	Wilson,
Hamilton, F. P.,	McArdle,	Shugarts,	Zappala,
Hamilton, R. S.,	McDevitt,		

So the question was determined in the affirmative and the motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 1358, Printer's No. 506, was passed over at the request of Mr. McDEVITT.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1733, entitled:

An Act to amend sections four hundred six and four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Ganser,	Melchiorre,	Simpson,
Alexander,	Gerard,	Mellott,	Skale,
Allen,	Gillette,	Merrell,	Sloan,
Allmond,	Gorski,	Mihm,	Smith, John A.,
Arnold,	Habbyshaw,	Moomaw,	Smith, James A.,
Atkins,	Haberlen,	Mooney,	Snyder,
Aukerman,	Hagerty,	Moran,	Sollenberger,
Baine,	Hall,	Moul,	Spengler,
Baker, F. T.,	Hamilton, F. P.,	Muir,	Sproul,
Baker, J. J.,	Hamilton, R. S.,	Munley,	Stackpole,
Balthaser,	Harkins,	Murrin,	Stank,
Bierly,	Harmuth,	Nagel,	Stewart,
Blank,	Hays,	O'Brien,	Stockham,
Bohn,	Hering,	O'Connor,	Strode,
Boies,	Hess,	O'Keefe,	Terry,
Boltz,	Hetrick,	Ominsky,	Thomas,
Boose,	Hindman,	O'Neill,	Thompson,
Boyer,	Hirsch,	Ostroff,	Toole,
Bradley,	Holland,	Patterson, C. S.,	Tronzo,
Brancato,	Holmes,	Patterson, J. W.,	Trout,
Brigerman,	Holstrom,	Peale,	Tumelty,
Broad,	Hontz,	Pearson,	Turner,
Brown,	Horting,	Perry,	Vallbus,
Brownfield,	Huntley,	Pershing,	VanAllsburg,
Burrows,	Imbrie,	Piole,	VanSickle,
Cadwalader,	Jirolanio,	Powers,	Vogt,
Caesar,	Keenan,	Preston,	Wagner,
Chervenak,	Kelso,	Readinger,	Wall,
Coakley,	Kilroy,	Reese,	Walsh,
Cohen, H. B.,	Kline,	Reising,	Wampole,
Cohen, R. E.,	Kroll,	Richter,	Watkins,
Coleman,	LaRue,	Robinson,	Webster,
Coolahan,	Leisey,	Rothenberger,	Weidemann,
Costanzo,	Levy,	Royer,	Weiss, D. H.,
Davies,	Lewis,	Ruffennach,	Weiss, S. A.,
Decker,	Long,	Rush,	Welliver,
DeNote,	Longaker,	Sarraf,	Welsh,
Dickinson,	Lopresti,	Scanlon,	Westrick,
Donohoe,	Lovett,	Schor,	Whalen,
Dougherty,	Lyons,	Schrock,	Whitenight,
Dubbs,	Marino,	Schrope,	Wilson,
Dyson,	Matthews, J. F.,	Schumacher,	Winner,
Eckels,	McArdle,	Serrill,	Wood,
Eiper	McCullough,	Shaw,	Woodside,
Falkenstein,	McDermott,	Shea,	Wright,
Finnerty,	McDevitt,	Shepard,	Yanoshat,
Fiss,	McElroy,	Shoemaker,	Yeakel,
Fitch,	McFall,	Shugarts,	Yourishin,
Flanagan,	McGee,	Siegel,	Zappala,
Flannery,	McKinney,	Simon,	Furman,
Flinchbaugh,	McShane,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2154, entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed, collectible and accuring during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, under section 2, on page 3, of this act—does the gentleman from York have the act before him?

Mr. HERBERT B. COHEN. Yes, I do, Mr. Speaker.

Mr. TURNER. Mr. Speaker, there is no provision in this act that these notes shall be sold after advertising or that these notes should not be sold below par. According to section 2 of this act it is provided that the Governor, Auditor General and State Treasurer shall alone determine the terms and conditions under which they shall be sold.

Mr. HERBERT B. COHEN. As I read the act, Mr. Speaker, it provides that the bonds shall be sold at an interest rate of not more than four and a half per centum per annum. I think that would preclude the sale of the bonds at a price which would be less or more than four and a half per centum per annum. Now perhaps the interest rate might be one and one half percent, which possibly might necessitate the sale of the bonds below par, but in the aggregate that would not mean that the interest rate would be more than four and a half percent.

Mr. TURNER. Mr. Speaker, is it not true that in all of the bond issues, municipal bond issues, school board bond issues, that the provisions is made that they shall not be sold for less than par?

Mr. HERBERT B. COHEN. That might be true, Mr. Speaker, but that is only a fiction. As the gentleman from

Delaware well knows, the interest rate determines the sales value of the bonds. If the interest rate were four and a half percent and the bonds were sold at premium, above par that would of necessity mean that the interest rate was below four and a half percent. Conversely if the interest was but one and one half percent and the bonds were sold under par that would mean that the intrest was something above four and a half percent.

Mr. TURNER. Mr. Speaker, that is true as far as the financial arrangements are concerned, but that does not answer the question of the protection that has been placed in all the statutes that I recall pertaining to bond issues of cities, boroughs, townships, and school districts, that they shall not be sold for less than par. May I ask why should not the same protection be incorporated in this provision of the act?

Mr. HERBERT B. COHEN. I think, Mr. Speaker, that the protection contained in the act is quite sufficient without the specific interest rate that the bonds should bear being contained in the act. By necessity these bonds are being issued for a specified time, and the bonds must be sold at or approximately par in order to arrive at the maximum interest rate of four and one half percent. I cannot see where any additional safeguard would be given the Commonwealth by the clause which the gentleman from Delaware indicates should be contained in the bill.

Mr. TURNER. Mr. Speaker, the rate given in the act is not four and a half percent. It says not in excess of four and a half percent, which is the maximum, which would mean that the notes that were issued in 1936 were sold at something over one percent. Now if the notes were sold at a low interest rate like that, they might be sold below par, might they not? Is there not the danger of a note of this kind being sold for less than par?

Mr. HERBERT B. COHEN. Mr. Speaker from a practical standpoint the gentleman from Delaware is correct.

Mr. TURNER. Yes, Mr. Speaker, from the standpoint of the State, I think the Governor and the Auditor General and the State Treasurer would have to be impeached if they sold them for less than one and a half percent under present market conditions. Therefore, if the interest rate is not determined except that the maximum rate is put in, it seems to me there should be some protection put in as to the discount at which the notes should be sold.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the interrogation of the gentleman from Delaware, I still must reiterate that irrespective of whether the bonds are sold at par, above par or below par, nevertheless the selling price, as the gentleman from Delaware well knows, depends on the interest rate, and as I remember the method at which the previous tax anticipation notes were sold, they were exposed to open biding and even more favorable arrangements were made with the bankers who were taking down the notes from the Commonwealth, and I can assure the gentleman personally that under no circumstances will the Governor or Auditor General or the State Treasurer sell these bonds at an interest rate of above four and a half percent, and I feel sure that the interest rate will be more favorable to the Commonwealth.

Mr. TURNER. Mr. Speaker, under the present conditions is it not true that these notes are saleable during the two year period?

Mr. HERBERT B. COHEN. Mr. Speaker that is correct. And for that reason alone I think that we should utilize the experience that we had with the previous tax anticipation notes. We cannot determine what the money market will be six months or twelve months or eighteen months from the time of the enactment of this bill.

Mr. TURNER. Mr. Speaker, does not the gentleman believe that there should be some provision that the notes should not be sold for not less than par? Does not the gentleman believe that there should be some provision in the act providing for advertisement of the sale of notes?

Mr. HERBERT B. COHEN. Mr. Speaker I think the advertisement is a mere superfluity. I think all the bankers will know that there are one hundred and seventy-five million dolars worth of such bonds, and we will have more bids particularly in view of the fact that the investors in our previous tax anticipation notes have had such a very fine experience with their investment.

Mr. TURNER. I was just going to ask the gentleman from York, Mr. Cohen, Mr. Speaker, whether the bankers did have such a fine experience. Does the gentleman know how much we did borrown under tax anticipation notes during the last biennium?

Mr. HERBERT B. COHEN. Mr. Speaker, if my memory does not fail me the first issue was for fifty-five million immediately after the 1935 session and the second issue was for forty-five million after the 1936 special session.

Mr. TURNER. Mr. Speaker I think it was fifty and forty-five or nintey-five million dollars. How much of those notes have been paid off.

Mr. HERBERT B. COHEN. Mr. Speaker, I am not in a position to say but I can state for the benefit of the gentleman from Delaware and the members of the House that I am informed that our sinking fund requirements have been met.

Mr. TURNER. Mr. Speaker does the gentleman know how much money there is today in the sinking fund?

Mr. HERBERT B. COHEN. No, I do not, Mr. Speaker.

Mr. TURNER. Mr. Speaker, there is about fifty-one million dolars in the sinking fund, and as I understand it, about eleven million of the notes have been paid off leaving thirty-one million dollars yet to be raised in the next six weeks. Can the gentleman from York tell me where the thirty-one million dollars is coming from?

Mr. HERBERT B. COHEN. Mr. Speaker, those figures which the gentleman from Delaware just quoted contain the moneys that have been received by the Department of Revenue under the Ominsky self-assessing feature of the Corporate Tax Act and which have not yet been turned over to the State Treasurer.

Mr. TURNER. Mr. Speaker, do I understand the gentleman from York to say that there have been receipts by the Department of Revenue which have not yet been turned over to the State Treasurer?

Mr. HERBERT B. COHEN. Mr. Speaker, I do not know what the system is, but I imagine with the great influx of checks that the manual operation of opening the returns and depositing the checks would take some time.

Mr. TURNER. Mr. Speaker does the gentleman from York know when he will have those figures?

Mr. HERBERT B. COHEN. I do not know, Mr. Speaker. I have not made any inquiry. In fact this bill in the previous session was the subject of some discussion and at that time the constitutionality was seriously questioned, and I thought that this bill was such a great

step forward in State financing that even the gentleman from Delaware would find no fault with it.

Mr. TURNER. Is it not a fact, Mr. Speaker, that the the State of Pennsylvania receives interest on its deposits in the banks?

Mr. HERBERT B. COHEN. Mr. Speaker, I imagine that they do, in fact there was one time that they did. Of course, the gentleman from Delaware knows that it is becoming increasingly difficult to receive interest on demand deposits in banks or trust companies.

Mr. TURNER. Therefore, Mr. Speaker, if there are funds in the hands of the Department of Revenue that have not been turned over to the State Treasury, we are losing interest on those funds.

Mr. HERBERT B. COHEN. That would be true, Mr. Speaker, but the fact is that the amount of interest is so negligible that it makes practicaly no difference, and the gentleman from Delaware knows that banks are refusing demand deposits, particularly where those demand deposits require the payment of interest.

Mr. TURNER. My recollection, however, Mr. Speaker, is that the State law requires that interest be paid on State deposits.

Mr. HERBERT B. COHEN. I think that is correct, Mr. Speaker.

Mr. TURNER. Therefore, Mr. Speaker, we are losing interest on funds which the Department of Revenue is holding and has not turned over to the Treasurer for deposit, are we not?

Mr. HERBEBRT B. COHEN. Mr. Speaker, those moneys are being turned over to the general fund as quickly as it is humanly posible to open up the returns and deposit the checks, without putting on a lot of additional help, which would bring further criticism from the gentleman from Delaware.

Mr. TURNER. I would accept the explanation of the gentleman from York were it not for the fact that there is an opportunity for jobs politically, which they will take advantage of.

The SPEAKER. Are the gentlemen discussing the bill before the House?

Mr. TURNER. Mr. Speaker, we are discussing atmosphere, that is all.

Mr. Speaker, the gentleman from York has said that he is surprised that we would raise any question as to this act, which he said was a great improvement when it passed in 1935 providing for tax anticipation notes. I might say also that I too feel that that was a very good step, and I hoped that it would work out all right, but I am in some serious doubt as I read the statement of April 15 from the Auditor General pertaining to receipts, which shows that in the AT notes, that was the first issue of fifty million dollars of tax notes the sinking fund is twenty-six million eight hundred fifty thousand, dollars, and BT notes of twenty-seven million three hundred dollars for deposit which is just made up of fifteen million dollars in the AT notes and ten million dollars in the BT notes, so that it would take practically twenty-four million dollars to complete the sinking fund for the AT notes and fifteen million dollars to complete the BT notes.

In view of that circumstance it would take a sum, I find, of about thirty-one million dollars,—well, there are eleven million dollars already paid for, and it is a total of thirty-one million dollars as I understand it to complete the payments into the sinking fund for tax anticipation notes.

In addition to that payment you have got to figure that the expenses of the state government have got to be paid during the next six weeks before the end of this biennium. In addition to that we have a deficiency appropriation bill, which I think has passed the House,—I don't know whether it has passed the Senate or not,—which must carry with it somewhere in the neighborhood of ten million dollars of deficiency appropriation.

In addition to that I am advised by some of our school districts that they have not received all of their February 1st payments, and I note there is a balance in the general fund of seven million dollars. Now, ordinarily we might carry over from this biennium a deficit or we might reappropriate after the first of the year, but as I understand the legal situation that is confronting us here, we must pay these notes by May 31 and they have to be paid, as the revenues of the Commonwealth are pledged for the payment,—they will have to be paid before anything else, therefore, our schools, our hospitals and the other operating expenses of our State government,—our payrolls have to be met by the first of May, also payment of the amount that is due to the sinking fund in order to pay for these notes.

I think that presents a very serious problem, and one that we ought to have some further information on before we authorize the issuance in the next biennium of $175,000,000 worth of tax anticipation notes. It might be that if we pass this bill and then the notes are not paid we would have no sale for the second one, and we would have a very serious problem in the next biennium.

I therefore feel that the gentleman from York should not ask for the pasage of this bill tonight, but should hold this bill until we can get the information I suggested a few minutes ago. I think if we have a lot of money that has been turned into the Department of Revenue, a lot of checks which are returns from taxpayers which they have not as yet been able to tabulate and turn over to the State Treasury, that we ought to have some determination of what that amount of money is. The money from the personal property tax was due March 15, and certainly by April 15 the money ought to have been turned over. There will be some further moneys, further payments by April 15 and quarterly it might be a few days before we can get that in, but certainly the greater part of the money that was anticipated in this part of the biennium has been paid by this time, and we should have some idea what that amounts to and whether we are going to be able to pay the tax anticipation notes on May 31 and pay the other obligations of the state government, also bear in mind that we have a deficit of twenty million dollars staring us in the face for the biennium, and if you cannot surmount that problem out of the figures that have been presented, it looks to me as if you are going to have a difficult time and at the same time some of the employes or some of the beneficiaries of the state money are going to be short changed.

I therefore ask the gentleman from York if he will not agree to place this bill on the postponed calendar until we can get this information.

Mr. HERBERT B. COHEN. Mr. Speaker, in answering the gentleman from Delaware, Mr. Turner, I can see no necessity at this time for delaying the passage of this bill.

The provisions are quite clear, and those of us who were here in the 1935 Session quite well realize what a remarkable tool and financial assistance the tax anticipation notes were. From the statement read by the gentleman from Delaware, he indicates to this House that there is a necessity of providing some thirty-one millions of dollars of funds in order to complete the sinking fund requirements on the two series of tax anticipation notes that were issued by the Commonwealth.

On April 15 of this year, just four days past, the first payment on the ten percent net income corporation tax was due and payable to the Commonwealth. We have estimated that the ten percent net income tax would bring in five million dollars per percent for the biennium, or two and a half million dollars per percent per year, or a total for the ten percent tax of twenty-five million dollars. Those estimates were based upon the experience which we had in the calculation of the corporate six percent net income tax, which was payable in April, 1936 for the year 1935.

Undoubtedly there will be an increase in payment due to the exceptionally fine net incomes reported by a great number of Pennsylvania corporations, so undoubtedly our estimate of income of twenty-five million dollars for the ten percent corporation net income tax is not an overoptomistic one. With the receipt of the twenty-five million dollars now in the process of being collected part of that payment can be delayed for fifteen days. That will bring into the general fund of the Commonwealth the sum of twenty-five million dollars which was specifically allocated and appropriated by the provisions of the tax anticipation notes act, and the payment to the sinking fund requirement set up under those acts. Up until the present time we have been able to make the sinking fund payments as they have become due, and while we might at the present time be thirty-one million dollars short of meeting the entire sinking fund requirements in order to redeem the notes on their due date, nevertheless our sinking fund payments are exactly on par with the requirements that were set at the time the notes were issued.

In addition to twenty-five million dollars, which will only leave six million dollars to be collected, in order to make up the thirty-one million dollars as indicated by the gentleman from Delaware, there are Liquor Board collections from the ten percent liquor tax, which have not as yet been returned to the general fund, there are also taxes under the four percent distillers tax, which have not been returned to the general fund. There are taxes coming due on the regular general fund collection as well as other tax increments coming into the Commonwealth daily, and we feel more than certain, that we will be able to meet the sinking fund requirements, and pay off the notes as they become due, and we will be able to float a new issue of tax anticipation notes at an interest rate far below the four and a half percent rate, the maximum requirement as set forth in this act. I therefor ask the members of this House to support this bill.

On the question, recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—153

Achterman,	Falkenstein,	McCullough,	Sarraf,
Alexander,	Finnerty,	McDermott,	Scanlon,
Allen,	Fitch,	McElroy,	Schor,
Allmond,	Flanagan,	McFall,	Schrope,
Arnold,	Flannery,	McGee,	Shaw,
Aukerman,	Flinchbaugh,	McShane,	Shea,
Baine,	Ganser,	Melchiorre,	Shepard,
Baker, J. J.,	Gerard,	Mellott,	Shoemaker,
Balthaser,	Gorski,	Mihm,	Shugarts,
Bierly,	Haberlen,	Moomaw,	Siegel,
Blank,	Hagerty,	Mooney,	Simon,
Bohn,	Hamilton, F. P.,	Moran,	Skale,
Boies,	Harkins,	Moul,	Smith, James A.,
Boltz,	Harmuth,	Munley,	Smith, John A.,
Bradley,	Hays,	Murrin,	Spengler,
Brancato,	Hering,	Nagel,	Stank,
Brigerman,	Hess,	O'Brien,	Thomas,
Broad,	Hetrick,	O'Connor,	Thompson,
Brown,	Hindman,	O'Keefe,	Toole,
Brownfield,	Hirsch,	Ominsky,	Tronzo,
Burrows,	Holland,	O'Neill,	Tumelty,
Caesar,	Holmes,	Ostroff,	Valibus,
Caputo,	Holstrom,	Patterson, C. S.,	VanSickle,
Chervenak,	Hontz,	Patterson, J. W.,	Vogt,
Coakley,	Horting,	Pearson,	Wagner,
Cohen, H. B.,	Jirolanio,	Perry,	Walsh,
Cohen, R. E.,	Keenan,	Pershing,	Weiss, D. H.,
Coleman,	Kelso,	Piole,	Weiss, S. A.,
Coolahan,	Kilroy,	Powers,	Welliver,
Costanzo,	Kroll,	Preston,	Welsh,
Decker,	LaRue,	Readinger,	Westrick,
DeNote,	Levy,	Reese,	Whalen,
Dickinson,	Lewis,	Reising,	Whitenight,
Donohoe,	Long,	Richter,	Wright,
Dougherty,	Lopresti,	Robinson,	Yanoshat,
Downey,	Lovett,	Rothenberger,	Yourishin,
Dubbs,	Marino,	Ruffennach,	Zappala,
Dyson,	McArdle,	Rush,	Furman,
Eipern,			

NAYS—51

Atkins,	Imbrie,	Schumacher,	Turner,
Baker, F. T.,	Kline,	Serrill,	VanAllsburg,
Boose,	Leisey,	Simpson,	Wall,
Boyer,	Longaker,	Sloan,	Wampole,
Cadwalader,	Lyons,	Snyder,	Watkins,
Davies,	Matthews, J. F.,	Sollenberger,	Webster,
Eckels,	McDevitt,	Sproul,	Weidemann,
Fiss,	McKinney,	Stackpole,	Wilson,
Gillette,	Merrell,	Stewart,	Winner,
Habbyshaw,	Muir,	Stockham,	Wood,
Hall,	Peale,	Strode,	Woodside,
Hamilton, R. S.,	Royer,	Terry,	Yeakel,
Huntley,	Schrock,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Mr. LEWIS. Mr. Speaker, I desire to call up at this time, House Bill No. 1358, Printer's No. 506, on page 17 of today's calendar, bill on third reading, which was passed over in order.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1358, entitled:

An Act abolishing the Municipal Court of Philadelphia and transferring actions books records documents and papers in the possession of said court to other courts of the County of Philadelphia.

On the question,,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker and members of the House, this is another Philadelphia ripper. This particular

bill is to abolish the Municipal Court as a whole. You will remember last Wednesday we had a bill that applied to the Domestic Relations Branch of that court.

The original substitute was to be a Family Court consisting of five judges—four at $14,000 a year and a president judge at $14,500, total $70,500. In addition, there was to be a Small Claims Court of three judges—two at $7,500 and one at $8,000, total $23,000; grand total $93,500. At present there are ten judges at $10,000 per year and a president judge at $10,500, total, $110,500.

The Small Claims Court was praised to the sky by Jack Kelley, and the Shapiro Committee. The poor man was to have his court. The present Municipal Court was criticized for having outgrown that service. But, alas—the Democrats, now that election day is past, have ripped out their own suggestion and sold the poor man down the river for Common Pleas No. 7 and three fat judgeships. So now, it is necessary to re-tally our estimate of the cost of shot-gun justice.

We are standing pat on eleven Municipal Court judges at $110,500 but our Democratic friends with the penchant for destroying the established and rebuilding with material more easily shuffled, have re-dealt the hand.

Now, I understand and correct me if I am wrong, the set-up is four Family Court judges—$56,500 and Common Pleas No. 7 at $42,500, a total of $99,000. Then, of course let us not too quickly forget Common Pleas No. 6 at $42,-500, for our constituents won't, which brings the cost to $141,500. In other words, not Philadelphia, but the people of Pennsylvania who pay judges' salaries will find the bill henceforth $31,000 per year more. Rippers have yet to prove economical when the substitute is placed in actual operation. Also, we have the little item of $565,000 consisting of salaries to be paid the presently elected and qualified judges of the Municipal Court for the balance of their terms.

On that point, we of course remember the intricate plan outlined by the gentleman from Philadelphia, Mr. Ominsky to divest the judges not only of the office to which they were elected by the people of Philadelphia, but also deprive them of the increments of that office. When a lawyer goes on the bench, he gives up private practice. A practice is something which is attained only by hard application to the profession. A judge cannot leave the bench in his fifties or sixties and pick up where he left off ten or twenty years before. Why discuss that point further. As a practical matter he is through, and I for one believe a deposed judge would be entitled to his salary morally and legally.

Now let us consider the practical side of this ripper. More than twenty years ago, Philadelphia lawyers decided that in the Common Pleas Courts it took years to dispose of a case. Also that actions involving smaller sums of money or lesser injury were more or less lost in the shuffle when mixed in with cases involving more substantial sums.

Since its inception, more than 275,000 civil actions have been submitted to that court. Perhaps they were cases of lessor magnitude, financially, but they were just as important in each individual instance to the litigants as the larger ones.

The Democrats propose to dump these 10,000 cases a year into the Common Pleas Court and say "Oh, Common Pleas No. 7 will take care of them." If my Democratic lawyer friends would walk over to City Hall and talk to the men who have active court practices, they will discover those members of the bar up in arms.

They know two court rooms in Common Pleas No. 7 can't handle work now handled by five court rooms and a motion judge. They are not fooled by talk of trying cases without juries and thus accelerating the disposition of cases. Cases can be and are tried every day in the Common Pleas Courts without a jury. Those men are decrying this crack pot legislation because they are satisified that they now get their cases disposed of expeditiously and equitably. They know that this change would result in trial lists falling three years behind, and smaller cases again becoming lost in the shuffle. And how will that condition be rectified? Well a new legislature would be not tempted to disinherit your family court and reinstate a Municipal Court. I say tempted because that would be a natural reaction. But on the other hand perhaps we would philosophise that two wrongs don't make a right. However no matter what the political complection of the legislature might be in 1939 it will be forced to bow to the demand of the people of Philadelphia of all parties for adequate court facilities which will mean Common Pleas No. 8 and a further burden of $42,500 on the State as a whole or the re-incarnation of a court of limited civil jurisdiction such as we now have. So from a mercenary standpoint the additional burden upon the people of Pennsylvania will be some $73,500 and you will no doubt be still paying the present judges their salaries. Wouldn't it be ironical if you Democrats who voted for their ouster would be forced by public mandate to reinstate those same men.

I have at some length tried to appeal to your judgment and fairness. Isn't the price of political jobs too high when that price is the sacrifice of the constitutional rights of litigants. Isn't the price too high when the same result can be achieved in a Constitutional way. Who will thank you for such injustice. Certainly not the litigant whose case is listed for trial this month or the next. Certainly not the good citizen in any part of Pennsylvania, even if he condones your offense at this time. The re-action is setting in. Let us not destroy where we can cure.

Therefore, I ask the members of the House not to abolish a court that is rendering good service, a court that is in operation today, a court where the trial lists are made up and litigants are looking forward to have their cases disposed of within the next two or three months. Let us not break it up and say, "Oh, we are going to put in some other Court." I say from a practical standpoint it cannot be done and from a moral standpoint it should not be done. I ask the members not to support this bill.

Mr. LEWIS. Mr. Speaker and members of the House, I am not going to impose upon your time this evening by referring to the merits of this bill together with its companion measures. The reconstruction program, if you please, of Philadelphia's court system has been thoroughly discussed on the floor of this House.

I listened with a great deal of attention to the things my colleague from Philadelphia had to say. None of them are new. He presented no defense for the inexcusable lack of attention paid by the judges of that court to the duties imposed upon them by the Legislature. He gave no excuse or no defense for the deliberate violations of acts of this Legislature which have been permitted time and

time again by these judges as individuals and as a Board of Judges. He merely comes here and makes a plea to you and to me representing the people of the Commonwealth of Pennsylvania, that we continue this travesty on justice, this condition that has resulted in the loss of that respect that is demanded by our courts, which is the backbone of our system of justice today, and to which respect they are entitled only so long as they continue to be courts of justice.

The Municipal Court of Philadelphia has been a stench in the nostrils of the citizens of that city for a number of years, in fact, since its inception, and it will continue to be so only as long as it takes the Democratic Administration, which is pledged to real good government not only in our court system but in our other forms of government in the State of Pennsylvania, to rip out of office judges who fail to obey the law as laws that are laid down by our law making bodies of this Commonwealth.

For these two reasons, without enumerating numerous others, I ask the support of the members of this House for this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—149

Achterman,	Elpern,	McArdle,	Sarraf,
Alexander,	Falkenstein,	McCullough,	Scanlon,
Allen,	Finnerty,	McDermott,	Schor,
Allmond,	Fitch,	McElroy,	Schrope,
Arnold,	Flanagan,	McFall,	Shaw,
Aukerman,	Flannery,	McGee,	Shea,
Baine,	Flinchbaugh,	McShane,	Shepard,
Baker, J. J.,	Ganser,	Melchiorre,	Shoemaker,
Balthaser	Gerard,	Mellott,	Shugarts,
Bierly,	Gorski,	Mihm,	Siegel,
Blank,	Haberlen,	Moomaw,	Simon,
Bohn,	Hagerty,	Mooney,	Skale,
Boles,	Hamilton, F. P.,	Moran,	Smith, James A.,
Boltz,	Harkins,	Moul,	Smith, John A.,
Bradley,	Harmuth,	Munley,	Spengler,
Brancato,	Hays,	Murrin,	Stank,
Brigerman,	Hering,	Nagel,	Thomas,
Broad,	Hess,	O'Brien,	Thompson,
Brown,	Hetrick,	O'Connor,	Toole,
Brownfield,	Hindman,	O'Keefe,	Tronzo,
Burrows,	Hirsch,	Ominsky,	Tumelty,
Caesar,	Holland,	O'Neill,	Valibus,
Caputo,	Holmes,	Ostroff,	VanSickle,
Chervenak,	Holstrom,	Patterson, C. S.,	Vogt,
Coakley,	Hontz,	Pearson,	Walsh,
Cohen, H. B.,	Horting,	Pershing,	Weiss, D. H.,
Cohen, R. E.,	Jirolanio,	Piole,	Weiss, S. A.,
Coleman,	Keenan,	Powers,	Welliver,
Coolahan,	Kelso,	Preston,	Welsh,
Costanzo,	Kilroy,	Readinger,	Westrick,
Decker,	Kroll,	Reese,	Whalen,
DeNote,	LaRue,	Reising,	Whitenight,
Dickinson,	Levy,	Richter,	Wright,
Donohoe,	Lewis,	Robinson,	Yanoshat,
Dougherty,	Long,	Rothenberger,	Yourishin,
Downey,	Lopresti,	Ruffennach,	Zappala,
Dubbs,	Lovett,	Rush,	Furman,
Dyson,			

NAYS—55

Atkins,	Kline,	Royer,	Trout,
Baker, F. T.,	Leisey,	Schrock,	Turner,
Boose,	Longaker,	Schumacher,	VanAllsburg,
Boyer,	Lyons,	Serrill,	Wagner,
Cadwalader,	Mallen,	Simpson,	Wall,
Davies,	Marino,	Sloan,	Wampole,
Eckels,	Matthews, J. F.,	Snyder,	Watkins,
Fiss,	McDevitt,	Sollenberger,	Webster,
Gillette,	McKinney,	Sproul,	Weidemann,
Habbyshaw,	Merrell,	Stackpole,	Wilson,
Hall,	Muir,	Stewart,	Winner,
Hamilton, R. S.,	Patterson, J. W.,	Stockham,	Wood,
Huntley,	Peale,	Strode,	Woodside,
Imbrie,	Perry,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flinchbaugh,	McShane,	Simpson,
Alexander,	Ganser,	Melchiorre,	Skale,
Allen,	Gerard,	Mellott,	Sloan,
Allmond,	Gillette,	Merrell,	Smith, James A.,
Arnold,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine	Haberlen,	Mooney,	Sollenberger,
Baker, J. J.,	Hagerty,	Moran,	Spengler,
Baker, F. T.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Munley,	Stackpole,
Bierly,	Hamilton, R. S.,	Murrin,	Stank,
Blank,	Harkins,	Nagel,	Stewart,
Bohn,	Harmuth,	O'Brien,	Stockham,
Boles,	Hays,	O'Connor,	Strode,
Boltz,	Hering,	O'Keefe,	Terry,
Boose,	Hess,	Ominsky,	Thomas,
Boyer,	Hetrick,	O'Neill,	Thompson,
Bradley,	Hindman,	Ostroff,	Toole,
Brancato,	Hirsch,	Patterson, C. S.,	Tronzo,
Brigerman,	Holland,	Patterson, J. W.,	Trout,
Broad,	Holmes,	Peale,	Tumelty,
Brown,	Holstrom,	Pearson,	Turner,
Brownfield,	Hontz,	Perry,	Valibus,
Burrows,	Huntley,	Pershing,	VanAllsburg,
Cadwalader,	Horting,	Piole,	VanSickle,
Caesar,	Imbrie,	Powers,	Vogt,
Caputo,	Jirolanio,	Preston,	Wagner,
Chervenak,	Keenan,	Readinger,	Wall,
Coakley,	Kelso,	Reese,	Walsh,
Cohen, H. B.,	Kilroy,	Reising,	Wampole,
Cohen, R. E	Kline,	Richter,	Watkins,
Coleman,	Kroll,	Robinson,	Webster,
Coolahan,	LaRue,	Rothenberger,	Weidemann,
Costanzo,	Leisey,	Royer,	Weiss, D. H.,
Davies,	Levy,	Ruffennach,	Weiss, S. A.,
Decker,	Lewis,	Rush,	Welliver,
DeNote,	Long,	Sarraf,	Welsh,
Dickinson,	Longaker,	Scanlon,	Westrick,
Dougherty,	Lopresti,	Schor,	Whalen,
Donohoe,	Lovett,	Schrock,	Whitenight,
Downey,	Lyons,	Schrope,	Wilson,
Dubbs,	Marino,	Schumacher	Winner,
Dyson,	Matthews, J. F.,	Serrill,	Wood,
Eckels,	McArdle,	Shaw,	Woodside,
Elpern,	McCullough,	Shea,	Wright,
Falkenstein,	McDermott,	Shepard,	Yanoshat,
Finnerty,	McDevitt,	Shoemaker,	Yeakel,
Fiss,	McElroy,	Shugarts,	Yourishin,
Fitch,	McFall,	Siegel,	Zappala,
Flanagan,	McGee,	Simon,	Furman,
Flannery,			

NAYS—3

Atkins,	McKinney,	Muir,

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 817, as follows:

A Joint Resolution proposing an amendment to article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article fourteenth of the Constitution of the Commonwealth of Pennsylvania is hereby amended to read as follows

Section 1 A new county shall not be created except by the consolidation of two or more existing counties An existing county may be abolished and its territory annexed to one or more contiguous counties The General Assembly shall by law provide for the consolidation and abolition of counties but no existing county shall be consolidated with another and no county shall be abolished without the consent of the electors thereof

Section 2 Counties shall be administered under such system of government and by such officers except as in this article otherwise provided as the General Assembly may by law provide Optional systems of government may be provided for by the General Assembly to become effective in a county only when accepted by the electors thereof

Section 3 Three county commissioners shall be elected in each county in the year one thousand nine hundred and thirty-nine and every fourth year thereafter In the election of such officers each elector shall vote for no more than two persons and the the three persons receiving the highest number of votes shall be elected Any vacancy happening in the office of county commissioner shall be filled for the unexpired term by the court of common pleas of the county by the appointment of an elector of the county who is a member of the same political party as was the person whose place is to be filled In each county there shall also be elected a controller a sheriff and a district attorney District attorneys sheriffs and controllers shall hold their respective offices until their successors are duly elected and qualified Vacancies in such offices shall be filled as may be provided by law All other county officers shall be provided for by law and shall be elected or appointed as the General Assembly may by law provide

Section 4 The terms of elected county officers shall be four years commencing on the first Monday of January next after their election

Section 5 All officers and persons employed in the county government shall be paid by salary or stated compensation Such officers or persons shall not receive for their own use any fees commissions or mileage for the performance of any service All fees commissions and mileage from whatever source derived received and collected by any county officer shall be paid into the State or county treasury as may be provided by law The provisions of this section shall not be construed however to apply to alderman justices of the peace or constables

Section 6 The General Assembly shall provide by law for the strict accountability of all county township and borough officers as well for the fees commissions and milage which may be collected by them as for all public or municipal moneys which may be paid to them

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, will the gentleman from Allegheny explain this bill.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, this bill amends Article XIV of the Constitution of the Commonwealth of Pennsylvania in accordance with the recommendation of the Local Government Commission. It makes it more difficult, in fact impossible, to create new counties, but provides for the consolidation of counties contiguous or adjoining each other. The bill further provides an amendment to the Constitution eliminating entirely fee offices. It provides that only the following officers shall be constituted as constitutional officers, that is District Attorney, County Controller, and the Sheriff's office are constituted as constitutional offices. All other offices as provided in the latter part of the bill, on page 2, shall be provided for by law, that is County Surveyor, County Recorder, Prothonotary and all other officers shall be those that the Legislature sees fit to provide.

Mr. TURNER. Mr. Speaker, it also provides, does it not, that the County Commisioners shall be constitutional officers?

Mr. SAMUEL A. WEISS. That is right, Mr. Speaker.

Mr. TURNER. Mr. Speaker and members of the House, with the first section of this bill with respect to consolidation I have no quarrel but with the second section of this bill, which would leave it up to the Legislature to determine whether there should be a Register, a Prothonotary, a Recorder of Deeds, a Clerks of Courts, or a County Treasurer, I am in hearty opposition. After the disgraceful situation,—and I say that in spite of the fact that I count so many men on the other side of this House as my friends,—but after the disgraceful situation that has happened in reference to the ripper legislation in Philadelphia, and after the bill that has just been passed and in which they said there was so much wrong with the Municipal Court that it ought to be ripped out, while we have plenty of laws on our statute books which provide for the impeachment of judges when they are wrong; after we have seen the shuffling and shifting backwards and forwards of so many employes in the city of Philadelphia, and possible attempts that will be made in other counties, I am not willing to leave it to the Legislature to determine whether we shall have certain offices in our county or not, because I have no hesitancy in believing that no matter who is here in the future, that from the example that has been set this year in this Session of the Legislature, by you men of the Democratic party, that in the future there will be just as many reprisals from the Republicans or whatever party may be in control. You have laid down a precedent here that is going to be hard to down in the future, and I want to predict now that it is going to come back to haunt you in the future. You cannot forecast what is going to happen and you cannot, every time the Legislature meets, shuffle jobs around in the county to suit the political party that may then be in power. You transfer the appointments

one time to the City Treasurer, and the next time to the Controller and the next time to the Governor and there are bills here even authorizing the Auditor General to make certain appointments in certain counties. My friends, I want to say that I think this is a dangerous precedent to set before us as a session of the Legislature. The Constitution provides what offices shall be in the counties. I have always felt that there should be more flexibility in the determination of the offices that should exist in certain counties. It is not always possible in the classification of counties to provide a scheme that will work most efficiently. There are some counties of the lower classifications that should not have the burden of maintaining some of the offices we talked about. When you try to make a horizontal line for some of these counties, when you try to put them in the same classification, perhaps there are some counties that should not have the same classification of offices that some other counties have, but as I said before when you have the precedent that you have set here, when you see the conditions that are likely to exist, you have a dangerous situation.

For instance, one legislature might throw out the offices of the Prothonotary and the Register of Wills, or combine those offices with the office of Recorder of Deeds, or say that the Controller should act as the Treasurer as well as the Controller, as a political device, or when you might have the County Commissioners act as Treasurer by some act of legislature, then I say we are getting on dangerous ground, and therefore this Constitutional amendment should not pass.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, this is not a ripper bill, in fact the taxpayers of this Commonwealth have advocated this legislation for the past twenty years. Let me inform the membership of this House that the Local Government Commission, composed of five Republicans and five Democrats, which commission was headed by Senator Mallery, a Republican of Blair county, made this recommendation and they say in their report: "The framework of the county is presently rigidly fixed in Article XIV of the Constitution, section 1 of which enumerates sixteen county officers, at least thirteen of whom must be elected in such county. The Constitution also permits the creation of new counties (Article XIII), although no legislative machinery exists to carry this provision into effect.

The Commission recommends that Article XIV of the Constitution and related provisions in other articles be entirely revised to prohibit the future creation of new counties, to eliminate all county officers as constitution officers, except the three commissioners, a controller and district attorney." And we in addition to that added the office of sheriff. "In this way the hands of the Legislature may be freed to organize the county government upon such plan as it deems most feasible, and at the same time abolish the system of compensating any county officer by fees whether for the performance of county or State functions.

The Commission believes that by a reorganization of the county, governmental costs may be materially reduced. A proposed Constitutional Amendment will be submitted on this subject."

I say this is one of the principal arguments against ox-cart government. There is no reason today why any county should maintain the office of County Surveyor even though the Constitution provides that they may have a County Surveyor. Many counties ignore this provision of the Constitution. Then take the office of the County Coroner. As the gentleman on the other side of the House well knows, this is an outmoded office, absolutely obsolete and this office can be well carried on by the District Attorney's office by one well learned in medicine to carry on the duties of Coroner. There are other offices. for instance the Prothonotary and the Clerk of Courts. They do the very same thing, one for the Court of Quarter Sessions and the other for the Court of Common Pleas. This is an economy measure; there is no reason why we cannot bring about some reform and some economy to the taxpayers of this Commonwealth, and, members of the House, this bill is intended for that purpose. I ask the members of the House to carry out the pledge of the Democratic party to the taxpayers of this Commonwealth by passing this bill.

Mr. TURNER. Mr. Speaker and members of the House, of course our friend from Allegheny county has very adroitly picked out the three weakest spots in the whole situation. There is no real answer I think as to the question of the Clerk of Quarter Sessions and the Prothonotary as I see it. In our county at least I know they are vey busy offices, and there is some real reason for having a division of that work, because as he said, one pertains to the Court of Quarter Sessions and the other to the Court of Common Pleas, and performs many other duties besides those pertaining to civil actions in the Court of Common Pleas. The Coroner's office may be a perfectly proper one. I do not know much about Coroners, I do not practice in the Coroner's court. Those are dead issues with which my friend from Allegheny possibly is more familiar than I am, but I do think there might be some reason, but why can we not submit an amendment to the Constitution leaving it up to the people to determine whether they want to abolish the District Attorney, the Controller and the Sheriff, or consolidate these offices, or what they want to do with them? But my friend from Allegheny county has not said a word about the Prothonotary's office. It could be taken out of your control and left up to some future legislature. You might find some Senator who did not like a particular prothonotary and he might come down here with a bill to abolish the office of Prothonotary and the Prothonotary's Office as every lawyer knows is a most important one in the conduct of every county. Our friend from Allegheny has said nothing about the office of Recorder of Deeds, which is one of the most important offices I think. In a county that is growing as fast as Delaware county or many of the other counties which I could name, the office of the Recorde of Deeds is a very active one, a very important office and performs a very great function in our scheme of government. He said nothing about the offices of Register of Wills or County Treasurers. I don't know whether there is any reason why the County Treasurer should not be a Constitutional office. I don't know whether there is any reason why that office should not be left in as well as the Sheriff and these other officers. If there is reason in what the gentleman says, if there is sound reason and logical reason why the Legislature should control them, take them off and wipe out the offices and leave it up to the determination of the legis-

lature. But the question whether there should be consolidation or not does not answer the question I have raised here, and that is that I am not willing to leave to the tender mercies of future Legislatures as to what offices shall exist in the counties, what offices should be consolidated or abolished entirely. I ask you to vote "no" on this measure.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. TURNER. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—112

Alexander,	Dubbs,	Long,	Ruffennach,
Allen,	Dyson,	Marino,	Sarraf,
Allmond,	Falkenstein,	McArdle,	Scanlon,
Arnold,	Finnerty,	McCullough,	Schor,
Aukerman,	Fitch,	McDermott,	Shaw,
Baine	Flanagan,	McElroy,	Shea,
Baker, J. J.,	Gerard,	McFall,	Shepard,
Balthaser,	Gorski,	McGee,	Shugarts,
Bierly,	Haberlen,	McShane,	Skale,
Blank,	Hagerty,	Melchiorre,	Spengler,
Bohn,	Hamilton, F. P.,	Mellott,	Stank,
Boltz,	Harkins,	Mihm,	Thomas,
Bradley,	Harmuth,	Moomaw,	Thompson,
Brancato,	Hays,	Mooney,	Toole,
Brigerman,	Hering,	Moran,	Tronzo,
Broad,	Hetrick,	Nagel,	Tumelty,
Caesar,	Hindman,	O'Brien,	Valibus,
Caputo,	Hirsch,	O'Keefe,	Vogt,
Chervenak,	Holland,	Ominsky,	Wagner,
Coakley,	Holmes,	Ostroff,	Walsh,
Cohen, H. B.,	Hontz,	Patterson, J. W.,	Weidemann,
Cohen, R. E.,	Horting,	Pearson,	Weiss, D. H.,
Coolahan,	Jirolanio,	Pershing,	Weiss, S. A.,
Costanzo,	Keenan,	Piole,	Whitenight,
Decker,	Kilroy,	Powers,	Wright,
DeNote,	Kroll,	Preston,	Yourishin,
Dickinson,	Levy,	Reising,	Zappala,
Donohoe,	Lewis,	Robinson,	Furman,
Downey,			

NAYS—77

Achterman,	Hess,	Peale,	Stockham,
Atkins,	Holstrom,	Perry,	Strode,
Baker, F. T.,	Huntley,	Readinger,	Terry,
Boose,	Imbrie,	Rothenberger,	Trout,
Boyer,	Kelso,	Royer,	Turner,
Brown,	Kline,	Rush,	VanAllsburg,
Brownfield,	LaRue,	Schrock,	Wall,
Cadwalader,	Longaker,	Schumacher,	Wampole,
Coleman,	Lopresti,	Serrill,	Watkins,
Davies,	Lovett,	Shoemaker,	Webster,
Dougherty,	Lyons,	Siegel,	Welliver,
Eckels,	Matthews, J. F.,	Simon,	Welsh,
Elpern,	McDevitt,	Simpson,	Whalen,
Fiss,	McKinney,	Sloan,	Wilson,
Flannery,	Merrell,	Snyder,	Winner,
Gillette,	Muir,	Sollenberger,	Wood,
Habbyshaw,	Munley,	Sproul,	Woodside,
Hall,	O'Connor,	Stackpole,	Yanoshat,
Hamilton, R. S.,	O'Neill,	Stewart,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 391, as follows:

An Act relating to wages regulating the time place and manner of payment of wages providing for the enforcement of wage claims imposing certain new liabilities upon contractors and certain duties and liabilities upon employers and waiving certain exemptions in certain cases and conferring certain powers and imposing certain duties on the Department of Labor and Industry and providing penalties and repealing existing laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Definitions (a) Whenever used in this act "employer" includes every person firm partnership association corporation receiver or other such appointee of a court of this Commonwealth and any agent or officer of any of the above mentioned classes employing any person in this Commonwealth

(b) "Wages" shall mean all amounts at which the labor or service rendered is recompensed whether the amount is fixed or ascertained on a time task piece commission basis or other method of calculating such amount

(c) The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 Semi-monthly Pay Day Every employer shall pay to his employes the wages earned semi-monthly or twice during each calendar month on days to be designated in advance by the employer as the regular pay day provided that the employer shall pay for services rendered during the first and fifteenth days inclusive of any calendar month by the twenty-fifth day of the month during which the said services were rendered and for all services rendered between the sixteenth and last days inclusive of any calendar month he shall pay by the tenth day of the following month Nothing contained herein shall in any way limit or prohibit the payment of wages or compensation at more frequent intervals or in greater amounts or in full when or before due nor shall it prevent an employer and employe from entering into an agreement that wages shall be paid once a month but not later than ten days after the date when such wages are due or shall become due provided such agreement is entered into between the parties in writing He shall pay such wages in full in lawful money of the United States or checks on banks or banking institutions convertible into cash on demand at full face value thereof

Section 3 Posting and Notification (a) It shall be the duty of every employer to notify his employes in writing at the time of hiring of the day and place of payment of the rate of pay and of any change with respect to any of these items prior to the time of said change Provided however That every employer shall have the option of giving such notification by posting the aforementioned facts and keeping them correctly posted conspicuously at or near the place of work where such posted notice can be seen by each employe as he comes or goes to his place of work

(b) Every employer shall post and keep posted in a similar manner as prescribed for the posting in pragraph (a) of this section an abstract of this act furnished by the Department of Labor and Industry provided however That the provisions of paragraph (b) of this section shall not apply to employers of domestic labor in private homes or of agricultural labor

(c) Failure to post and to keep posted any notice or abstract as wel as any failure to give written notice as prescribed in this section shall be deemed a misdemeanor Any employer shall upon conviction of such misdemeanor be sentenced to pay a fine not exceeding one hundred dollars ($100)

Section 4 Payments on Death of Employes Any employer may within ninety days after the death of any employe and without the filing of a petition for letters testamentary or of administration in respect of decedent's estate make payment of decedent's wages in an amount not exceeding one hundred dollars ($100) to the surviving spouse if entitled thereto under the Interstate Laws children father and mother brother and sister of the decedent giving preference in the foregoing order The making or application of payment in this manner shall be a discharge and release of the employer to the amount thus paid or applied

Section 5 Employes Who are Separated From Payroll Before Pay Days (a) Discharged Employes Whenever an

employer separates an employe from the payroll the unpaid wages or compensation of such employe shall become due immediately and the employer shall pay such wages to the employe within five days of the time of separation

In case of any failure to pay wages due a discharged employe within five days of a demand therefor the wages of such employe shall continue from the date of separation until paid at the same rate which said employe received at the time of the separation The employe may recover such wage penalty thus accruing to him in a civil action Said action must be commenced within ninety days from the date of separation Provided however That any employe who secretes or absents himself to avoid payment to him or who refuses to receive payment when tendered shall not be entitled to any wage penalty under this paragraph for such time as he avoids payment

(b) Employes Quitting Whenever an employe (not having a written contract for a definite period) quite or resigns his employment the wages or compensation earned shall become due and payable not later than five days thereafter unless such employe shall have given five days previous notice of his intention to quit in which latter case such employe shall receive his wages and compensation at the time of quitting

(c) Industrial Disputes In the event of the suspension of work as the result of an industrial dispute the wages and compensation earned and unpaid at the time of said suspension shall become due and payable at the next regular pay day as provided in section two of this act without abatement or reduction together with the return of any deposit or other guaranty held by the employer for the faithful performance of the duties of the employment

(d) No employer shall hereafter have the right to deduct from the wages due any employe during his employment or from any employe voluntarily or involuntarily leaving his employment any credits obtained by such employe from any company store extended to the employe for merchandise of any kind whatsoever except for cash advances made in partial payment of wages or for moneys owing to the employer for the payment of equipment tools or other such accessories regularly used in the course of his employment Any employer may however enter into a contract or agreement in writing with any bona fide independent labor union representing the employes of such employer wherein it may be provided that the employer shall deduct from wages due his employes any union initiation fees dues and assessments which shall be paid over to the union

Section 6 Unconditional Payment of Wages Conceded To Be Due In case of a dispute over wages the employer shall give written notice to the employe of the amount of wages which he concedes to be due and shall pay such amount without condition within the time set by this act provided that acceptance by the employe of any payment made hereunder shall not constitute a release as to the balance of his claim or jeopardize his right to collect any amount still legally due

Section 7 Provisions of Law May Not Hereafter Be Waived By Agreement Nothing contained in this act shall hereafter in any way be contravened or set aside by a private agreement. All contracts or agreements contrary to this act are hereby declared to be against public policy

Section 8 Contractor's Responsibility for Sub-Contractor's Payroll (a) Whenever a contractor shall subcontract with another for the performance of the contractor's work then it shall be the duty of such contractor to provide in such contract that the employes of the sub-contractor shall be paid according to the provisions of this act and in the event that such sub-contractor shall fail to pay wages to his employes as specified in this act then such employes shall notify the contractor in writing of the failure of the sub-contractor to pay wages due or any portion thereof whereupon the contractor shall after five days notice to the sub-contractor pay to such employe or employes the amount of wages due or owing such employes and such contractor shall have the right to set off or deduct any amount so paid from any balance due the defaulting sub-contractor It shall be the duty of the sub-contractor to post in a conspicuous place the name and address of his contractor and the failure to do so shall be a violation of the provisions of this act and upon a summary conviction before a magistrate or a justice of the peace to be punishable by a fine of fifty dollars ($50) and costs or thirty days in the county prison

(b) The provisions of paragraph (a) of this section shall likewise be deemed applicable to any contractor who not being an employer (hereinafter referred to in this act as an "indirect employer") contracts with a sub-contractor for the performance of his work

Section 9 Enforcement It shall be the duty of the Department of Labor and Industry to enforce and to insure compliance with the provisions of this act to investigate violations of this act and to institute or cause to be instituted actions for penalties and forfeitures provided hereunder The Department may hold hearings to satisfy itself as to the justice of any claim and it shall cooperate with any employe in the enforcement of a claim against his employer or any "indirect employer" as defined in section eight in any case whenever in its opinion the claim is just and valid Such hearings shall be held in the county where the alleged violation occurred

Section 10 Employe's Affidavit and Procedure Thereunder When any employe shall file a sworn complaint with the Department of Labor under the provisions of this act the department shall within seven days thereafter serve a copy of said affidavit on the employer and notify the employer to file an answer to the complaint of the employe within seven days after the service of the copy of the said complaint Such answer shall be filed with the department and shall be sworn to by the employer as an individual or by an executive officer if a corporation If upon investigation any such affidavit shall be found to contain any falsehoods then the person making such affidavit shall be prosecuted for perjury as provided under the laws of this Commonwealth Failure to file an answer shall constitute an admission of the truth of the allegations of the complaint

Section 11 Records Subpoenas Et Cetera (a) Every employer shall keep a true and accurate record of hours worked and wages paid each pay period to each employe He shall keep such records on file for at least one year after the entry of the record

(b) Any authorized representative of the Department of Labor and Industry shall have the right to enter any place of employment for the purpose of inspecting such records and seeing that all provisions of this act are complied with Provided however That paragraphs (a) and (b) of this section shall not apply to employers of domestic labor in private homes or of agricultural labor

(c) Any effort of any employer to obstruct any authorized representatives of the Department of Labor and Industry in the performance of his duties shall be deemed a violation of this act and punishable as such

(d) The Secretary of Labor and Industry and his authorized representatives shall have power to administer oaths and examine witnesses under oath issue subpoenas compel the attendance of witnesses and the production of papers books accounts records payrolls documents and testimony and to the take depositions and affidavits in any proceedings before the Department of Labor and Industry

(e) In case of failure of any person to comply with any subpoena lawfully issued or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated it shall be the duty of the court of common pleas of any county or any judge thereof on application by the Secretary of Labor and Industry to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein

(f) The Secretary of Labor and Industry and his authorized representatives shall have power to institute prosecutions for perjury against all parties or witnesses making false oath or affidavit in any proceedings before the Department of Labor and Industry under the provisions of this act

Section 12 Personnel The Secretary of Labor and Industry may in accordance with The Administrative Code of one thousand nine hundred twenty-nine employ and fix

the compensation of such clerical and other assistants as may be necessary to carry out the purposes of this act

Section 13 Forfeiture and Penalties Any employer who shall violate or fail to comply with any of the provisions of this act shall be subject to a penalty of ten dollars ($10.00) for each such violation or non-compliance Unless otherwise herein provided Each day of failure to pay wages due employes at the time specified in this act shall constitute a separate and distinct violation All such penalties shall be recovered by the Department of Labor and Industry in an action of debt in the name of the Commonwealth

Section 14 Assignment of Wage Claims to Department for Recovery by Civil Action The Department of Labor and Industry shall have power and authority to take assignments of wage claims rights of action for penalties provided by section five of this act to exceed one hundred dollars ($100) in the case of any one claim and shall have power and authority through the medium of attorneys appointed by Attorney-General to prosecute actions in the name of the Commonwealth for the collection of such claims of persons who in the judgment of the department are entitled to the service of the department and who in its judgment have claims which are valid and enforceable in the court The department shall have power to join various claims in one preferred claim or lien and in case of suit to join them in one cause of action Where the department joins various claims in one action the aggregate suit shall not be limited to one hundred dollars ($100)

Section 15 Costs of Civil Actions by Department (a) In all actions brought by the Department of Labor and Industry as assignee under section twelve of this act no court costs of any nature shall be required to be advanced nor shall any bond or other security therefor be required from the said department in connection with the same

(b) Any sheriff constable or other officer requested by the said department to serve summons writs complaints orders including any garnishment papers and all necessary and legal papers within his jurisdiction shall do so without requiring the Department of Labor and Industry to advance the fees or furnish and security or bond therefor

(c) Whenever the Department of Labor and Industry shall require the sheriff constable or other officer whose duty it is to seize property or levy thereon in any attachment proceedings to satisfy any wage claim judgment to perform any such duty said officer shall do so without requiring the department to furnish any security or bond in such action And such officer in carrying out the provisions of this paragraph shall not be responsible in damages for any wrongful seizure made in good faith

But whenever anyone other than the defendant claims the right of possession or ownership to such seized property then in such case the office may permit such claimant to have the custody of such property as in other interpleader actions pending a determination of the court as to who has right of possession or ownership of such property

(d) No defendant employer shall have the right to claim exemption on any wage claim when execution shall issue on any judgment obtained under the provisions of this act under any of the exemption statutes of this Commonwealth

(e) Any garnishee defendant shall be required to appear and make answer in any such action as required by law without havnig paid to him in advance witness fees but such witness fees shall be included as part of the taxable costs of such action.

Out of any recovery on a judgment in such a suit there shall be paid First the witness fees to the garnishee defendent second the wage claims involved third the sheriff's or constable's fees and fourth the court costs

Section 16 Separability of Provisions The provisions of this act are severable and if any provision is held to be unconstitutional the decision so holding shall not be construed to affect any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 17 General Repeal All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—160

Achterman,	Falkenstein,	Lyons,	Rush,
Alexander,	Finnerty,	Marino,	Sarraf,
Allen,	Fitch,	McArdle,	Scanlon,
Allmond,	Flanagan,	McCullough,	Schor,
Arnold,	Flannery,	McDermott,	Schrope,
Aukerman,	Flinchbaugh,	McDevitt,	Shaw,
Baine,	Ganser,	McElroy,	Shea,
Baker, J. J.,	Gerard,	McFall,	Shepard,
Balthaser,	Gorski,	McGee,	Shoemaker,
Bierly,	Haberlen,	McShane,	Shugarts,
Blank,	Hagerty,	Melchiorre,	Siegel,
Bohn,	Hamilton, F. P.,	Mellott,	Simon,
Boles,	Hamilton, R. S.,	Mihm,	Skale,
Boltz,	Harkins,	Moomaw,	Sloan,
Bradley,	Harmuth,	Mooney,	Smith, James A.,
Brancato,	Hays,	Moran,	Smith, John A.,
Brigerman,	Hering,	Moul,	Spengler,
Broad,	Hess,	Munley,	Stank,
Brown,	Hetrick,	Murrin,	Thomas,
Brownfield,	Hindman,	Nagel,	Thompson,
Burrows,	Hirsch,	O'Brien,	Toole,
Caesar,	Holland,	O'Connor,	Tronzo,
Caputo,	Holmes,	O'Keefe,	Tumelty,
Chervenak,	Holstrom,	Ominsky,	Valibus,
Coakley,	Hontz,	O'Neill,	VanSickle,
Cohen, H. B.,	Horting,	Ostroff,	Vogt,
Cohen, R. E.,	Jirolanio,	Patterson, C. S.,	Wagner,
Coleman,	Keenan,	Patterson, J. W.,	Walsh,
Coolahan,	Kelso,	Pearson,	Weiss, D. H.,
Corrigan,	Kilroy,	Pershing,	Weiss, S. A.,
Costanzo,	Kline,	Piole,	Welliver,
Decker,	Kroll,	Powers,	Welsh,
DeNote,	LaRue,	Preston,	Westrick,
Dickinson,	Leisey,	Readinger,	Whalen,
Donohoe,	Levy,	Reese,	Whitenight,
Dougherty,	Lewis,	Reising,	Wright,
Downey,	Long,	Richter,	Yanoshat,
Dubbs,	Longaker,	Robinson,	Yourishin,
Dyson,	Lopresti,	Rothenberger,	Zappala,
Elpern,	Lovett,	Ruffennach,	Furman,

NAYS—44

Atkins,	Imbrie,	Simpson,	VanAllsburg,
Baker, F. T.,	Matthews, J. F.,	Snyder,	Wall,
Boose,	McKinney,	Sollenberger	Wampole,
Boyer,	Merrell,	Sproul,	Watkins,
Cadwalader,	Muir,	Stackpole,	Webster,
Davies,	Peale,	Stewart,	Weidemann,
Eckels,	Perry,	Stockham,	Wilson,
Fiss,	Royer,	Strode,	Winner,
Gillette,	Schrock,	Terry,	Wood,
Habbyshaw,	Schumacher,	Trout,	Woodside,
Hall,	Serrill,	Turner,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1164, (Senate Bill No. 4), as follows:

An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That from and after the first day of April one thousand nine hundred and thirty-eight no person shall be employed or engaged as a miner in any bituminous coal mine in this Commonwealth except as hereinafter provided for without first having obtained a certificate of competency and qualification from a miners' examining board appointed under this act Provided however That any miner holding such certificate may have one person working with him and under his direction as an apprentice for the purpose of learning the business of mining For the purposes of this act the term "miner" shall mean all underground workers in bituminous coal mines except as hereinafter provided

Section 2 The Secretary of Mines with the approval of the Governor shall appoint as many miners' examining boards as may be deemed necessary but not exceeding five in number each board to be composed of three practical and experienced bituminous miners who shall have had at least ten years experience in the bituminous mines of this Commonwealth and who shall be at least thirty years of age Each member of an examining board shall hold office at the pleasure of the appointing authority

The boards first appointed shall have authority to issue to their respective members the certificates of competency required by this act without examination

The boards first appointed shall be so located by the Secretary of Mines as to meet the needs of the various regions in which bituminous coal is mined

Each miners' examining board shall organize by the selection of one of its members as chairman and one as secretary All records reports books and papers of a board shall be kept by the Secretary who shall also be furnished with a seal by the Department of Mines

Each member of a miners' examining board shall be entitled to compensation at the rate of ten dollars for each day of seven hours necessarily employed and all necessary and legitimate expense incurred in the discharge of his duties which compensation and expenses shall be paid from appropriations made for such purposes

The number of miners' examining boards may be reduced at the pleasure of the Secretary of Mines after the first day of March one thousand nine hundred and thirty-eight

Section 3 The several miners' examining boards shall hold examinations at such times and places prior to the thirty-first day of March one thousand nine hundred and thirty-eight as the Secretary of Mines may designate and thereafter shall meet at least once every three months in each mine inspection district at such places as the Secretary of Mines may designate so that all persons in the State who wish to engage in coal mining may be examined as to their competency and qualifications Public notice of the time and place of examinations shall be given through the press or otherwise by the board not less than seven days in advance of the date set for the examination

Each board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account of the examination of each applicant with questions asked and their answers Such records shall be open to public inspection

Section 4 Each applicant for examination shall pay to the miners' examining board a fee of two dollars All fees collected by a miners' examining board shall be promptly transmitted to the Department of Mines and by it paid into the State Treasury through the Department of Revenue

Section 5 All examinations held by miners' examining boards shall be conducted in the English language and shall be of a practical nature so as to determine the competency and qualifications of the applicant to engage in the mining of bituminous coal The board or boards shall examine under oath all applicants as to their previous experience in mines Each member of the examining board or boards shall have power to administer oaths and any false statement wilfully made by an applicant under oath shall be deemed perjury All persons who shall be actually engaged as miners in a bituminous mine in this State at the time of the passage of this act and who shall have reached the age of twenty-one years and have had at least two years practical experience as mine workers shall be entitled to a certificate without examination upon the payment of a fee of one dollar and after producing satisfactory proof that they have been employed in a bituminous mine in this Commonwealth but no certificates of service shall be issued after the first day of April one thousand nine hundred and thirty-eight The form and manner of issuing such certificates shall be designated by the Secretary of Mines Certificates granted by a board shall entitle the holder thereof to be employed as and to do the work of a miner in the bituminous mines of the Commonwealth

All persons possessing certificates of qualification issued by the Commonwealth of Pennsylvania entitling them to act as mine foreman assistant mine foreman or fire boss shall be eligible to engage at any time as miners in bituminous mines of this State Supervisory and technically trained employes of the operator whose work contributes only indirectly to mine operations shall not be required to possess a miner's certificate

No person shall be qualified to take the examination unless he produces evidence of having had not less than two years' practical experience in the bituminous coal mines of this Commonwealth as a miner or who has served as a miner's apprentice for a period of two years A certificate shall not be granted unless the applicant appears in person before the board and answers orally intelligently and correctly at least eight practical questions propounded to him

A certificate granted by a board shall not be transferable and a transfer shall be deemed a violation of this act

Certificates shall be issued only at meeting of the board and shall be signed by at least three members of the board and sealed with the seal of the board

Section 6 No person shall after the first day of April one thousand nine hundred and thirty-eight engage as a miner other than as an apprentice in any bituminous coal mine in this Commonwealth without first having obtained a certificate of competency and qualification as provided for in this act except as hereinbefore stated nor shall any person firm or corporation or his or its agent employ as a miner other than as an apprentice any person who does not hold such certificate except as aforesaid Any person firm or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and costs nor more than one hundred dollars and costs and in default of the payment of such fine and costs be imprisoned in the county jail for a period of ten days

Section 7 The sum of seventy thousand dollars ($70,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Mines for the purpose of carrying out the provisions of this act

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flinchbaugh,	Melchiorre,	Simpson.
Alexander,	Ganser,	Mellott,	Skale,
Allen,	Gerard,	Merrell,	Sloan,
Allmond,	Gillette,	Mihm,	Smith, James A.,
Atkins.	Gorski,	Moomaw,	Smith, John A.,
Aukerman,	Habbyshaw,	Mooney,	Snyder,
Baine,	Haberlen,	Moran,	Sollenberger,
Baker, F. T.,	Hagerty,	Moul,	Spengler,
Baker, J. J.,	Hall,	Muir,	Sproul,
Balthaser,	Hamilton, F. P.,	Munley,	Stackpole,
Bierly,	Hamilton, R. S.,	Murrin,	Stank,
Blank,	Harkins,	Nagel,	Stewart,
Bohn,	Harmuth,	O'Brien,	Stockham
Boles,	Hays,	O'Connor,	Strode,
Boltz,	Hering,	O'Keefe,	Terry,
Boose,	Hess,	Ominsky,	Thomas,
Boyer,	Hetrick,	O'Neill,	Thompson,
Bradley,	Hindman,	Ostroff,	Toole,
Brancato,	Hirsch,	Patterson, C. S.,	Tronzo,
Brigerman,	Holland,	Patterson, J. W.,	Trout,

Broad,	Holmes,	Peale,	Tumelty,
Brown,	Holstrom,	Pearson,	Turner,
Brownfield,	Hontz,	Perry,	Vallbus,
Burrows,	Horting,	Pershing,	VanAllsburg,
Cadwalader,	Imbrie,	Piole,	VanSickle,
Caesar,	Jirolanio,	Powers,	Vogt,
Caputo,	Keenan,	Preston,	Wagner,
Chervenak,	Kelso,	Readinger,	Wall,
Coakley,	Kilroy,	Reese,	Walsh,
Cohen, H. B.,	Kline,	Reising,	Wampole,
Cohen, R. E.,	Kroll,	Richter,	Watkins,
Coleman,	LaRue,	Robinson,	Webster,
Coolahan,	Leisey,	Rothenberger,	Weidemann,
Costanzo,	Levy,	Royer,	Weiss, D. H.,
Davies,	Lewis,	Ruffennach,	Weiss, S. A.,
Decker,	Long,	Rush,	Welliver,
DeNote,	Longaker,	Sarraf,	Welsh,
Dickinson,	Lopresti,	Scanlon,	Westrick,
Donohoe,	Lovett,	Schor,	Whalen,
Dougherty,	Lyons,	Schrock,	Whitenight,
Downey,	Marino,	Schrope,	Wilson,
Dubbs,	Matthews, J. F.,	Schumacher,	Winner,
Dyson,	McArdle,	Serrill,	Wood,
Eckels,	McCullough,	Shaw,	Woodside,
Elpern,	McDermott,	Shea,	Wright,
Falkenstein,	McDevitt,	Shepard,	Yanoshat,
Finnerty,	McElroy,	Shoemaker,	Yeakel,
Fiss,	McFall,	Shugarts,	Yourishin,
Fitch,	McGee,	Siegel,	Zappala,
Flanagan,	McKinney,	Simon,	Furman,
Flannery,	McShane,		

NAYS—1

Huntley,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Mr. YOURISHIN. Mr. Speaker, I desire to call up at this time House Bill No. 135, Printer's No. 452, on page 22 of today's calendar, bills on final pasage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. YOURISHIN.

The House resumed the consideration on final passage of House Bill No. 135, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve or disapprove their incorporation or their attempted association or right to do business within the Commonwealth

RECONSIDERATION OF VOTE

Mr. YOURISHIN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. WRIGHT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Luzerne, Mr. Yourishin vote?

Mr. YOURISHIN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Wright vote?

Mr. WRIGHT. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Corporations for the purpose of amendment.

The motion was agreed to.

BILL ON FINAL PASSAGE

Mr. OMINSKY. Mr. Speaker, I desire to call up at this time House Bill No. 2083, Senate Bill No. 589, Printer's No. 279, on page 15 of today's calendar, bill on final passage, which was passed over.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2083, (Senate Bill No. 589), as follows:

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall after the first day of May one thousand nine hundred and thirty-seven consist of seven members who shal be appointed for terms of six years as provided by law

Section 2 The respective members of the board shall have the following qualifications

Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county and shall have practiced law in the county for the last five years immediately preceding their appointment

One of such members shall be a construction engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment.

One of such members shall be a civil engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment

One of such members shall be a real estate appraiser and shall have had at least five years' practical experience

One of such members shall be a real estate broker licensed as such under the laws of this Commonwealth and shall have had a least five years' practical experience

One of such members shall be a business man or an accountant with at least five years' practical experience or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board

Section 3 No person shall be appointed a member of the board of revision of taxes unless he shall have filed with the appointing authority a writen application for such appointment setting forth in detail sufficient information to show that the application possesses the qualifications required of him by this act All such facts shall be sworn to or affirmed by the applicant All such applications shall remain on file in the office of the appointing authority as a public record

Section 4 The board shall organize each year by electing a chairman and a secretary from among its members In the absence of the chairman a member designated by him shall act as chairman

The chairman of the board shall receive a salary of twelve thousand five hundred dollars ($12,500) per annum Each of the other members shall receive salaries of ten thousand dollars ($10,000) per annum None of the members shall receive any other compensation for any service required of them by law

Each member of the board shall give bond in such amount and with such surety or sureties as the tax levying body of the county shall approve conditioned upon the faithful performance of all of their duties as members of the board They shall not be required to give any other bond for any purpose

The members of the board shall not during their terms of office engage in any other employment or hold any other public office or other public employment

Section 5 The board shall appoint a chief appraiser who shall receive a salary of eight thousand five hundred dollars ($8,500) per annum Such chief appraiser shall at the time of his appointment have had not less than ten years' practical experience in making real estate appraisals It shall be his duty to supervise and assist in the setting up and maintaining of a scientific and modern system of appraisement and records thereof and to supervise the making of assessments and the keeping of the records of the board in accordance with the directions rules and regulations of the board

Section 6 The board shall apoint two deputy appraisers whose salaries shall be five thousand dollars ($5,000) per annum each and two personal property appraisers and as many senior assistants as it deems necessary but not more than twenty whose salaries shall be four thousand dollars per annum Each of such [deputy appraisers] and assistant appraisers shall have had not less than five years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade Each of the personal property appraisers shall have had not less than five years' practical experience in valuing securities and other personal property subject to taxation

The board shall appoint as many junior assistant appraisers as it deems necessary but not more than ten whose salaries shall be fixed by the board subject to the approval of the tax levying body of the county and shall range in amount from one thousand eight hundred dollars ($1,800) to two thousand seven hundred and fifty dollars ($2,750) Each of such junior assistant appraisers shall have had not less than three years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade or shall be a graduate of or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed

The board shall also appoint such number of clerks stenographers and other employes and at such compensation as shall be allowed and fixed by the tax levying body of the county

All salaries and compensation shall be paid out of the county treasury

Section 7 The board of revision of taxes may by general rules and regulations prescribe additional qualifications not inconsistent with the provisions of this act to be possessed by the chief appraiser deputy appraisers personal property appraisers senior assistant appraisers junior assistant appraisers and other employes of the board

No person shall be employed by the board in any position except pursuant to written application under oath or affirmation setting forth in detail his qualifications for the office or position which he seeks which applications shall be preserved among the records of the board All appointments shall be made pursuant to competitive examinations conducted by the board which shall be open to all persons possessing the requisite and qualifications Appointments shall as far as possible be made by advancement from among the employes of the board

Section 8 The terms of the members of the board of revisions of taxes now in office in counties of the first class are hereby terminated as of the effective date of this act The several assessors and personal property assessors heretofore provided for by law in counties of the first clas are hereby abolished and the terms or employment of the present assessors are hereby terminated

Section 9 The following and their amendments are hereby repealed

The act approved the twenty-fourth day of March one thousand nine hundred and three (P. L. 51) entitled "An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred and fifty thousand or over"

The act approved the thirty-first day of May one thousand nine hundred and seven (P. L. 329) entitled "An act fixing the salary of real estate assessors in counties having a population of one million or over" and

The act approved the seventh day of April one thousand nine hundred and twenty-seven (P. L. 149) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries"

The act approved the eighteenth day of February one thousand nine hundred and thirty-seven (Act Number 3) entitled "An act providing for the appointment of assessors and clerks by boards of revision of taxes in cities of the first class fixing their salaries and repealing inconsistent acts"

All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. OMINSKY. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. LEWIS. Mr. Speaker, I second the motion.

The SEAKER. How did the gentleman from Philadelphia, Mr. Ominsky vote.

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Lewis vote?

Mr. LEWIS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 6, page 5, line 11 by striking out the light-faced brackets before the word: "Deputy" and after the word "and"

Amend section 6, page 5, line 11 by striking out after the word "appraisers" and before the second word "and" the following "and"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

MESSAGE AND BILL TAKEN FROM TABLE

Mr. MOOMAW. Mr. Speaker, I move that House Bill No. 190, Printer's No. 147, together with the message from the Governor which was laid upon the table, be taken from the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 190

Commonwealth of Pennsylvania,
Governor's Office, Harisburg, March 16, 1937.

To the Honorable, the House of Representative of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 190, Printer's No. 147 for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE

RECONSIDERATION OF VOTE

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. LEWIS. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Franklin, Mr. Moomaw, vote on the final passage of this bill?

Mr. MOOMAW. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Lewis, vote on the final passage of this bill?

Mr. LEWIS. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 1 of the title, by striking out after the word "amend" and before the word "of" the following: "[clause (f)]" and inserting in lieu thereof the following: "clauses (i) and (j) of section four clauses (e) (f) and (j)"

Amend page 1, line 1 of the title, by inserting after the word "eight" and before the word "of" the following: "and sections three hundred nine and five hundred seven"

Amend page 2, line 5 of the title, by inserting after the word "penalties'" and before the word "providing" the following: "by providing for certain additional persons to be considered as employers

Amend page 2, line 10 of the title, by inserting at the end of the line after the word "service" the following: "further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jurisdiction of courts of common pleas with respect to summons and subpoenas issued under the act"

Amend sections 1, page 2, line 4 by striking out at the beginning of the line the following: "[clause (f) of section two hundred eight]" and inserting in lieu thereof the following: "clauses (i) and (j) of section four"

Amend section 1, page 3, line 2 by striking out after the word "penalties'" and before the word "hereby" the word:"[is]" and inserting in lieu thereof the word: "are"

Amend section 1, page 3, by inserting between lines 2 and 3 the following:

"(i) "Employer" means every (1) individual, (2) copartnership, (3) association, (4) corporation (domestic or foreign), (5) the legal representative, trustee in bankruptcy, receiver or trustee of any individual, copartnership, association, or corporation, or (6) the legal representative of a deceased person, (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six, or any calendar year thereafter, each day being in a different week, or (II) who or which has elected to become fully subject to this act, and whose election remains in force.

Whenever any employer contracts with, or has under him, any contractor or subcontractor for any work which is part of his usual trade, occupation, profession, or business, unless such employer, as well as each such contractor or subcontractor, is an employer (as defined in the first paragraph of this subsection), the employer shall, for all the purposes of this act, be deemed to employ each individual in the employ of each such contract or sbucontractor for each day during which said individual is engaged in performing such work; except that each such contractor or subcontractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ, and except that any employer who shall become liable for, and pay, contributions with respect to individuals in the employ of any such contractor or subcontractors who is not an employer (as defined in the first paragraph of this subsection), may recover the same from such contractor or subcontractor. Each individual employed to perform, or to assist in performing, work of any agent or employe of an employer, shall be deemed to be employed but such employer for all the purposes of this act, whether such individual was hired or paid directly by such employer or by such agent or employe, provided the employer had actual or constructive knowledge of the work.

Where an employer maintains more than one place of employment within this Commonwealth, all of the employes at the several places of employment shall be treated, for the purposes of this act, as if employed by a single employer.

Any individual, copartnership, association, or corporation who or which is not subject to this act may elect to become subject thereto by filling with the department his or its written application, and if such application, and if such application is approved by the department, the election shall become binding for not less than two calendar years.

An employer subject to this act may elect to include within the term "Employment" subject to this act, services performed by his or its employes entirely without this Commonwealth, with respect to which no contributions are required and paid under an unemployment compensation law of any other state, if the employe or employes included in such election maintain a domicile within this Commonwealth. Such election shall be subject to the approval of the department, and if such election is approved by the department, the election shall become binding for not less than two calendar years, or until the department, on its own motion, cancels the election.

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act. Such election shall be subject to the approval of the department, and if such election is approved by the department, the election shall become binding for not less than two calendar years.

Any services performed for an employer covered by an election pursuant to this subsection shall, during the effective period of such election, be deemed to be employment for all the purposes of this act. Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof, and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election.

(j) 'Employment" means all service performed for remuneration or under any contract of hire, express or implied, written or oral, (1) which is localized within this Commonwealth, or (2) which is not localized in any state but some of the service is performed within this Commonwealth, and (a) the base for operation or place from which such service is directed or controlled is in this Commonwealth, or b) the base for operations or place from which such service is directed or controlled is not in any state in which some part or of the service is performed, but the individual's residence is in this Commonwealth. Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entitrely within this Commonwealth, or (b) the service is performed both within and without this Commonwealth, but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions. Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state.

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages, unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such service, both under his contract of service and in fact; (b) that such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; or (c) that such individual is customarily engaged in an independently established trade, occupation, profession or business.

The word "employment" shall not include—

(1) Agricultural labor;

(2) Domestic service in a private home;

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(4) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States;

(6) Service performed in the employ of a state, a political subdivision thereof, or and instrumentality of one or more states or political subdivisions;

(7) Service performed in the employ of a corporation community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

Section 2. That clauses (e), (f), and (j) of section two hundred eight of the said act are hereby amended to read as follows:

(e) The secretary shall prescribe, by rules and regulations, the qualifications to be possessed by persons desiring employment in the various grades of employment in the administration of this act. The qualifications shall be such as will best promote the most efficient administration of this act, and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application; and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year, and, in the districts in which such office, is located for a period of not less than six months before making application"

Amend section 1, page 3, line 5 by striking out after "cation" and before the word "which" the following: "[under oath or affirmation]"

Amend section 1, page 3, line 19 by inserting after the word "appointed" and before the word "Such" the following: "but no applicant shall be required to be possessed of any specified scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position"

Amend section 1, page 4, by inserting between lines 14 and 15 the following:

"(j) The secretary shall make appointments to positions created under this act, and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board, except with respect to positions filled by promotions, as hereinafter provided, and by the appointment of persons exempted by subsection (b) of this section. In making appointments therefrom, the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district, or in the State as a whole, as the case may be, the applicant most suitable for the position in the grade of employment for which a vacancy exists, taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled. If, upon inquiry by the secretary, a person on the list of eligibles is found to be available for employment or cannot be located, his name shall not for the time being considered among the three names from which a choice is to be made. For the second vacancy, the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three seperate vacancies. The third and any additional vacancies shall be filled in like manner.

Vacancies in positions subject to the provisions of this section, whether such positions be newly created or vacated for any reason by any former incumbent, shall be filled, in so fas as practical, by promotions from among employes holding positions in the lower grades. In all cases an employe to be promoted shall possess the qualifications specified for the position, and shall have served not less than six months (including service during any probationary period, bunt not including service during any provisional employment) in a position under the provisions of this act. Promotions shall be based on merit, and upon the superior qualifications of the employe to be promoted, as shown by his or her previous service record under this act. The secretary may promote an employe to a higher position to which such employe has been certified as eligible by the board, provided that the board shall, in certifying such employe, satisfy itself that the employe possesses the qualifications prescribed by the secretary for the higher position. Before making such certification, the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe.

Section 3. That sections three hundred nine and five hun-

dred seven of the said act are hereby amended to read as follows:

Section 309. Collection of Contributions and Interest.—If, after notice by the department, any employer fails, neglects, or refuses to pay any contributions due, or the interest due thereon, the amount due shall be collected by civil action in the name of the Commonwealth. Civil actions brought under this section to collect contributions, or interest thereon, from any employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other actions, except petitions for judicial reveiew under this act and cases arising under The Workmen's Compensation Act of one thousand nine hundred fifteen, and its amendments and supplements. No court costs shall be imposed on the Commonwealth in any such civil actions. Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties, as provided in this act.

Section 507. Procedure where Summons or Subpoenas Disobeyed. — In case any person refuses, fails, or neglects to obey a summons or subpoena issued under the authority of this act, or fails, refuses, or neglects to produce any books, papers, correspondence, memoranda, or record, the department or board or its agent duly authorized in writing may petition the court of common pleas of the county in which the inquiry is being carried on, or within which the person summoned or subpoenaed is found or resides or transacts business, seting forth the facts, whereupon the court shall have jurisdiction to direct such person to appear before the department or its agent, or before a referee or the board, at a time and place fixed by the court, and give such testimony, and produce such books, papers, correspondence, memoranda, and other records as may be required, or to issue to such person its subpoena requiring such person to appear before the court at a time fixed and there to give testimony touching the matter under investigation, or to produce such other evidence as may be required.

Any person who shall, without just cause, fail, neglect, or refuse to obey a subpoena or order of the court, or who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena or an order of the court, may be punished by said court for contempt."

Amend section 2, page 4, line 15 by striking out after the word "Section" and before the word "This" the figure: "[2]" and inserting in lieu thereof the figure: "[4]"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS ON THIRD READING

Mr. BRADLEY. Mr. Speaker, I desire to call up at this time House Bill No. 9, Printer's No. 552, on page 21 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BRADLEY.

The House resumed the consideration on third reading of House Bill No. 9 entitled:

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways and the abandonment of stripping work unless the earth is replaced in the opening caused by such work

On the question,

Will the House agree to the bill on third reading?

Mr. KLINE. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, lines 2, 3 and 4 of title, by striking out the words "and the abandonment of stripping work unless the earth is replaced in the opening caused by such work"

Amend sec. 1, page 1, lines 12, 13 and 14, by striking out the words "No person, copartnership, association or corporation engaged in the stripping of coal hereafter abandon such stripping work unless the earth which has been"

Amend sec. 1, page 2, by striking out all of lines 1 and 2

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for pinting.

Mr. HARKINS. Mr. Speaker, I desire to call up at this time House Bill No. 1261, Printer's No. 541, on page 21, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HARKINS.

The House resumed the consideration on third reading of House Bill No. 1261, entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

On the question,

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 1 (sec. 1046), page 2, line 14, by inserting after the word "audit" the following: "unless a larger compensation shall be specially allowed by a court of record in connection with any proceeding before such court"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS No. 6, 476, 653, 679, 743, 801 AND 1926

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 6, Printer's No. 170, entitled, "An Act to amend section two hundred sixty-five of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled 'An act relating to fish and amending revising consolidating and changing the laws relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' making Sunday fishing with rods and lines lawful under certain circumstances."

House Bill No. 476, Printer's No. 524, entitled, "An Act abating certain tax penalties and interest on county city (except city of the first class) borough town township school district (except school district of the first class) and poor district taxes prohibiting the sale of real property for the non-payment of any such taxes for a certain period and preserving certain tax liens and providing for the extension thereof."

House Bill No. 653, Printer's No. 301, entitled, "An Act to amend section five hundred thirty as amended and section five hundred thirty-two of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) enitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' fixing the length of the term of certain officers appointed to fill vacancies."

House Bill No. 679, Printer's No. 525, entitled, "An Act authorizing the abatement of certain interest charges expense and fees added to county city borough town township school district or poor district claims imposed or assessed for improvements or for the abatement of nuisances prohibiting the sale of real property for the payment of such claims for a certain period preserving the liens of such claims and providing for the extension thereof."

House Bill No. 743, Prniter's No. 493, entitled "An Act to provide for the leasing of land within the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth when such land is owned by the Commonwealth conferring powers and imposing duties upon the Water and Power Resources Board requiring lessees to establish an amoritization fund for improvements placed or erected upon such land granting certain preference and exemption rights to municipalities of the Commonwealth and prescribing penalties."

House Bill No. 801, Printer's No. 469, entitled "An Act to amend sections one two and four section five as amended and section seven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 437) entitled 'An act for the protection of the public health by regulating the conduct and operation of public eating and drinking places within this Commonwealth imposing certain duties on the Department of Health of this Commonwealth and on the local health authorities and providing penalties' by bringing proprietors within the provisions of the act requiring effective cleaning agents and proper toilet facilities."

House Bill No. 1296, Printer's No. 344, entitled "An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled 'An act for the government of cities of the second class' as amended further regulating the giving of contracts relating to city affairs."

GEORGE H. EARLE.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 921

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 921, Printer's No. 320, entitled, "An Act to enable cities of the first second and second class A incorporated towns boroughs and townships of the second class to govern and regulate by ordinance the construction alteration repairs occupation maintenance sanitation lighting ventilation water supply toilet facilities drainage use and inspection of all buildings and land appurtenant thereto providing for the enforcement of such ordinances and repealing existing laws."

GEORGE H. EARLE.

SENATE MESSAGE

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 19, 1937.

Resolved (if the House of Representatives concur) That when the Senate adjourns this week it reconvene on Monday evening, April 26th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 26th, at nine o'clock.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 100.

An Act to amend sections forty and forty-seven of the act, approved the eleventh day of March, one thousand nine hundred and nine (P. L. 19), entitled "An act relating to warehouse receipts," providing how warehouse receipts may be negotiated.

SENATE BILL No. 288.

An Act to amend the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of

the first class; amending, revising, consolidating, and changing the law relating thereto," by changing the manner of creation of townships of the first class.

SENATE BILL No. 673.

An Act authorizing the Secretary of Highways to abandon portions of State highway routes within the limits of State parks or Federal Resettlement projects under certain conditions

SENATE BILL No. 674.

An Act to amend the title and section one of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws eight hundred five) entitled "An act providing for the acquisition possession of occupied dwelling houses condemned for highway purposes and providing a method of procedure" by further providing for the acquisition and possession of occupied property and structures

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1295.

An Act to amend sections one and two of the act approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled, "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one, regulating the certification, recording, advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

HOUSE BILL No. 528.

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

HOUSE BILL No. 713.

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions dening the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other asistants and employes in certain departments boards and commisions and prescribing the manner in which the number and compensation of the deputies and all other asistants and employes of certain departments boards and commisions shall be determined" defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates.

HOUSE BILL No. 1239.

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 257.

An Act to amend clause (b) of section four, Article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law" as amended, changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

RESOLUTION

CONGRATULATIONS

Mr. SAMUEL A. WEISS offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 19, 1937.

Whereas, one Thomas A. Reedy, legislative newsflash of the Associated Press, has just become the father of a baby boy; and

Whereas, the Blessed Event was the best fortune Mr. Reedy enjoyed since he joined the Associated Press; now therefore be it

Resolved, that the members of the House of Representatives of Pennsylvania hereby extend their congratulations and best wishes to Mr. and Mrs. Reedy;

Resolved, that a copy of this resolution be transmitted to Mrs. Reedy by the chief clerk.

RESOLUTION No. 65

Mr. HAGERTY. Mr. Speaker, I desire to call up at this time Resolution No. 65, Printer's No. 598,

The resolution was read by the Clerk as follows:

In the House of Representatives, April 7, 1937.

Whereas, during the past few years it has become prevalent for banking institutions to make charges for services in respect to deposits made by its customers, including charges for services in connection with checks cashed or deposits made and otherwise; and

Whereas, the bases upon which service charges are made are varied throughout the Commonwealth; and

Whereas, it is not clear that the practice of, or the basis for, making service charges, as aforesaid, are conducive to the welfare of those dealing with banking institutions; now, therefore be it

Resolved, That the Department of Banking be and is hereby directed to make a study of the basis, practices and procedure in respect to charges for service in connection with deposits made with banking institutions and make a report thereon to the next regular session of the House of Representatives together with its recommendations, if any, which are deemed appropriate under the circumstances.

On the question,

Will the House adopt the resolution?

It was adopted.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. COLEMAN asked and obtained permission for the Committee on Cities to meet during the session of the House.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 801. (HOUSE BILL No. 2191.)

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (P. L. 108) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Referred to the Committee on Cities.

SENATE BILL No. 916. (HOUSE BILL No. 2196.)

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

Referred to the Committee on Cities.

RESOLUTION INTRODUCED AND REFERRED

By Mr. SKALE. (Concurrent) RESOLUTION No. 68.

In the House of Representatives, April 19, 1937.

Whereas, From time to time, public demands have been made upon the Legislature for the adoption of a State song; and

Whereas, From time to time, various songs have been submitted and various suggestions have been offered, but the Legislature has been unable to arrive at any determination upon the selection of such a song, and further, that the matter of the adoption of a State song should be postponed until it shall be given wide and general consideration and that the writing thereof be submitted to the school children of the State of Pennsylvania by way of competition with the hope that somewhere a spark of genius will give life to a song which the Legislature shall adopt with spontaneous approval; therefore be it

Resolved, (if the Senate concur). That the Superintendent of the Department of Public Instruction shall conduct at the earliest possible moment, a contest or competition among the school children of the State of Pennsylvania for the writing of the words for a State song, and the song which is best in the opinion of the judges as selected by the Superintendent of Public Instruction, shall be submitted to the next regular session of the General Assembly.

Referred to the Committee on Education.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. COLEMAN asked an dobtained permission for the Committee on Cities to meet during the session of the House.

PRELIMINARY REPORT OF TAX STUDY COMMISSION

Mr. SAMUEL A. WEISS offered the perliminary report of the Tax Study Commission which was read by the Clerk.

(For report see Appendix to Legislature Journal)

REPORTS FROM COMMITTEES

Mr. JOHN J. BAKER, from the Committee on State Government, reported as commited, House Bill No. 2011, entitled:

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on State highways: and impsing liability on the Comonwealth therefor.

Mr. MORAN, from the Committee on Labor, reported as commited, House Bill No. 2137 (Senate Bill No. 640), entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

Mr. MARINO, from the Comittee on Labor, reported as committed House Bill No. 2172 (Senate Bill No. 639), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

Mr. COAKLEY, from the Committee on Cities, reported as comitted, House Bill No. 2196 (Senate Bill No. 916), entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

Mr. JAMES W. PATTERSON, from the Committee on Elections, reported as commited, House Bill No. 2175, (Senate Bill No. 372), entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shal be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof, that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class.

Mr. SCANLON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 2112, entitled:

An Act relating to political subdivisions requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right of indemnity.

Mr. COLEMAN, from the Committee on Cities, reported as commited House Bill No. 2191, (Senate Bill No. 801), entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventen (P. L. 108) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent and neglected children providing that the board of managers of said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent therewith" transfering the jurisdiction therein vester in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Mr. KELSO, from the Committee on Agriculture, rereported as amended, House Bill No. 1574, entitled:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees thereof requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commissions and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations.

CONSENT REQUESTED TO READ BILL FIRST TIME

Mr. JAMES W. PATTERSON. Mr. Speaker, I ask the unanimous consent for House Bill No. 2175, Senate Bill No. 372, which was just reported from committee to be read for the first time.

The SPEAKER. Will the House give its unanimous consent to read the bill for the first time? Are there objections?

Mr. TURNER. Mr. Speaker, I would like to ask permission to interrogate the gentleman from Allegheny, Mr. Patterson.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. JAMES W. PATTERSON. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny why it is necessary to push this bill?

Mr. JAMES W. PATTERSON. Mr. Speaker, in reply to the gentleman from Delaware, Mr. Turner, I would say that I am doing so in accordnace with the instructions of the committee.

Mr. TURNER. What committee, Mr. Speaker.

Mr. JAMES W. PATTERSON. The Committee on Elections, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is the gentleman a member of that committee?

Mr. JAMES W. PATERSON. I am, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the gentleman know the reason why the committee wanted the bill pushed?

Mr. JAMES W. PATERSON. In reply to the gentleman, Mr. Speaker, I would say that I think his question would be better directed to the county affected.

Mr. TURNER. What is the county affected, Mr. Speaker?

Mr. JAMES W. PATERSON. The County of Schuylkill, I believe, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask whether there is someone here from the County of Schuylkill who can explain why we should have this bill read for the first time?

The SPEAKER. Will the gentleman from Schuylkill, Mr. Schrock permit himself to be interrogated?

Mr. SCHROCK. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman explain the necessity for speed in this case.

Mr. SCHROCK. Mr. Speaker, in reply to the gentleman from Delaware, this is a Senate bill that has been over the Senate since March and there is a condition existing in Schuylkill County now that if this bill is to mean anything to Schuylkill County it will necessarily have to be passed this week.

Mr. TURNER. Mr. Speaker, why should the Governor make the appointment? Is it not the law now that vacancies on school boards are filled either by the board or by the Common Pleas Court.

Mr. SCHROCK. Mr. Speaker, in this particular case it would be filled by the court.

Mr. TURNER. Mr. Speaker, it is my understanding that under this bill it would be filled by the Governor.

Mr. SCHROCK. Mr. Speaker, as the law stands at the present time I mean.

Mr. TURNER. Therefore, Mr. Speaker, it seems to make an exception for a particular school district.

Mr. SCHROCK. A fourth class county, Mr. Speaker a fourth class district.

Mr. TURNER. Mr. Speaker it was for a particular school district that this bill was written, was it not?

Mr. SCHROCK. Mr. Speaker, in reply to the gentleman from Delaware, this is a Senate bill and, naturally, I did not introduce the bill and I cannot say that it was introduced for one particular district. It was introduced by Senator Frye, I think, of Allegheny County.

Mr. TURNER. Mr. Speaker. I realize the difficulty of the gentleman from Schuylkill. He is in a rather embarrasing position. It is just another one of those bills that savors of the same thing, trying to seek some special way to get around the ordinary procedure, and therefore, I object to its being read for the first time.

Mr. SPEAKER. The Chair hears objections, and consent is not granted.

MOTION TO SUSPEND RULES

Mr. SCHROCK. Mr. Speaker, I move that House Rules 14, 41 and 43, be suspended for the special purpose of having House Bill No. 1275, Senate Bill No. 372 read for the first time.

On the question,

Will the House agree to the motion?

QUESTION OF INFORMATION

Mr. TURNER. Mr. Speaker I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. TURNER. Is the bill on file, Mr. Speaker?

The SPEAKER. The bill is on the Senate file.

Mr. TURNER. I am advised that it is on file, Mr. Speaker. I therefore renew my request for a roll call.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, is a motion to lay on the table in order?

Mr. SPEAKER. In answer to the parliamentary inquiry of the gentleman from Delaware, a motion to lay on the table is not in order. The motion to suspend House Rules 14, 41 and 43 is the question now before the House.

The yeas and nays were required by Mr. TURNER and Mr. McDEWITT,

YEAS—94

Alexander,	Downey,	McCullough,	Shea,
Allmond,	Dubbs,	McDermott,	Shoemaker,
Baine,	Dyson,	McFall,	Siegel,
Baker, J. J.,	Finnerty,	McGee,	Simon,
Balthaser	Fitch,	McShane,	Skale,
Bierly,	Flannery,	Mooney,	Smith, James A.,
Blank,	Gerard,	Moran,	Smith, John A.,
Bohn,	Hagerty,	Munley,	Stank,
Boies,	Harkins,	Nagel,	Thomas,
Brigerman,	Hays,	O'Connor,	Thompson,
Broad,	Hering,	O'Neill,	Toole,
Brownfield,	Hess,	Patterson, J. W.,	Tronzo,
Burrows,	Hindman,	Pershing,	Valibus,
Caesar,	Hirsch,	Piole,	VanSickle,
Caputo,	Holland,	Powers,	Wagner,
Chervenak,	Hontz,	Readinger,	Walsh,
Coakley,	Horting,	Reese,	Weiss, D. H.,
Cohen, R. E.,	Jirolanio,	Reising,	Weiss, S. A.,
Coleman,	Kelso,	Richter,	Whalen,
Coolahan,	Kilroy,	Robinson,	Wright,
Costanzo,	Kroll,	Sarraf,	Yourishin,
DeNote,	Levy,	Scanlon,	Zappala,
Dickinson,	Lewis,	Schrope,	Furman,
Dougherty,	Lopresti,		

NAYS—26

Boyer,	McDevitt,	Snyder,	Watkins,
Davies,	Muir,	Sproul,	Webster,
Habbyshaw,	Peale,	Stewart,	Weidemann,
Huntley,	Perry,	Stockham,	Winner,
Kline,	Rothenberger,	Turner,	Wood,
Longaker,	Royer,	VanAllsburg,	Woodside,
Lyons,	Schrock,	Wall,	Yeakel,
Matthews, J. F.,	Serrill,	Wampole,	

Less than the majority required by the rules having voted in the affirmative the motion was not agreed to.

ANNOUNCEMENTS BY THE CLERK

There will be a meeting of the sub-committee of the Motor Vehicles Committee at 10 a. m. tomorrow in the conference room in the rear of the House. The following members are asked to attend: Messrs. Vogt, Rothenberger, Shoemaker, Huntley, Jacob F. Matthews, McCullough, and Mr. Aukerman.

The Committee on State Boards will meet Wednesday after the session in Room 101. All members are requested to attend.

A public hearing on the Labor Relations Bills, Senate Bills 639 and 640, on April 21 at 10 a. m. in the House Caucus.

There will be a public hearing on House Bill No. 1330 on April 27, 1937 at 4 p. m. in the House Caucus Room.

A meeting of the Committee on Elections Tuesday, April 20 at 10:30 a. m. in the House Caucus Room on the Cambria County Elections Contest.

Committee meetings for tomorrow:

The Committee on Agriculture at 9:30 a. m. in Room 521.

The meeting of the Committee on Banking for tomorrow is cancelled.

The Committee on Counties tomorrow after the session in Room 324.

The Committee on Forestry at 11 a. m. in Room 100.

The Committee on Judiciary General at 10:30 a. m. in Room 325.

The meeting of the Committee on Labor for tomorrow has been cancelled.

The Committee on Law and Order at 12 noon in Room 325.

The Committee on Municipal Corporations at 12 noon in Room 301.

ADJOURNMENT

Mr. COOLAHAN. Mr. Speaker, I move that the House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 1:55 a. m.) the House adjourned until Tuesday, April 20, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

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SENATE

TUESDAY, APRIL 20, 1937

The Senate met at 12 o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D. offered the following prayer:

Our Father, we thank Thee for the smiling petals of blooming flowers; for nature's sunshine, ushered into the music of songful birds—and Thou art the giver of every good gift!

As we exult in nature's spring-time garb and glory, touch our hears that we may discern nature, nature's God.

Our Father, returning to the fellowship of another week, we note the absence of one who had become entrenched in the confidence of his associates. Entrusted with great responsibilities, there was free interflow of mutual respect.

Sustain him in his new field of labor, and may we profit here in wholesome memory of his wise and modest and self-effacing counsel. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. McCREESH, the further reading was dispensed with, and the Journal was approved.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, The Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 20, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Edna L. Chamboredon, South Fayette Twp., Cuddy.
Frank A. Wheeler, Wilkinsburg.

ARMSTRONG COUNTY

E. J. Halberg, Kittanning.

BUTLER COUNTY

Miss Gertrude M. Salisbury, Butler.

WESTMORELAND COUNTY

Miss M. P. Poole, Greensburg.
Laird F. Schrader, Jeannette.

GEORGE H. EARLE.

PETITIONS AND REMONSTRANCES

FAVORING THE RECOMMITMENT OF SENATE BILL NO. 341

The Chair cleared his table and laid before the Senate the following:

Petitions of citizens of Baden, Pennsylvania, favoring an amendment to the present hard liquor law of the State and urging the amendment of the McGinnis Bill.

Which were referred to the Committee on State Boards.

PETITIONS OPPOSING HOUSE BILLS NOS. 639, 657, 1189 AND 1200 AND ENDORSING HOUSE BILLS NOS. 896 AND SENATE BILL NO. 402

Petitions from the Pleasant Valley Township Supervisors; West Manheim Township Road Supervisors; Bridgeton Township Supervisors; Lower Makefield Township Supervisors; LeBoeup Township Road Supervisors; and Waterford Township Supervisors.

Which were referred to the Committee on Highways.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 391 (Senate Bill No. 1010), entitled:

An Act relating to wages; regulating the time, place and manner of payment of wages; providing for the enforcement of wage claims; imposing certain new liabilities upon contractors and certain duties upon employers; conferring certain powers and imposing certain duties on the Department of Labor and Industry; and providing penalties.

Which was committed to the Committee on Labor and Industry.

House Bill No. 817 (Senate Bill No. 1011), entitled:

A Joint Resolution proposing an amendment to Article fourteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 843 (Senate Bill No. 1012), entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent assignees, executors, administrators, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water, and to prevent fraudulent practices in connection therewith; and providing penalties for the violation thereof, and for the imposition of license fees for permission to conduct the same.

Which was committed to the Committee on Judiciary Special.

House Bill No. 1129 (Senate Bill No. 1013), entitled:

An Act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of, and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties.

Which was committed to the Committee on Agriculture.

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1358 (Senate Bill No. 1014), entitled:

An Act abolishing the Municipal Court of Philadelphia, and transferring actions, books, records, documents and papers in the possession of said court to other courts of the County of Philadelphia.

Which was committed to the Committee on City Government.

House Bill No. 1565 (Senate Bill No. 1015), entitled:

An Act to amend the act, approved the thirteenth day of May, one thousand nine hundred and nine (P. L. 520), entitled "Pure Food Law" as amended; further regulating the adulteration and misbranding of food; providing for injunctions against the sale of food in certain cases; and changing penalties.

Which was committed to the Committee on Agriculture.

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1733 (Senate Bill No. 1016), entitled:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

Which was committed to the Committee on County Government.

House Bill No. 2154 (Senate Bill No. 1017), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenues, levied, assessed, collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

Which was committed to the Committee on Finance.

TIME OF NEXT MEETING

He also informed the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 19, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, April 26th, at nine o'clock; and when the House of Representatives adjourns this week it reconvene on Monday evening, April 26th, at nine o'clock.

The PRESIDENT. With respect to the House concurrence in the Senate adjournment resolution, may the Chair advise that we will reconvene on Monday evening next at 9 o'clock p. m., eastern standard time.

SENATE BILL No. 4 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 4, entitled:

An Act prohibiting the employment of minors as herein defined in the bituminous coal mines unless certified by a miners' examining board; providing for the appointment of such boards and defining their powers and duties; providing penalties, and making an appropriation.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 305 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 305, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

REPORTS FROM COMMITTEES

Mr. JASPAN, from the Committee on State Boards, reported as committed, Senate Bill No. 893, entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers,

bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, terminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes, property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

Mr. MUNDY, from the Committee on Judiciary General, reported as committed, Senate Bill No. 731 (House Bill No. 1322), entitled:

An Act to repeal sections two thousand ninety, two thousand ninety one, two thousand ninety-two, two thousand ninety-three, two thousand ninety-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

Mr. GILSON, from the Committee on Judiciary General, reported as amended, Senate Bill No. 20, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties, and for the revocation of licenses and permits.

Mr. PYTKO, from the Committee on State Boards, reported as committed, Senate Bill No. 572, entitled:

An Act creating the Brandywine Battlefield Park Commission as a departmental administrative commission in the Department of Forests and Waters; defining its powers and duties; and making an appropriation.

Mr. RUPP, from the Committee on Judiciary General, reported as committed, Senate Bill No. 643, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Mr. SONES, from the Committee on Finance, reported as amended, Senate Bill No. 903 (House Bill No. 1043), entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws, four hundred fourteen), entitled "An act to provide revenue for State purposes; imposing taxes upon certain classes of personal property; providing for the assessment, collection, and lien of the same, and the distribution of the proceds thereof; imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries, and court clerks, and on persons, copartnerships, associations, banks, national banks, trust companies, and other corporations receiving deposits of money, and on certain corporations and limited partnerships; conferring powers and imposing duties on certain State officers and departments; imposing penalties; and making an appropriation", as amended, by imposing annual taxes for State purposes for two additional years imposing taxes on ground rents making further provisions for filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes.

Mr. EROE, from the Committee on Finance, reported as committed, Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock, and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as committed, Senate Bill No. 716 (House Bill No. 1038), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case, including an examination into the records, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

Mr. SHAPIRO, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1004, entitled:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys.

Mr. RUTH, from the Committee on Finance, reported as committed, Senate Bill No. 928 (House Bill No. 2118), entitled:

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (P. L. one hundred eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by clarifying the provisions relating to appeals.

Mr. DANDO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 927 (House Bill No. 1692), entitled:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city.

BILLS INTRODUCED

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 1018, entitled:

An Act to further amend the act approved the third day of May one thousand nine hundred and thirty-three (Pamphlet Laws 242) entitled "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture defining beauty culture and regulating beauty culture shops schools students apprentices teachers managers and operators conferring powers and duties upon the Department of Public Instruction providing for appeals to certain courts by applicants and licensees and providing penalties" by further defining beauty culture making certain changes regarding the examination and registration of those who desire to engage in the occupation of a beauty culture modifying and increasing the regulation and requirements to be met and complied with by beauty culture schools shops students apprentices teachers managers operators and demonstrators prescribing certain qualifications for examiners inspectors and supervisors making certain changes in the powers and duties of the Department of Public Instruction and in the procedures to be followed in the enforcement of the Act and providing penalties.

Which was committed to the Committee on Public Health.

Also read in his place and presented to the Chair Senate Bill No. 1019, entitled:

An Act to punish attacks on race or religion or on a person or persons because of race or religion by writing, printing, utterance or publication, tending to incite to violence.

Which was committed to the Committee on Judiciary General.

Mr. HENNEY read in his place and presented to the Chair Senate Bill No. 1020, entitled:

An Act to amend section two thousand six hundred sixteen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" providing for the employment by school auditors and for the compensation of an attorney.

Which was committed to the Committee on Education.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1021, entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer system; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

Which was committed to the Committee on City Government.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 1022, entitled:

An Act to re-enact and further amend the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 878), entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another," extending the provisions of said act to corporations not engaged in receiving deposits of money, securities and other property for safe keeping.

Which was committed to the Committee on Judiciary General.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1023, entitled:

An Act to amend section six hundred and nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing corporations to comply with the provisions of the aforementioned act.

Which was committed to the Committee on Insurance.

RESOLUTION RELATING TO STOCKING CERTAIN STREAMS WITH FISH

Mr. RANKIN. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN offered the following resolution which was twice read:

Whereas, On April 14, 1937 a law became effective to permit fishing on Sunday in the Commonwealth but only with the consent of the owner or lessee of the land abutting on the stream or body of water where the fishing is done, and

Whereas, Newspaper accounts allege that certain owners of lands, where fishing has previously been permitted, have indicated their intention to post their lands against trespassing thus denying to the public the healthful recreation of fishing, and

Whereas, The fishing laws of this Commonwealth, as now existing, are designed to make this healthful sport of fishing available to as many of our people as possible, and to aid in accomplishing this purpose prohibit the planting of fish in those waters of the Commonwealth where fishing by the public is not permitted, therefore be it

Resolved (if the House of Representatives concur) That the Board of Fish Commissioners is hereby directed to publicize, in such manner as it deems most appropriate, the fact the fishing laws of this Commonwealth permit the stocking with fish propogated by the Commonwealth, of only those streams, lakes and ponds in which the public is permitted to fish, and that it is unlawful to stock

with fish, propogated by the Commonwealth, those waters which are posted against fishing.

Resolved That a copy of this resolution be transmitted to the Board of Fish Commissioners by the Chief Clerk of the Senate.

Mr. RANKIN. Mr. President, I move that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I object.

The PRESIDENT. The Chair hears objection. The Resolution is referred to the Committee on Game and Fisheries.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 586, as follows:

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall hereafter be appointed as follows

One of the two members required to be attorneys-at-law the one member required to be a construction engineer and the one member required to be a real estate appraiser shall be appointed by the county treasurer of the county

One of the two members required to be attorneys-at-law the one member required to be a civil engineer and the one member required to be a real estate broker shall be appointed by the county controller

The one member required to be a business man an accountant or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the Board shall be appointed by the county treasurer and the county controller acting jointly

All vacancies shall be filled by the officer or officers who appointed the member whose place is to be filled

Section 2 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 3 This act shall become effective on the first day of May one thousand nine hundred and thirty-seven.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Huffman,	McGinnis,	Shapiro,
Dent,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gilson,	Kunkel,	Rice,	Wolfenden,
Haluska,	Lanius,	Rodgers,	Woodward,
Henney,	Law,	Rupp,	

NAYS—10

Bean,	Deitrick,	Homsher,	Pierson,
Buckman,	Ealy,	Owlett,	Scarlett,
Chapman,	Gelder,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 587, as follows:

An Act to further amend section five to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" as amended by section one of the act approved the thirtieth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 866) is hereby further amended to read as follows

Section 5 Whenever hereafter a petition shall be presented to any court judge or judges of this Commonwealth praying the appointment of viewers reviewers or re-reviewers or of a jury of view or of a road jury or of commissioners of view or of any person or body under any designation for the purpose of viewing laying out opening grading altering widening vacating or constructing of roads streets highways sewers or bridges or for the assessment of damages and benefits occasioned by such laying out opening grading altering widening vacating and constructing of roads streets highways sewers or bridges or occasioned by any appropriation of land by municipalities and of other corporations having the power of eminent domain the court shall appoint a board of view of three members one of whom may be learned in the law from among the board of viewers of the county as such viewers reviewers re-reviewers or jury of view or road jury or commissioners of view Provided That in counties of the first class such board of view shall be appointed from among the members of the board of revision of taxes of such county

The records filed by such board of view when concurred in by two out of these three members thereof shall have the same force and effect as records filed under existing laws by viewers reviewers re-reviewers or juries of view or road juries or commissioners of view

Appeals from the action of any board of view and exceptions thereto shall be taken and filed in the same manner and with like force and effect as under existing laws

In case of vacancies in a board of view appointed in any case and before its final action the court which appointed the board may fill such vacancies in the board by the appointment of other members of the board of viewers

Section 2 The board of viewers of counties of the first class is hereby abolished

Sections one two three and four of said act and their amendments are hereby repealed in so far as they apply to counties of the first class

Section 3 The provisions of this act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

YEAS—36

Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward.

NAYS—9

Bean,	Deitrick,	Homsher,	Pierson,
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 588, as follows:

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of article three of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" as last amended by section one of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1189) is hereby further amended to read as follows

Section 1 There shall be the following executive departments

1 Department of Public Safety
2 Department of Public Works
3 Department of Public Health
4 Department of Public Welfare
5 Department of Wharves Docks and Ferries
6 Department of City Transit
7 Department of City Treasurer
8 Department of City Controller
9 Department of Law
10 Civil Service Commission
11 Department of Receiver of Taxes
12 Department of Supplies and Purchases
13 Department of City Architecture

No Department shall be created by the council other than those herein enumerated

Section 2 Article eleven of said act is hereby amended by adding at the end thereof a new section to read as follows

Section 7 The department of city treasurer is hereby charged with the duty of receiving taxes and funds derived from loans licenses water-rents water-pipe frontages permits and rents from markets landings wharves and other public property and interest and with the supervision control and direction of such activities But boards of directors of city trusts now existing and boards of revision of taxes created by any acts of assembly shall be appointed and perform their functions as provided by law

The city treasurer shall be charged by the controller with the full amount of all tax duplicates of the several wards and also with all other accounts placed in his hands by the proper officer for collection and shall make daily returns to the controller of all moneys paid and by whom paid together with all duplicates of the tax receipts retained by the City Treasurer at the time of payment

The city treasurer may employ such additional clerical and other assistants as are necessary to perform the duties imposed by this section and he may purchase such mechanical equipment as is needed in connection therewith

Section 3 Article fifteen of said act is hereby repealed

Section 4 The office of receiver of taxes in cities of the first class is hereby abolished and the term of the receiver of taxes in office is hereby terminated on the effective date of this act All books papers records and documents in the possession of the department of receiver of taxes are hereby transferred to the department of city controller and all supplies materials and equipment are hereby transfered to the board of revision of taxes on the effective date of this act

Section 5 The provisions of this act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall he bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward,

NAYS—9

Bean,	Deitrick,	Homsher,	Pierson,
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 590, as follows:

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall establish a system of tax assessments and records thereof which shall include a complete survey of each parcel of ground and of each building and other improvement in the county and a record thereof showing in full detail descriptions character and size of both land and buildings and other improvements together with the names and address of the owners thereof and the amounts for which such land buildings and improvements respectively stand assessed and the basis upon which such assessments were made The records hereby required shall be in such form and of such kind and character as in the opinion of the board and the chief appraiser shall be necessary and proper to set up and maintain a scientific and modern system of appraisemen

Section 2 Such records shall be set up as soon as conveniently may be after the effective date of this act and shall be in such form as the board shall determine The work of preparing such records together with the necessary maps plates and other details may be performed by contract entered into by the tax levying body of the county in the manner provided by law

Whenever after the completion of such records any change shall occur in the physical condition of any land building or improvement or any change in ownership or whenever any change in the assessed valuation is made in accordance with the provisions of this act such change or changes shall be made and noted on the record of the office of the board

Any taxable inhabitant shall have the right at any time during office hours to examine the assessment of any property shown on such record

Section 3 Immediately after their appointment in the year one thousand nine hundred and thirty-seven and again during the year one thousand nine hundred and thirty-nine and triennially thereafter the board of revision of taxes may assess rate and value all objects of taxation whether for county city school or poor purposes according to the actual value thereof In arriving at such value the price for which any property would separately bona fide sell shall be considered but shall not be controlling In assessing real property the board shall classify the same in such manner as to distinguish between the buildings on land and the land exclusive of the buildings but no distinction shall hereafter be made between farm and suburban property and urban property

Section 4 In the year one thousand nine hundred and thirty-eight and in each year between the years of the triennial assessments the board of revision of taxes shall take an account of all personal property taxable by law together with a just valuation thereof and all persons and also a valuation of all offices and posts of profit professions trades and occupations taxable by law and shall note all persons who have arrived at the age of twenty-one years since the last triennial assessment and all others who have since that time come to inhabit in the county together with the taxable property such persons may possess and the valuation thereof The Board shall also reassess all real property which may have been improved by the erection of buildings or other improvements subsequent to the last preceding triennial assessment and shall note such alterations as may have been occasioned by the transfer or division of real property or by the destruction of buildings

Section 5 In any year other than a triennial year the board of revision of taxes shall if it deems the same necessary make a new assessment of all the property within the county or any part thereof or of any particular property as it deems necessary and advisable

Section 6 As soon as the assessment required to be made during the year one thousand nine hundred and thirty-seven and as soon as the assessment required to be made during the year one thousand nine hundred and thirty-nine and each triennial assessment thereafter shall have been completed the board of revision of taxes shall prepare a statement in such form as will show the assessed values of all properties within the county Such statement may be in book form and shall be posted or made available for public inspection at such places throughout the county as the board shall deem necessary Copies of such statements may also be sold in such manner and at such price as the board shall determine The proceeds of such sales shall be paid into the county treasury

Section 7 When the times for the meetings of the board of revision of taxes to hear appeals have been fixed the board shall give at least five days' printed or written notice to each taxable of the amount or sum for which such taxable stands rated in any triennial assessment also of any sum or amounts for which said persons stand rated by reason of any changes in his her or their assessment in any intervening year for any cause whatsoever together with the time and place of hearing appeals Such notice may be served personally or by posting on the premises or by mailing the same to the last known address of the taxable Any person dissatisfied or aggrieved by the assessment or any change thereof may appeal to the board of revision of taxes and be heard at the time and place fixed in the notice

Section 8 At the time and place fixed for the appeal whether at a triennial or inter-triennial assessment the board of revision of taxes shall attend and hear all persons who may apply for redress and grant such relief as to them shall appear just and reasonable Provided That the board of revision of taxes shall not make any allowance or abatement in the valuation of any real estate in any other year than that in which the triennial assessment is made excepting where building or other improvements have been destroyed subsequently to such triennial assessment or where a new assessment has been made as hereinbefore authorized in which cases such allowance or abatement may be made

From any decision of the board an appeal may be had to the court of common pleas of the county as now provided by law On any such appeal the appraisement made by the board of revision of taxes shall be prima facie evidence of the value of the property involved in such appeal

Section 9 For the purpose of all hearings and for all other purposes necessary to the discharge of the duties of the board of revision of taxes each member of the board the chief appraiser each assistant appraiser and such other employes of the board as it may designate shall have authority to administer oaths and affirmations touching any matter relating thereto

Section 10 It shall be the further duty of the board of revision of taxes upon certification of the proper authorities levying taxes for county city school and poor purposes of the rates of such levies to prepare tax bills in such form and setting forth such information as the controller of the county shall prescribe Such bills shall cover water rents water charges and all taxes on both real and personal property occupations per capita and poll taxes that are levied by any such tax levying authority under any general local or special law

Section 11 Except where inconsistent therewith this act does not repeal any of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" nor any of the provisions of the provision of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (P. L. 853) entitled "An act relating to taxation designating the subjects property and persons subjected to and exempt from taxation for all local purposes providing for and regulating the assessment and valuation of persons property and subjects of taxation for county purposes and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations amending revising and consolidating the law relating thereto and repealing existing laws" or its amendments

Section 12 All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 13 This act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall he bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Rodgers,	Woodward,

NAYS—9

Bean,	Deitrick,	Homsher,	Pierson,
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 574 on third reading, entitled:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase of city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE TO HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 578 (House Bill No. 1128), as follows:

An Act requiring unemployment relief orders issued by the State Veteran's Commission to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation to such commission for unemployment relief purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Department of Military Affairs shall as of the first day of January one thousand nine hundred thirty-seven and periodically thereafter take credit on its books and calculate as cash to the credit of the current appropriation to the State Veterans' Commission for unemployment relief purposes all amounts held in the form of cash for the payment of unemployment relief orders issued by said commission which have not been presented for payment within one year from the date of issue The State Veterans' Commission shall cancel all such orders at the time credit is taken on its books and notify the State Treasurer accordingly in order that the full amount thereof shall be credited to the current appropriation to the commission for unemployment relief purposes

All claims against the Commonwealth represented by relief orders issued by the State Veterans' Commission which are not presented for payment prior to the time of cancellation shall be considered paid and all sums of money held or appropriated for the payment of such relief orders not presented within said period are hereby escheated to the Commonwealth and shall be credited to the current appropriation to the commission as hereinbefore provided.

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall he bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pierson,	Sones,
DiSilvestro,	Kahle,	Pytko,	Sordoni,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gelder,	Lanius,	Rice,	Wolfenden,
Gilson,			Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 579 on third reading, entitled:

An Act to amend section four hundred six of the act, approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 235 (House Bill No. 50), as follows:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty-four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(h) Non-debt Revenue Sewer Bonds

Section 2445 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any township may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the township but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges of such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any township to create indebtedness in accordance with existing laws

Section 2446 Issuance and Sale of Bonds Maturity When any township shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the township Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such township is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such township to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

Mr. KILGALLEN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to

Amend Sec. 1 (Sec. 2446), page 3, line 12, by inserting after the word "Maturity" the following: "Negotiability"; Amend Sec. 1 (Sec. 2446), page 4, line 2, by striking out the word: "equal" and inserting in lieu thereof: "such"; Amend Sec. 1 (Sec. 2446), page 4, line 2, by inserting after the word "installments" the following: "as may be determined by the township"; Amend Sec. 1 (Sec. 2446), page 4 by inserting after line 4 the following: "Such bonds shall have all the quality of negotiable instruments under the law merchant and the negotiable instruments law of this Commonwealth.

Any township may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the township may authorize, including (but without limitation) provisions as to (1) the construction, improvement operation, maintenance and repair of any sewer system or sewage treatment works and the duties of the township with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders); and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same." Amend Bill, page 4, by adding at the end thereof the following section: "Section 2447. Remedies of Bondholders.—The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions, or ordinance or ordinances, providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued. In the event that the township shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the township shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to repre-

sent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may, and upon written request of the holders of twenty-five per centum (or such other precentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall, in his or its own name;

(a) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the township to collect rates, rentals and other charges adequate to carry out any agreement as to, or pledge of, the revenues or receipts of the sewer system or sewage treatment works, and to require the township to carry out any other agreements with or for the benefit of the bondholders, and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By action or suit in equity, require the township to account as if it were the trustee of an express trust for the bondholders:

(d) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the township, declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed or trust indenture or other agreement aforesaid) of the principal amount of bonds then outstanding to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement, and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the township and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 236 (House Bill No. 51), as follows:

An Act to amend Article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(e) Non-debt Revenue Sewer Bonds

Section 3250 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any city may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the city but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any city has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such times as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any city to create indebtedness in accordance with existing laws

Section 3251 Issuance and Sale of Bonds Maturity When any city shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the city Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such city is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such city to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

Mr. KILGALLEN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend Sec. 1 (Sec. 3251), page 3, line 11, by inserting after the word: "Maturity" the following: "Negotiability"; Amend Sec. 1 (Sec. 3251), page 3, line 29, by striking out the word: "equal"; amend Sec. 1 (Sec. 3251), page 3, line 29, by inserting after the word "installments" the folowing: "as may be determined by the city"; amend Sec. 1 (Sec. 3251), page 4, by inserting after line 2, the following: "Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Any city may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the city may authorize, including (but without limitation) provisions as to (1) the construction, improvement, operation, maintenance and repair of any sewer system or sewage treatment works and the duties of the city with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders); and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same"; amend Bill, page 4, by adding at the end thereof the following new section: "Section 3252. Remedies of Bondholders. The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions, or ordinance or ordinances, providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued. In the event that the city shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the city shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name:

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the city to collect rates, rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the city to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act.

(b) Bring suit upon the bonds.

(c) By action or suit in equity require the city to account as if it were the trustee of an express trust for the bondholders.

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(e) By notice in writing to the city declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders. Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the city and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit action or proceeding by the trustee the fees, counsel fees, and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall by a first charge on any revenues and receipts derived from the sewer system or sewage treatment works, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 237, (House Bill No. 52), as follows:

An Act to amend Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(h) Non-debt Revenue Sewer Bonds

Section 1545 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any township may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the township but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any township has enacted an ordiance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatmnt works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking funds charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any township to create indebtedness in accordance with existing laws

Section 1546 Issuance and Sale of Bonds Maturity When any township shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the township Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such township is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such township to sell the same at private sale for not less than par value and accured intrest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

Mr. KILGALLEN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to Amend Sec. 1 (Sec. 1546), page 3, line 11, by inserting after the word "Maturity" the following: "Negotiability"; Amend Sec. 1 (Sec. 1546), page 3, line 28, by striking out the word :"equal"; Amend Sec. 1 (Sec. 1546), page 3, line 28, by inserting after the word "installments" the following: "as may be determined by the township"; Amend Sec. 1 (Sec. 1546), page 4, by inserting after line 2 the following: "Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Any township may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the township may authorize, including (but without limitation) provisions as to (1) the construction, improvement, operation, maintenance and repair of any sewer system or sewage treatment works and the duties of the township with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders); and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same." Amend Bill, page 4, by adding at the end thereof the following section: "Section 1547. Remedies of Bondholders.—The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions, or ordinance or ordinances, providing for the issuance of bonds or by any deed of trust, indenture or other agreement under which the same may be issued. In the event that the township shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the township shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustees under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of

trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name:

(a) By mandamus or other suit, action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the township to collect rates, rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the township to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act;

(b) Bring suit upon the bonds:

(c) By action or suit in equity require the township to account as if it were the trustee of an express trust for the bondohlders;

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the township declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the township and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the reciver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 238 (House Bill No. 53), as follows:

An Act to amend Article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto a new subdivision to read as follows

(1) NON-DEBT REVENUE SEWER BONDS

Section 2180 SEWER BONDS For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any borough may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the borough but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any borough has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any borough to create indebtedness in accordance with existing laws

Section 2181 ISSUANCE AND SALE OF BONDS MATURITY When any borough shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the borough Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such borough is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such borough to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and bear interest at a rate not exceeding six per centum per annum

Mr. KILGALLEN. Mr. President, I move to reconsider the vote by which the bill passed third reading.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring.

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to amend

AMENDMENTS TO HOUSE BILL No. 53
PRINTER'S NO. 610

Mr. KILGALLEN.

Amend Sec. 1 (Sec. 2181), page 3, line 12, by inserting after the part-word "turity" the following: "negotiability" ;Amend Sec. 1 (Sec. 2181), page 3, line 29, by striking out the word "equal"; Amend Sec. 1 (Sec. 2181), page 3, line 29, by inserting after the word "installments" the following: "as may be determined by the borough"; Amend Sec. 1 (Sec. 2181), page 4, by inserting after line 2 the following: "Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Any borough may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the borough may authorize, including (but without limitation) provisions as to (1) the construction, improvement, operation, maintenance and repair of any sewer system or sewage treatment works and the duties of the borough with reference thereto; (2) the application of funds and the safeguarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders; and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same." Amend bill, page 4, by adding at the end thereof, the following section: "Section 2182. Remedies of Bondholders. The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions, or ordinance or ordinances, providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued. In the event that the borough shall default in the payment of principal of, or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the borough shall fail or refuse to comply with the provisions of this act, or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may, and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid), in principal amount of the bonds then outstanding, shall, in his or its own name:

(a) By mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the bondholders, including the right to require the borough to collect rates, rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works, and to require the borough to carry out any other agreements with or for the benefit of the bondholders, and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By action or suit in equity require the borough to account as if it were the trustee of an express trust for the bondholders;

(d) By action or suit in equity, enjoin any act or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the borough, declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid), of the principal amount of the bonds then outstanding to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee, whether appointed as aforesaid or acting under a deed of trust indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver, who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom, in the same manner as the borough, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works, the revenues of receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein, or incident to the general representation of the bondoholders in the enforcement and protection of their rights."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for use of the Senate.

Agreeably to order,

The Senate resumed the reading of Senate Bill No. 239 (House Bill No. 60), as follows:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" are hereby amended to read as follows An act empowering cities [(except cities of the first class)] boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection, maintenance repair depreciation and the amortization of indebtedness and interest thereon

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city (other than a city of the first class) borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law or with any private corporation for the furnishing of sewer or sewerage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or township may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the imposition and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served or to be served by it whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properties served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition of such sewer sewage system or sewage treatment works and interest thereon in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority or private corporation furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served by the said sewer sewage system or sewage treatment works

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

BILLS RECOMMITTED

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 235 (House Bill No. 50), on third reading, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

be recommitted to the Committee on Municipal Government

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 236 (House Bill No. 51), on third reading, entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating and issuance of non-debt revenue bonds to finance sewer improvements.

be recommitted to the Committee on Municipal Government

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 237 (House Bill No. 52), on third reading, entitled:

An Act to amend Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto." providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

be recommitted to the Committee on Municipal Government

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 238 (House Bill No. 53), on third reading, entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

be recommitted to the Committee on Municipal Government

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Mr. KILGALLEN. Mr. President, I move that Senate Bill No. 239 (House Bill No. 60), on third reading, entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation

be recommitted to the Committee on Municipal Government

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 359, as follows:

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth to acquire the corporate powers franchises property rights and credits of such company

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be lawful for any street railway company or any motor power company now or hereafter incorporated under any law of this Commonwealth owning the entire capital stock of any company having power to transport persons in common carriage by trackless trolley car now or hereafter incorporated under the law of this Commonwealth to acquire and to thereafter be possessed of own hold exercise and enjoy all the corporate powers franchises property rights and credits then possessed owned held or exercised by such company transporting persons in common carriage by trackless trolley car Provided Any such acquisition shall be subject to the approval of the Pennsylvania Public Utility Commission

Section 2 Such acquisition shall be effected in the manner and upon the conditions hereinafter stated to wit

First The companies shall pursuant to resolution duly adopted by the directors of each make and execute under their respective corporate seals duly attested an agreement providing for such acquisition upon the surrender and cancellation of all the capital stock of the vendor company

Second Said agreement shall be submitted for approval or disapproval to the stockholders of each company at separate meetings either annual or special duly convened and if at such meetings said agreement shall be approved by the holders of a majority of the stock of each company then that fact shall be certified by the secretary of each company under its corporate seal and a copy of the agreement with said certificates attached shall be filed in the office of the Secretary of the Commonwealth and immediately upon the filing thereof together with a certificate of public convenience evidencing the approval of such acquisition by the Pennsylvania Public Utility Commission all the corporate powers franchises and privileges and immunities and all the property real personal and mixed rights and credits owned possessed held used or otherwise exercised by the vendor company shall become and be vested in the acquiring company subject to all the debts liabilities and duties of said vendor company and shall thereafter be possessed held used exercised and enjoyed by said acquiring company as fully completely and absolutely in all respects as the same had been theretofore owned held exercised and enjoyed by said vendor company and said acquiring company may also with respect to the property so acquired have exercise and enjoy all the rights powers privileges and franchises which it has and may exercise respecting its other property Upon the filing in the office of the Secretary of the Commonwealth of said copy of agreement and attached certificates as herein required and upon the surrender of certificates of stock of the vendor company to the acquiring company for cancellation and upon cancellation thereof the capital stock of said vendor company shall be wholly extinguished and thereupon the corporate existence of the said vendor company shall terminate

Section 3 That the copy of said agreement with said certificates attached filed in the office of the Secretary of the Commonwealth shall be evidence of the lawful holding of the meetings of stockholders of each company and of the due approval of the said agreement as required by this act as well as the precedent action of the directors of each approving thereof

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Erne,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 768 (House Bill No. 1635), as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections 3 4 6 10 12 and 14 of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as re-enacted and last amended by the act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred twenty-eight) are hereby amended or further amended as the case may be to read as follows

Section 3 (a) Each manufacturer shall be subject to pay to the Commonwealth the taxes imposed by this section upon all malt or brewed beverages manufactured in this Commonwealth when prepared for market and every person who ships or transports malt or brewed beverages into this Commonwealth for sale delivery or storage in this Commonwealth shall pay to the Commonwealth the taxes imposed in this section before such beverages are transported within this Commonwealth Such taxes shall be at the rate of one-half cent (1/2c) per pint of sixteen (16) fluid ounces or fraction thereof

The tax rates per barrel or standard fraction thereof are as follows

Standard Fraction	Malt Beverage Tax Rate	Volume
1 barrel	$1.24	31 gal
1/2 barrel	.62	15 1/2 gal
1/3 barrel	.42	10 1/3 gal
1/4 barrel	.31	7 3/4 gal
1/6 barrel	.21	5 1/6 gal
1/8 barrel	.16	3 7/8 gal
1 gallon	.04	
1/2 gallon	.02	
1 quart	.01	
1 pint	.005	

(b) In the event that any State territory or country shall impose upon malt or brewed beverages which have been manufactured in Pennsylvania a higher tax or fee than is imposed upon malt or brewed beverages manufactured within such state territory or country every person who ships or transports from such state territory or country malt or brewed beverages manufactured therein into this Commonwealth for sale delivery or storage in this Commonwealth shall pay thereon to the Commonwealth before such beverages are transported within this Commonwealth in addition to the tax imposed by this section a tax equal to such excess tax or fee which is imposed in such state territory or country on Pennsylvania-manufactured malt or brewed beverages Such additional tax shall be levied assessed and collected in the same manner as the other taxes imposed by this act

(c) Manufacturers and all persons who bring malt or brewed beverages into the Commonwealth shall be liable to the Commonwealth as taxpayers for the payment of the taxes imposed by this act

Section 4 (a) The payment of the taxes herein provided shall be evidenced by the affixing of malt beverage tax stamps or crowns to the original containers in which all malt or brewed beverages are placed received stored shipped or handled Such stamps or crowns shall be affixed to each individual container of malt or brewed beverages by manufacturers of this Commonwealth within twenty-four (24) hours after such malt or brewed beverages are placed therein and by manufacturers and other persons who import or bring any malt or brewed beverages into this Commonwealth before the same are transported within this Commonwealth for sale delivery or storage therein Nothing herein contained shall require stamps or crowns to be attached to containers of malt or brewed beverages which are transported through this Commonwealth and which are not sold delivered or stored therein if transported in accordance with such rules and regulations as may be adopted by the Department of Revenue and the Pennsylvania Liquor Control Board

Persons licensed as "Public Service Licensees" under the provisions of any law of this Commonwealth relating to the sale of liquor and malt or brewed beverages shall not be required on reaching the borders of this Commonwealth to evidence the payment of the tax herein provided for by affixing malt beverage tax stamps or crowns as provided for in this section on any malt or brewed beverage on which the Pennsylvania malt beverage tax has not been paid but instead shall keep such records of the sales of such malt or brewed beverages in this Commonwealth as the Department of Revenue shall prescribe shall submit monthly reports of such sales to the Department of Revenue upon a form prescribed therefor by said department and shall pay the tax due by the provisions of this act at the time such reports are filed

(b) It is the intent and purpose of this section to require all manufacturers and other persons with the exception of public service licensees to affix the stamps or crowns provided for in this act to all original containers in which malt liquors are normally placed prepared for market received sold or handled before such beverages are transported within the Commonwealth

(c) Any manufacturer or person other than a public service licensee who shall sell malt or brewed beverage to distributors retail dealers or consumers without affixing to the containers the stamps or crowns required by this act and any person who shall purchase receive transport store or sell any malt or brewed beverage to which the stamps or crowns required by this act are not affixed except as herein provided in the case of public service licensees shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced for the first offense to pay a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00) or to suffer imprisonment for a term not exceeding six (6) months or both in the discretion of the court and in the case of a conviction of a second or subsequent offense hereunder shall be sentenced to pay a fine of not less than two hundred dollars ($200.00) or more than one thousand dollars ($1,000.00) and to suffer imprisonment for a term of not less than six (6) months or more than three (3) years

[Any manufacturer or person who shall be convicted of a misdemeanor under this section shall in addition to the punishment heretofore prescribed be adjudged to pay to the Commonwealth the tax due together with interest at the rate of twelve (12) per centum per annum from the date when due and payable Such adjudication shall be certified to the prothonotary of the county and shall be indexed as and have the effect of a judgment for the amount of such tax and interest]

(d) If any person shall fail to pay any tax imposed by this act for which he is liable the department is hereby authorized and empowered to make an assessment of addi-

tional tax due by such person based upon any information within its possession or that shall come into its possession

(e) Promptly after the date of such assessment the department shall send by registered mail a copy thereof to the person against whom it was made Within thirty (30) days after the date of any such assessment such person may file with the department a petition for re-assessment of such taxes Every petition for re-assessment shall state specifically the reasons which the petitioner believes entitle him to such re-assessment and it shall be supported by affidavit that it is not made for the purpose of delay and that the facts set forth therein are true. It shall be the duty of the department within ninety(90) days after the date of any assessment to dispose of any petition for re-assessment Notice of the action taken upon any petition for re-assessment shall be given to the petitioner promptly after the date of re-assessment by the department

(f) Within thirty (30) days after notice by the department of the action taken on any petition for re-assessment filed with it the person against whom such assessment was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for re-assessment shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for re-assessment or it may re-assess the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(g) Any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

(h) In all cases of petitions for re-assessment review or appeal the burden of proof shall be upon the petitioner or appellant as the case may be

(i) Whenever any assessment of additional tax is not paid within thirty (30) days after the date thereof if no petition for re-assessment has been filed or from the date of re-assessment if no petition for review has been filed or within ninety (90) days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the Board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales receiverships assignments or bankruptcies the department may call upon the Department of Justice to collect such assessment In such event in a proceeding for the collection of such taxes the person against whom they were assessed shall not be permitted to set up any ground of defense that might have been determined by the department the Board of Finance and Revenue or the courts as aforesaid The department may also certify to the Liquor Control Board for such action as the board may deem proper the fact that any person has failed to pay or duly appeal from such assessment of additional tax The department may also provide adopt promulgate and enforce such rules and regulations as may be appropriate to prevent further shipment or transportation of malt or brewed beverages into this Commonwealth by any person against whom such unpaid assessment shall have been made

Section 6 Stamps shall be affixed in such manner [that their removal will require continued application of steam or water] as shall be prescribed by regulations adopted and promulgated by the department

Section 10 In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been sold or shipped by him to a licensed or regular dealer in such malt or brewed beverages in another state such manufacturer in this Commonwealth shall be entitled to a refund of the actual amount of tax paid by him upon condition that the seller in this Commmonwealth shall make affidavit that the malt or brewed beverages were so sold and shipped and that he shall furnish from the purchaser an affidavit or in cases where the total purchase price is five dollars ($5.00) or less a written certificate in lieu of an affidavit from the purchaser or upon satisfactory proof that such affidavit or certificate cannot be obtained other evidence satisfactory to the department that he has received such malt or brewed beverages for sale or consumption outside the Commonwealth and the amount of stamps or crowns thereon together with the name and address of the purchaser whereupon the department shall with the approval of the Board of Finance and Revenue issue to the seller in this Commonwealth stamps or crowns of sufficient value to cover the refund

In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been destroyed by him under the supervision of the Treasury Department of the United States of America he shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit that such malt or brewed beverages were so destroyed and shall also furnish the Department with a certificate executed by the representative of the Treasury Department of the United States of America who witnessed the destruction of such malt or brewed beverages to the effect that the said destruction has taken place and shall also furnish such other proof as the Department shall require whereupon the Department shall with the approval of the Board of Finance and Revenue issue to the manufacturer stamps or crowns of sufficient value to cover the refund

The procedure for refund in any case shall be completed by the Department of Revenue and the Board of Finance and Revenue within sixty days after the proper affidavits have been filed with the department

Section 12 It shall be unlawful for any person to accept delivery of taxable malt or brewed beverages in containers upon which stamps or crowns [do not appear] are not affixed and perforated in the manner prescribed by the regulations of the department Such acceptance shall be a misdemeanor and upon conviction thereof in a summary proceeding before a magistrate alderman or justice of the peace [he] such person shall be fined ten dollars ($10.00) for each container so accepted and in default of payment thereof shall undergo imprisonment for not more than five (5) days for each container so accepted Possession of malt or brewed beverages in containers upon which stamps or crowns are not affixed and perforated in the manner prescribed by the regulations of the department shall be prima facie evidence of violation of this section

Section 14 Any person who falsely or fraudulently makes forges or alters or counterfeits any stamp or crown prescribed by the department under the provisions of this act or causes or procures to be falsely or fraudulently made forged altered or counterfeited any such stamp or crown or who knowingly and wilfully utters publishes passes or tenders as true any such false altered forged or counterfeited stamp or crown or who knowingly has in his possession custody or control any such false altered forged or counterfeited stamp or crown with intent to utter publish pass or tender such stamp or crown as true or who uses more than once any stamp or crown provided for and required by this act for the purpose of evading the tax hereby imposed and assessed shall be guilty of a [misdemeanor] felony and upon conviction thereof shall be sentenced to suffer imprisonment for a term [of not less than two (2) years or more than five (5) years] not exceeding ten (10) years or to pay a fine not exceeding five thousand dollars ($5.000) or both

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Wolfenden,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 104, entiled:

An Act authorizing boroughs that have relying on invalid bond issues authorized by the electors entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed to provide for payment of the reasonable value of such performance to contract for completion and to increase their indebtedness and bonds theretofore adopted entered into issued or to be issued to accomplish such purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL POSTPONED

Mr. LAW. Mr. President, I move that further consideration of Senate Bill No. 181 on third reading entitled:

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law

be postponed for the present.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Mr. LAW. Mr. President, I move that further consideration of Senate Bill No. 182 on third reading entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made

be postponed for the present.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 320, on third reading, entitled:

An Act relieving certain lands acquired by counties cities boroughs towns or townships from liens in favor of the Commonwealth for corporation taxes in certain cases

be recommitted to the Committee on Municipal Government

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. JASPAN. Mr. President, I ask unanimous consent Senate Bill No. 388 on third reading, entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 425, entitled::

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, that the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 485,, entitled:

An Act to re-enact and amend the act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws three hundred sixty-five) entitled "An act to encourage and authorize the formation of cooperative associations productive and distributive by farmers mechanics laborers or other persons" by extending and changing the provisions thereof imposing an annual fee on such associations and exempting them from State taxation

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I would like to draw the attention of the sponsor of this bill to page 25 commencing with line 10"

"such associations shall pay annually on or before May first to the Department of Revenue a fee of ten dollars for each one hundred members or fraction thereof but shall be exempt from all other State taxes of whatever kind or nature".

Mr. President, I think this is a very important part of this Bill, and I am wondering whether the sponsor of the bill really has knowledge of this portion of the bill.

Mr. President, I would like to interogate the Senator form Dauphin, Mr. Kunkel.

The PRESIDENT, Will the Senator from Dauphin, Mr. Kunkel, permit himself to be interrogated?

Mr. KUNKEL. Mr. President, I will.

Mr. HALUSKA. Mr. President, is it the intention of the Senator form Dauphin, that such associations as set-up in this bill will be exempt from all State taxes?

Mr. KUNKEL. Mr. President, yes, these associations set up our co-operative associations. They are to be formed and operated on a non-profit basis. The non-profit corporations in this State now existing pay no State taxes The farmers corporative association, under the Act of 1929 pay no State taxes. These organizations are not money-making organizations, they are money saving organizations for the members of the corporatives and the members and as individuals, and as citizens pay their taxes. This bill amends the old Act of 1887.. That Act did not impose any taxes upon corporative organizations. The Act of 1887 did not even provide for the payment of an annual fee to the Secretary of Revenue. This is an amendment to and a reactment of the old corporative Act, but it goes further than the old Act does and it provides for a contribution by these corporatives to the Secretary of Revenue of the Commonwealth of Pennsylvania. The idea of taxing corporatives, destroys the very basis and the underlying philosophy of corporative associations.

Mr. HALUSKA. Mr. President, Is it not a fact that it is possible for these associations to make a profit in their business?

Mr. KUNKEL. Mr. President, they cannot make a profit larger than the profit to which it is limited namely, 6%, and it is to be distributed and paid out to the members and patrons—those who are concerned in the corporative business—they do not then make any profit.

Mr. HALUSKA. Mr. President, did the Senator say that it would be paid out to members of the association?

Mr. KUNKEL. Mr. President, as I said before, it is not a money making proposition, it is a money saving proposition for the benefit of the members of the corporative associations, who as individuals and citizens pay their taxes.

Mr. HALUSKA. Mr. President, does the Senator from Dauphin, believe or think that the average business house makes a profit above 6%?

Mr. KUNKEL. Mr. President, I do not know, but I certainly think that most of them do.

Mr. HALUSKA. Mr. President, is it not a fact, whether or not they make the 6% that they still are assessed under the laws of our State requiring the taxation, whereas, this association with one exception, the payment of 10 cents per member per year, and it is supposed to make 6% for the members and divide the profits among the members, would they still be exempt from taxation, is that correct?

Mr. KUNKEL. Mr. President, yes, it is exempt from taxation except—

Mr. HALUSKA. Mr. President, and they can divide profits and be exempt from further taxation, whereas a small merchant might only break even, but still he is forced to pay the tax under the laws of our Government?

Mr. KUNKEL. Mr. President, he is in business for the benefit of himself, on a profit making proposition. He pays the tax and if he cannot make a profit to pay the tax, he goes out of business.

Mr. HALUSKA. Mr. President, I think this is unfair competition to the average retailer. I believe in organizations of this kind, but I do not believe they should be exempted. They should be governed in the same manner as any other merchants are governed, and I would like to have the Senator from Dauphin consider this important part of the bill; therefore I ask unanimous consent that this bill go over in its order.

The PRESIDENT. Is there objection?

Mr. RUPP. Mr. President, I raise my voice in objection. I think the bill should be passed on here today, right on the floor and disposed of.

The PRESIDENT. The Chair hears objection.

MOTION TO POSTPONE

Mr. HALUSKA. Mr. President, I move that Senate Bill No. 485, be placed on the postponed Calendar for the present.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

A division being called for, 10 Senators voted in the

affirmative, and 24 Senators in the negative, whereupon the question was decided in the negative.

And the question recurring,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, I would like to interrogate the Senator from Dauphin. Mr. Kunkel.

The PRESIDENT. Will the Senator from Dauphin, Mr. Kunkel, permit himself to be interrogated:

Mr. KUNKEL. Mr. President, I will.

Mr. MALLERY. Mr. President, I desire to ask the Senator from Dauphin, Mr. Kunkel, as to what the effect of this bill will be upon the small merchant. I personally believe that the thought back of the measure is a good one, but I am somewhat alarmed that it will have a disasterous and ruinous effect upon many of our small merchants.

Mr. KUNKEL. Mr. President, I do not anticipate it will have any immediate effect whatever on the small merchants. Corporatives are now in existence under the old Act, and they may grow in future whether this bill is passed or not.

Mr. MALLERY. Mr. President, and the Senator from Dauphin, thinks it would not have a disasterous effect on the small merchants.

Mr. KUNKEL. Mr. President, I do not know.

Mr. MALLERY. Mr. President, would the associations be authorized to sell to individuals who are not members of the association?

Mr. KUNKEL. Mr. President, yes, but this does not create anything new, anything that is not already in existence; the small merchants still operate.

Mr. RUPP. Mr. President, it seems to me that this bill goes far beyond the Act which it is intended to amend. In the first place it includes such persons as natural persons, firms, associations, corporations, business trusts, partnerships, and bodies politics. In reading over the bill, I cannot for the life of me see why the sponsor of this bill has placed in it these words:

"Such association shall be exempt in any and all respects from the jurisdiction and control of the Securities Commission and the Public Service Commission of this Commonwealth or similar bodies hereafter created with the powers and duties to said commissions."

And then further, on page 25, beginning with line 15, these words:

"Such association shall not be required to file with the Secretary of Revenue the reports relative to such other taxes as are or may be by law required of corporations not exempt from the payment of such taxes."

A few weeks ago, this chamber approved recommendations of the Governor to membership of a new board. It was an administration measure. I cannot see why the sponsor, who is a member of the majority party of this administration, comes along now and tries to exempt these cooperative associations which he is trying to exempt from the operation of this measure which we just voted for, I cannot see what he has in mind. He has created suspicions that this new board which we have formed, might hamper in any way these associations which he now asks us to endorse. I was approached by Representatives of the Pennsylvania Retailers Association. Their arguments against this bill are not on the basis of competition. They informed me that they welcome any competition from a cooperative association, but they say it is unfair and unjust for this Legislature to exempt cooperatives from any taxes, allow them to compete with the retailer, and yet impose and allow taxes to remain on the retailer. In that respect it is unjust and I do not believe any member of the Senate can convince himself that these associations will confine themselves to farmers out in the sticks and groups of people who are just trying to help their neighbors. The Act is too broad, by far too comprehensive, and in that respect I believe the sponsor agrees, because he is trying to exempt these associations from the operations of the new Service Commission. I think we are doing a great deal of harm. The very people from whom we collect a large amount of taxes in this State are being placed on an unfair competitive basis with the respect with these cooperative bodies, and I hope the Senate will vote down the bill.

Mr. WOODWARD. Mr. President, this is a revelation that there are so many economic royalists on the Democratic side. This is democracy that we are advocating. I am an officer in one of these cooperative stores in Germantown. We have a small store and we do a small business, we could do more, and it is A B C simple democratic proposition. We go out into the country and buy fruits and vegetables and sell them to the members and cut out the middle man. Somebody is going to get hurt, but this is very incidental I would say for the Democrats to oppose this measure. We've talked about the different ways of the dealers and the consumers and here's a break for the consumer. It gives me great pleasure to find that some of the Democrats are becoming such royalists.

Mr. McGINNIS. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. McGINNIS. Mr. President, I would like to know if the Senator from Philadelphia, thinks it is fair to exempt these associations.

Mr. WOODWARD. Mr. President, Personal Privilege, yes. The Capitalists have special privilege, corporations have special privilege, and I am asking it for the class of people who are organized.

Mr. McGINNIS. Mr. President, and it is a special privilege for the little merchant to serve the people of Pennsylvania now?

Mr. WOODWARD. Mr. President, if the little merchant is efficient, he will not be put out of business.

Mr. McGINNIS. Mr. President, if you set up an agency that will compete with him, that does not pay any taxes?

Mr. WOODWARD. Mr. President, yes. Let me tell you a story; this started out with the farmers, because when they buy their fertilizer, then when they want oil they put up a number 3 oiling station, especially in the West where they set up oil-filling stations and then the big oil companies try to put them out of business by lowering the price, so they held meetings there, and when the big oil companies would put their prices down, the farmers would buy their oil from the big oil companies, so the big oil companies got tired of selling at the lower price and their price would then go up, then the farmers would open up their oil station again and resume business. That is the way it works it is just a simple proposition.

BILL RECOMMITTED

Mr. GILSON. Mr. President, I have just been handed a

list of amendments to this bill, and I move that the bill be recommitted to the Committee on State Government for the purpose of amendment.

Mr. LAW. Mr. President, I second the motion.

On the question

Will the Senate agree to the motion?

A division being called for, 30 Senators voted in the affirmative and 9 Senators in the negative, whereupon the question was decided in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 520, (House Bill No. 555), entitled:

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand seventy-six) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation providing for the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Haluska	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 560, entitled:

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission and making an appropriation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey	Kunkel,	Rice,	Wolfenden,
Gelder	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 654, entitled:

An Act fixing the salary of the stenographer to the President of the Senate and the clerk to the President Pro Tempore of the Senate.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46.

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 670, entitled:

An Act to further amend section 4 of the act approved the seventh day of August one thousand nine hundred

thirty-six (Pamphlet Laws one hundred six) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed

And said bill having been read at length the third time

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Rodgers.

The PRESIDENT. Will the Senator from Allegheny. Mr. Rodgers, permit himself to be interrogated?

Mr. RODGERS. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Allegheny, Mr. Rodgers, whether under the provisions of this bill, this plan for flood control, whether the owner of a farm may in the future be able to get anv pay for improvements that he may put on the place? I have in mind a case where it may be eight or ten years until the improvements are actually made and in the meantime the farmer cannot use his farm and he has no compensation, he is not able to make any improvements or do anything to make a living.

Mr. RODGERS. Mr. President, that is a question that, so far as I know, has never been discussed.

Mr. OWLETT. Mr. President, it may be his home and it may require certain improvements to make it livable and if he has got for ego any money in the condemnation of his farm for a number of years and he is not able to do anything on it, it may be his only home and he cannot move because he is not getting compensation for it. This situation ought to be protected in this bill.

And the question recurring,

Will the Senate agree to the bill?

BILLS OVER IN ORDER

Mr. RODGERS. Mr. President, I ask unanimous consent that the bill go over in its order.

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 671, on third reading, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate No. 682, as follows:

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred six approved March sixteenth one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000.00) or so much thereof as may be necessary is hereby specifically appropriated to the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred and six approved March sixteenth one thousand nine hundred and thirty-seven and authorized thereby to make an investigation of the tax burdens placed upon industries in Pennsylvania and other industrial and mining states For the payment of the expenses of such investigation by the commission including the cost of subpoenaing witnesses witness fees stenographic service the wages or other compensation of necessary clerical assistants and any other expenses of every kind and description which may be authorized by a majority of the commission in connection with the conduct of its work

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pas finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 688 (House Bill No. 1134), entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 689 (House Bill No. 1137), entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 690 (House Bill No. 1139), entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 691 (House Bill No. 1140), entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 692 (House Bill No. 1142), entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 693 (House Bill No. 1150), entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligatios of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 713 on third reading, entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 721 (House Bill No. 1131), entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 722 (House Bill No. 1143), entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order.

The Senate proceeded to the third reading and consideration of Senate Bill No. 725 (House Bill No. 1284), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation and authorizing the issuance of turnpike revenue refunding bonds

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, Through an error this bill is on the third reading Calendar, and, therefore, I ask unanimous consent at this time to offer a group of amendments and clarify the bill to make some necessary provisions: Amend page 4, line 28, by inserting after the word "members" the following: "shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate, who"; Amend page 2, line 2, of the title, by inserting after the word "demnation" and before the word "and" the following: "granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the Commission"; amend pabe 2, line 22, by striking out after the word "or" and before the word "the" the following: "[in!"]; amend page 3, line 9, by striking out after the word "principal" and before the word "thereof" the following: "[function]" and insert in lieu thereof the following: "functions"; amend page 4, line 26, by inserting after the word "seal" and before the word "The" the following: "The Commission is hereby constituted an instrumentality of the Commonwealth and the exercise by the Commission of the powers conferred by this act in the construction, operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth"; amend page 6, line 9, by inserting after the word "to" and before the word "make" the following: "acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in reral property and to"; amend page 6, line 12, by inserting after the word "engineering" and before the word "architectural" the following: "traffic"; amend page 7, line 17, by striking out after the second "the" the following: "[Commonwealth]" and insert in lieu thereof the following: "Commission"; amend page 7, line 27, by striking out before the word "provided" and after the word "manner" the following "[hereinbefore]" and insert in lieu thereof "hereinafter"; amend page 10, line 9, by striking out in both instances the word "[Commonwealth]" and insert in lieu thereof in both instances the word "Commission"; amend page 10, line 16, by striking out after the word "the" and before the word "and" the following: "[Commonwealth]" and insert in lieu thereof the following: "Commission"; amend page 10, line 17, by inserting after the word "condemned" the following: "and may require an undertaking or other security to secure such owners against any loss or damage by reason of the failure of the Commission to accept and pay for the property, but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this Act"; amend page 11, line 13, by inserting after the word "bond" and before the word "in" the following: "or other security"; amend page 11, line 20, by striking out after the word "and" the following: "[shall!" and insert in lieu thereof the following: "may"; amend page 11, line 21, by striking out after the word "the" and before the word "If" the following: "'Commonwealth]" and insert in lieu thereof the following: "Commission"; amend page 12, line 15 and 16, by striking out after the word "provided" and before the word "The" the following: "[such redemption price shall not increase interest to more than six per centum]" and insert in lieu thereof the following: "however, that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption. The bonds may be issued in series with varying provisions as to rates of interest, maturity and and other provisions not inconsistent with this Act, but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor"; amend page 13, lines 10, 11 and 12 by striking out after the word "Commonwealth" and before the word "The" the following: "[Such bonds and the income thereof shall be exempt from all taxation within the Commonwealth]"; amend page 13, line 16, by inserting after the word "interest" and before the word "The" the following: "and registered and coupon bonds shall be interchangeable"; amend page 15, line 15, by striking out before the word "fund" the following: "[sinking]"; amend page 16, line 4, by striking out after the word "the" and before the word "maintenance" the following: "[contractors]" and insert in lieu thereof the following: "construction"; amend page 16, line 8, by striking out after the word "as" and before the word "depository" the following: "[such!" and insert after the word "depository" and before the word "and" the following: "of the proceeds of the bonds or revenues"; amend page 16, line 9, by striking out after the word "such" and before the word "bonds" the following: "[identifying]" and insert in lieu thereof the following: "indemnity"; amend page 16, line 20, by inserting after the word "turnpike" the following: "Section 11. The accomplishment by the Commission of the authorized purposes stated in this Act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity, in which accomplishment the Commission will be performing essential governmental functions, the Commission shall not be required to pay any taxes or assess-

ments on any property acquired or used by it for the purposes provided in this Act; and the bonds or other securities and obligations issued by the Commission, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the Commonwealth"; amend page 16, line 21, by striking out after the word "Section" the following: "[11]" and insert in lieu thereof the following: "12"; amend page 16, line 22, by inserting after the word "by" and before the word "the" the following: "and under the control of"; amend page 16, line 24, by inserting after the word "costs" and before the word 'actually" the following: "for such maintenance and repairs"; amend page 17, line 13, by inserting after the word "fund" and before the word "sufficient" the following: "at least"; amend page 17, line 16, by inserting after the word "thereon" and before the word "as" the following: "and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture"; amend page 18, line 19, by striking out after the word "Section" the following: "[12]" and insert in lieu thereof the following: "15"; amend page 19, line 19, by striking out after the word "When " and before the word "bonds" the following: "[the]" and insert in lieu thereof the following: "all"; amend page 18, lines 21 and 21, by striking out after the word "amount" and before the word "and" the following: "shall have been provided for their payment]" and insert in lieu thereof the following: "for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders"; amend page 19, line 3, by striking out after the word "Section" the following: "[13]"] and insert in lieu thereof the following: "14"; amend page 19, line 17, by striking out after the word "Section" the following: "[14]" and insert in lieu thereof the following: "13"; amend page 20, line 13, by striking out after the word "Section" the following: "[15]" and insert in lieu thereof the following: "16"; amend page 20, line 22, by striking out after the word "Section" the following: "[16]" and insert in lieu thereof the following: "17"; amend page 21, line 1, by striking out after the word "Section" the following: "[17]" and insert in lieu thereof the following: "18"; amend page 21, line 5, by striking out after the word "Section" the following: "[18]" and insert in lieu thereof the following: "19".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 727, (House Bill No. 1302), entitled:

An Act to amend sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand forty-one) entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties" by excepting from its provisions in certain cases the need for securing a license

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pyiko,	Stiefel,
Ealy,	Kable,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. BUCKMAN. Mr. President, I ask unanimous consent that Senate Bill No. 762, on third reading, entitled:

An Act to provide for the permanent personal registration of electors in boroughs, towns, and townships as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; requiring the county commissioners of the various counties to act as a registration commission therefor; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 763, (House Bill No. 1304), entitled:

An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws seventy-five) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by providing for a temporary improvement or paving the assessments of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 796, (House Bill No. 917), entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I would like to know if there is anybody here who can give some explanation on the purpose of this bill, therefore I would like to interrogate the Chairman of the Committee on State Government, Mr. Gilson.

The PRESIDENT. Will the Senator from Erie, Mr. Gilson, permit himself to be interrogated?

Mr. GILSON. Mr. President, I will.

Mr. HALUSKA. Mr. President, will the Senator kindly explain the purpose of this bill.

Mr. GILSON. Mr. President, this bill is a safety measure to protect the public and also those who are engaged in blasting. Of course, I cannot give you the purpose much more definitely.

Mr. HALUSKA. Mr. President, will the Senator from Erie, Mr. Gilson, explain why if it is designed to be a safety measure it doesn't mention farmers? I do not know why the sponsor who does blasting under the barn should not be included.

Mr. GILSON. Mr. President, because probably a different charge is used, a charge of a different character than is used in blasting in quarries and elsewhere, also in road work and other places, it wouldn't be as dangerous.

Mr. HALUSKA. Mr. President, is it not possible that blasting on the highway or on a farm might not kill four or five people just the same as a man who is doing his duty in other blasting.

Mr. GILSON. Mr. President, the bill it might be more inclusive and secure more safety, that is not really sufficiently definite in the bill.

Mr. HALUSKA. Mr. President, then, of course, if the applicant applying for this license to blast must submit $3 with the application, I would like to know if that $3 would be returned to the applicant.

Mr. GILSON. Mr. President, no, I do not know, but I think there is a certain amount to be submitted with the application with the license, which is not excessive. I do not believe it is an unjust measure to ask the applicant for that, he is not risking very much money.

Mr. HALUSKA. Mr. President, there is some misunderstanding: On page 2, Section 2 reads: "Application for examination shall be made in writing to the Department of Labor and Industry on a form provided by the Department and shall be accompanied by a fee of three dollars if the applicant is successful in passing said examination a license shall be issued upon payment of an additional fee of one dollar." and therefore, that would make the license fee $4.

And the question recurring,

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 796, go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 811, entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 840, (House Bill No. 1273), entitled:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws three hundred thirty-five) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 845, (House Bill No. 1685), entitled:

An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47.

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder	Lanius,	Rodgers,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that Senate Bill No. 858, on third reading, entiled:

An Act to amend subsections h and m of Section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred forty-one) entitled "An act fixing and regulating the fees, commissions, mileage and other costs chargeable by sheriffs for their official acts and the services of their deputies, watchmen, appraisers and other agents; requiring prepayment of same, unless secured or chargeable to the county, and delivery of itemized receipts therefor; requiring certain payments by the counties, including the compensation of special deputies; providing for the taxation and collection of fees, commissions, mileage and other costs; requiring salaried sheriffs to account to their counties for certain fees and commissions collected; and repealing inconsistent laws, general, special or local," reducing the mileage chargeable by sheriffs for their official acts and the services of their deputies.

be recommitted to the Committee on County Gevernment.

Mr. DANDO. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order, ,

The Senate proceeded to the third reading and consideration of Senate Bill No. 866, (House Bill No. 1625), entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 894, entitled:

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Mallery,	Rupp,
Buckman,	Henney,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Salus,
Chapman,	Homsher,	Mundy,	Scarlett,
Dando,	Huffman,	Owlett,	Shapiro,
Dent,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder	Lanius,	Rodgers,	Woodward,
Gilson,	Law,		

NAYS—1

Deitrick,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 902, (House Bill No. 2067), entitled:

An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising, consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 925 (House Bill No. 1359), entitled:

An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 126, (House Bill No. 1361), entitled:

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as folows, viz:

YEAS—47

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 9, (House Bill No.), entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties

Whereas The Commonwealth has adopted an elaborate system of laws designed to assure saftey on the highways and in industry but notwithstanding these laws and efforts at their enforcement through State and local agencies and periodic inspections and campaigns of education in which the public schools and many public spirited organizations have joined accidents continue to mount annually and

Whereas The experience of other states has been that by providing proper administrative agencies by coordinating safety work in the field of enforcement engineering and education and by engagaing in never-ending safety campaigns much may be accomplished to reduce the number of accidents therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there is hereby created a safety Commission which shall be an Independent Administrative Commission and shall have all the powers conferred and perform all the duties vested in such commissions by the Administrative Code of one thousand nine hundred and twenty-nine and its amendments

The commission shall be composed of the Secreatry of Revenue the Secretary of Highways the Superintendent of Public Instruction the Secretary of Labor and Industry the Secretary of Mines the Chairman of the Public Service Commission the Superintendent of the Pennsylvania State Police the Superintendent of the Highway Patrol ex-officio and the executive director hereinafter provided for

Four members of the commission shall constitute a quorum

The Governor shall appoint an executive director who shall be designated as the Director of Public Safety and who shall be qualified by experience in safety work and who shall be a member of the commission and who shall receive such salary as the Governor may determine

The members of the commission other than the executive director shall not receive any additional compensation but shall be reimbursed for all expenses necessarily incurred in the discharged of their duties

Section 2 It shall be the duty of the Safety Commission

(a) To formulate and develop plans and methods for increasing safety on the public highways in industry and in the home and prevent accidents and supervise the execution of such plans and methods

(b) To aid in the promotion of safety education in the public schools in the home and in industry

(c) To conduct never-ending campaigns of public safety education

(d) To ascertain highway home and industrial accident hazards and devise and suggest means for their elimination

(e) To coordinate the work of the several departments commissions and agencies of the State dealing with safety law enforcement and education in methods of safety and receive reports from any department board commission or agency of the Commonwealth

(f) To deal with complaints and consider suggestions made by the public with regard to safety measures

(g) To perform all such other duties in connection with safety measures as may be referred to it by any agency of the state government and

(h) Generally to perform and exercise such functions as in the opinion of the commission will reduce the number of accidents and safeguard life and property

Section 3 The Director of Public Safety with the approval of the Governor shall appoint such personnel in accordance with the Administrative Code as may be deemed necessary to carry into effect the provisions of this act and fix their compensation which together with the salary of the Director of Public Safety and expenses of the members of the commission shall be paid from appropriations made to the commission for such purposes

Section 4 The commission shall have power to assign to the Director of Public Safety and other subordinates the performance of any of the duties imposed by this act and any ex-officio member of the commission may assign any deputy or other person in his respective department commission or agency to sit as a member of the commission in his stead

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 720 (House Bill No. 1130), entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to the act, approved the second day of May, one thousand nine hun-

dred and twenty-five (P. L. 448), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," further regulating the taking of fish; changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; and regulating closed seasons on boundary lakes.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 740, as follows:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act Number 21) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act Number 21) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights measurements through checkweighmen and checkmeasures elected by the miners imposing duties and liabilities upon operators and imposing penalties" is hereby re-enacted and amended to read as follows

AN ACT

To protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standards weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners imposing duties and liabilities upon operators and imposing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any miner employed by an individual firm or corporation for the purpose of mining bituminous coal shaH be entitled to receive from his employer and failing to receive then to collect by due process of law at such rates as may have been agreed upon between the employer and the employe full and exact wages accruing to him for the mining of all [sizes of merchantable] coal so mined by him [whether the same shall exist in the form of nut or lump coal] In the adjudication of such wages eighty pounds shall be deemed one bushel and two thousand pounds net shall be deemed one ton of coal

Section 2 At every bituminous coal mine where coal is mined by measurement all cars filled by miners and their laborers shall be uniform in capacity at each mine No unbranded car shall enter the mine for a longer period than [three months] one month without being branded by the mine inspector of the district wherein the mine is located Any owner or his agent violating the provisions of this section shall be subject to a fine of not less than one dollar ($1.00) per car for each and every day such car not in conformity with this act is used The mine inspector of the district where the mine is located on receiving notice from the checkmeasurer or any five miners working in the mine that a car or cars are not properly branded or not uniform in capacity according to law are used in a mine then inside of three days from the date of receiving said notice it shall be his duty to enforce the provisions of this section under penalty of ten dollars ($10.00) for each and every day he permits such car or cars to enter the mine

Section 3 At every bituminous coal mine in this Commonwealth where coal is mined by weight or measure the miners whose wages are paid on the basis of tonnage mined whether weighed or measured or a majority of such miners present at a meeting called by them for that purpose shall have the right to employ a competent person as checkweighman or checkmeasurer as the case may require who shall be permitted at all times to be present at the weighing or measurement of coal also have power to weigh or measure the same and during the regular working hours to have the privilege to balance and examine the scales or measure the cars All such balancing and examination of scales shall be done in such a way and at such time as in no way to interfere with the regular workings of the mine Such checkweighman shall be paid such compensation as may be fixed by the miners attending such meeting [and] which shall be paid by the operator to such checkweighman or checkmeasurer from deductions made from the wages of all miners employed at such mine whose wages are paid on the basis of tonnage whether weighed or measured an equal deduction being made from the compensation of such wages per ton or per measure as directed by the checkweighman or checkmeasurer Any person association copartnership or corporation who as operator shall refuse to permit any checkweighman or checkmeasurer so selected to weigh and measure coal as provided by this act or shall fail or refuse to pay the wages of such checkweighman or checkmeasurer as required by this act or shall interfere with restrain or coerce employes in the exercise of the right to elect such checkweighman or checkmeasurer shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of five hundred dollars ($500) per day for each day of such refusal or violation

Section 4 The checkweighman or checkmeasurer shall not be considered a trespasser during working hours while attending to the interests of his employers or while posting daily and semi-monthly sheets as hereinafter provided In no manner shall he be interfered with or intimidated by any person agent owner or miner Any person violating these provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty dollars ($20.00) and not exceeding one hundred dollars ($100) or imprisonment at the discretion of the court for failure to pay such fine and costs

Section 5 It shall be a further duty of checkweighman or checkmeasurers to credit each miner with all [merchantable] coal mined by him on a daily sheet to be kept by him for that purpose and on a semi-monthly sheet he shall credit each miner with all [merchantable] coal mined for each period for which payment of wages is made which daily and semi-monthly credit sheets shall be kept posted at or near the pit mouth of the mine by the checkweighman or checkmeasurer Whenever the checkweighman or checkmeasurer is unable to credit any coal mined to the proper miner because the car on which the same is loaded is not properly marked or cannot be identified it shall be his duty to keep account of such coal and credit the same to the miner entitled thereto when claim therefor is lodged with him by such miner If claim for any such unidentified coal is not made with-

in thirty days after the same was mined the checkweighman or checkmeasurer shall credit the same to his account for the payment of his wages Payment for such coal shall be made by the operator as directed by the checkweighman or checkmeasurer and where such wages are paid to the checkweighman or checkmeasurer a corresponding reduction shall be made in the deductions from wages of the miners charged by this act with the payment of such wages Any operator or his servant agent or employe who shall refuse to credit such unclaimed coal as required by this section shall upon conviction in a summary proceeding be sentenced to pay a fine of twenty-five dollars ($25.00) and in default of the payment of such fine and costs shall be sentenced to imprisonment for thirty days

Section 6 When differences arise between the checkweighman or checkmeasurer and the agent or owners of the mine as to the uniformity capacity or correctness of scales or cars used the same shall be referred to either the sealer of weights and measures of the county where the mine is located or to the Department of Internal Affairs whose duty it shall be to regulate the same at once

Section 7 Should any weighman or weighmen agent checkweighman or checkmeasurer whether employed by operators or miners knowingly or wilfully adopt or take more or less pounds for a bushel or ton than as provided for in the first section of this act or wilfully neglect the balance or examining of the scales or cars or knowingly and wilfully weigh coal with an incorrect scale he shall be guilty of a misdemeanor and upon conviction thereof shall be imprisoned in the county jail for three months

Section 8 Any person aggrieved by the exercise of any power duty or authority under the provisions of this act or who believes such power duty or authority was exercised contrary to the terms or conditions of this act may complain by petition to the court of common pleas of the county in which the mine is located setting forth the facts Thereupon the court shall fix a day for hearing of which due notice shall be given to all parties interested in such manner as the court shall direct After hearing the court shall make such order dismissing the petition or directing the manner in which such power duty or authority shall be exercised under this act as to it appears just and proper No such proceeding shall act as a supersedeas or be construed to estop the exercise of any such power duty or authority until the order of the court is entered

Section [8] 9 Nothing contained in this act shall be construed to prohibit or prevent the operator and the miners collectively at any time from contracting for any method of measuring or weighing coal

Section [9] 10 The act approved the first day of June one thousand eight hundred and eighty-three (Pamphlet Laws 52) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth" and the amendments thereto is hereby repealed

Section [10] 11 This act as amended shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the bill on second reading?

Mr. HALUSKA. Mr. President, I desire to interrogate the Senator from Fayette, Mr. Cavalcante, in reference to this bill.

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, certainly.

Mr. HALUSKA. Mr. President, I would like to have the Senator explain section 2, on page 3 of the bill.

Mr. CAVALCANTE. Mr. President, it is to be kept in mind that as the coal is mined in the mines of this Commonwealth, the miner is paid either by measurement or by weight. Where the miner is paid by weight, it makes no difference what the size of the car would be, it might be a 48-bushel car, a 58-bushel car or a 60-bushel car, it matters not because the coal is weighed and he cannot be defrauded. But then there are other mines where he is paid by measure, and the cars are designated as 48, 58 or 60-bushel cars, we will say, by the employer. Now, this section of the Act prevents the operator from having one car of 48-bushel capacity, another of 58-bushel capacity and possibly another of 60-bushel capacity in the same mines. If we permit the employer to have such cars, then he pays the miner for a 48-bushel car when the man has loaded a 58-bushel car, thereby defrauding him of 10 bushels which he loaded in the car.

Now, this section provides that where coal is mined by measurements that the cars be uniform in size, and that a car should not be permitted to enter the mine for a longer period than one month unless it had been branded to show just what amount of coal it contains, and the branding is to be done by the mine inspector within thirty days in the absence of any branding on a car, so that this will prevent the miner from being defrauded for a longer period than thirty days. The old Act gives the inspector three months to brand a car, but the Act was drawn away back in 1893, or thereabouts, when they wanted a man to go to the mines on horse-back, but today they can go in automobiles, and to defraud the miners with an un-uniform car for thirty days is sufficient, so that is why I amended the present law to thirty days instead of three months.

Mr. HALUSKA. Mr. President, as I read this bill, on page 3, line 12, * * * "The car shall be uniform in capacity," then further on it states that each and every car shall be branded separately It is my thought in my interpretation of this Act that it will work a severe hardship upon the small operators. We have hundreds of small coal operators buying cars at different mines, and as I take it, unless all of the cars are not uniform in size, each car must be branded separately. If I am correct in my interpretation of the Act, I would like to ask the Senator from Fayette if the branding of the cars would not determine their capacity, and, therefore, all the cars would not necessarily have to be uniform in size.

Mr. CAVALCANTE. Mr. President, even if the cars are branded, they must be uniform in size.

Mr. HALUSKA. Mr. President, in other words, the branding means nothing.

Mr. CAVALCANTE. Mr. President, no, the branding does not mean anything other than to show the capacity of the car, but if they are uniform in capacity—if the Senator wil pause for a moment, while I explain—even if the operator had all the cars branded, what a confusion there would be, some of the cars would be 48-bushel capacity, some 58 and some 62, and possibly some of them more than that. Suppose in this particular mine they do not pay according to the bushel, but pay according to the carload, they pay so much a car and the bushel contents would not be taken into consideration. In ascertaining the wages of the miner, it is so much per car, it might be $1.25 a wagon, and whether you load a 48, 58 or 60-bushel car, you would still be paid at the rate of $1.25, if the cars are branded and not uniform in capacity.

Mr. HALUSKA. Mr. President, and by branding these cars the weighmaster will be able to determine the amount of bushels that the car will hold?

Mr. CAVALCANTE. Mr. President, but the weighmaster, whenever a car comes out, he is merely interested

in ascertaining who loaded the car. The cars are numbered 1, 2 or 3, but he merely takes off the metal check that is attached to the car to show who loaded the car, then the miner is paid for a car of coal, and the system of records of the employer consequently will not show a car of 48 bushels or 58 bushels, but it will show either one, two or three cars mined in one day and the miner will be paid accordingly.

Mr. HALUSKA. Mr. President, this is a very important feature in this bill. I am afraid it is bad, as it will effect a great many small operators in the western part of the State, that is, the purpose of the bill in branding the cars and making them uniform in size, and by branding these cars it means nothing. It is going to work a hardship upon the small operators if they have to put cars of uniform capacity in their mines, it is almost impossible. I doubt today whether we have two mines in the western part of the State in which twenty cars are alike, and to brand these cars in regard to their size determines the amount of coal they hold.

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Cambria if he is not aware that the language in this section of the Act is identical with the language that has been on the statute books for forty years, and the operators have not been inconvenienced by that.

Mr. HALUSKA. Mr. President, I do not know.

Mr. CAVALCANTE. Mr. President, I might inform the Senator from Cambria that this wording is the exact wording in the law on the statute books for forty years, and there has been no complaint at any time that the Act has not been applicable to the situation described.

And the question recurring,

Will the Senate agree to the bill on second reading?

It was agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

The first section of the bill was read as follows and agreed to.

Section 1 Short Title This act may be cited as the "Electric Cooperative Corporation Act"

The Second section of the bill was read as follows:

Section 2 Definitions In this act unless the context otherwise requires

(1) "Corporation" means a corporation organized pursuant to the provisions of this act

(2) "Board" means a board of directors of a corporation organized under this act

(3) "Member" means the incorporators of a corporation and each person thereafter lawfully admitted to membership therein

(4) "Federal agency" includes the United States of America and any department administration commission board bureau office establishment agency authority or instrumentality of the United States of America heretofore or hereafter created

(5) "Person" includes any natural person partnership association corporation business trust Federal agency State or political subdivision thereof or any body politic

(6) "Acquire" means and includes construct acquire by purchase lease devise gift or other mode of acquisition

(7) "Obligations" include bonds notes debentures interim certificates or receipts and all other evidences of indebtedness issued by a corporation

(8) "Rural area" means any area not included within the boundaries of any incorporated or unincorporated city town village or borough having a population in excess of twenty-five hundred inhabitants and includes both the farm and non-farm population thereof

On the question,

Will the Senate agree to the section?

Mr. REED. Mr. President, I move to amend sec. 2, page 3, line 7, by striking out the word: "and" and inserting in lieu thereof: "and not including any area in which a public utility company is furnishing service through existing lines which service is available without the cost of constructing any additional line except that necessitated to carry the service from the highway adjacent to the property on which the building, structure or place to be served is located. The term "rural area"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to:

Section 3 Purpose Non-profit cooperative corporations may be organized under this act for the purpose of engaging in rural electrification by any one or more of the following methods

(1) The furnishing of electric energy to persons in rural areas who are not receiving central station service

(2) Assisting in the wiring of the premises of persons in rural areas or the acquisition supply or installation of electrical or plumbing equipment therein

(3) The furnishing of electric energy wiring facilities electrical or plumbing equipment or services to any other corporations organized under this act or to the members thereof

The fourth section of the bill was read as follows:

Section 4 Powers of Corporation Each corporation shall have power

(1) To sue and be sued complain and defend in its corporate name

(2) To have perpetual succession unless a limited period of duration is stated in its articles of incorporation

(3) To adopt a corporate seal which may be altered at pleasure and to use it or a facsimile thereof as required by law

(4) To generate manufacture purchase acquire and accumulate electric energy and to transmit distribute sell

furnish and dispose of such electric energy to its members only and to construct erect purchase lease as lessee and in any manner acquire own hold maintain operate sell dispose of lease as lessor exchange and mortgage plants building works machinery supplies equipment apparatus and transmission and distribution lines or systems necessary convenient or useful

(5) To assist its members only to wire their premises and install therein electrical and plumbing fixtures machinery supplies apparatus and equipment of any and all kinds and character and in connection therewith and for such purposes to purchase acquire lease sell distribute install and repair electrical and plumbing fixtures machinery supplies apparatus and equipment of any and all kinds and character and to receive acquire endorse pledge hypothecate and dispose of notes bonds and other evidences of indebtedness

(6) To furnish to other corporations organized under this act or to the members thereof electric energy wiring facilities electrical and plumbing equipment and services convenient or useful

(7) To acquire own hold use exercise and to the extent permitted by law to sell mortgage pledge hypothecate and in any manner dispose of franchises rights privileges licenses rights of way and easements necessary useful or appropriate

(8) To purchase receive lease as lessee or in any other manner acquire own hold maintain sell exchange and use any and all real and personal property or any interest therein

(9) To borrow money and otherwise contract indebtedness to issue its obligations therefor or deed of trust of all or any of its property assets franchises revenues or income

(10) To sell and convey mortgage pledge lease as lessor and otherwise dispose of all or any part of its property and assets

(11) In connection with the acquisition construction improvement operation or maintenance of its lines to use any highway or any right of way easement or other similar property right owned or held by the Commonwealth or any political subdivision thereof

(12) To have and exercise the power of eminent domain for the purpose and in the manner provided by the condemnation laws of this Commonwealth relating to public utility corporations for acquiring private property for public use such right to be paramount except as to property of the Commonwealth or of any political subdivision thereof

(13) To accept gifts or grants of money services or property real or personal

(14) To make any and all contracts necessary or convenient for the exercise of the powers granted in this act

(15) To fix regulate and collect rates fees rents or other charges for electric energy and any other facilities supplies equipment or services furnished by the corporation

(16) To conduct its business and have offices within or without this Commonwealth

(17) To elect or appoint officers agents and employes of the corporation and to define their duties and fix their compensation

(18) To make and alter by-laws not inconsistent with the articles of incorporation or with the laws of this Commonwealth for the administration and regulation of the affairs of the corporation

(19) To do and perform either for itself or its members or for any other corporation organized under this act or for the members thereof any and all acts and things and to have and exercise any and all powers as may be necessary convenient or appropriate to effectuate the purpose for which the corporation is organized

On the question,

Will the Senate agree to the section?

Mr. REED. Mr. President, I move to amend section 4, page 5, line 8, by inserting after the word "therefor" the following: "and to secure the payment thereof by mortgage, pledge"; amend section 4, page 5, line 10, by inserting after the word "income" the following: "Provided, however, That the indebtedness of the corporation, other then in the usual course of business shall not be increased until the board of directors of the corporation shall adopt a resolution setting forth the desired increase and directing that the question of the proposed increase be submitted for the consent of the members at a meeting to be held after sixty days' notice, which notice may be waived in writing and upon such consent the board of directors may proceed to increase the indebtedness"; amend section 4, page 5, line 25, by inserting after the word "thereof" the following: "or any public utility corporation other than one engaged in furnishing electric energy to the public: Provided, however, That the right of eminent domain shall exist in order to cross the lines of any other public utility company not furnishing electric energy if such crossing shall be effected in such manner as not to interfere with the service lines or the service of such public utility company".

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The fifth to the 8th sections, inclusive, of the bill was read as follows and agreed to.

Section 5 Incorporators Any three or more natural persons of the age of twenty-one or more residents of this Commonwealth may act as incorporators of a corporation to be organized under this act by executing articles of incorporation as hereinafter provided in this act

Section 6 Articles of Incorporations (a) The articles of incorporation shall state

(1) The name of the corporation which name shall include the words "Electric Cooperative" and the word "Corporation" "Incorporated" "Inc" or "Company" and the name shall be such as to distinguish it from any other corporation organized and existing under the laws of this Commonwealth

(2) The purpose for which the corporation is formed

(3) The names and addresses of the incorporators who shall serve as directors and manage the affairs of the corporation until its first annual meeting of members or until their successors are elected and qualify

(4) The number of directors not less than three to be elected at the annual meetings of members

(5) The address of its principal office and the name and address of its agent upon whom process may be served

(6) The period of duration of the corporation which may be perpetual

(7) The terms and conditions upon which persons shall be admitted to membership and retain membership in the corporation but if expressly so stated the determination of such matters may be reserved to the directors by the by-laws

(8) Any provisions not inconsistent with law which the incorporators may choose to insert for the regulation of the business and the conduct of the affairs of the corporation

(b) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act

Section 7 Prohibition on Use of Words "Electric Cooperative" The words "Electric Cooperative" shall not be used in the corporate name of corporations organized under the laws of this Commonwealth or authorized to do business herein other than those organized pursuant to the provisions of this act

Section 8 Execution Filing and Recording of Articles of Incorporation (a) The original copy of the articles of incorporation shall be signed by the incorporartors and ac-

knowledged before any officer authorized by the laws of this Commonwealth to acknowledge the execution of deeds and conveyances It shall be filed in the office of the Department of State If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall when the fees prescribed by this act have been paid

(1) Endorse on the original copy the word "Filed" and the month day year of the filing thereof

(2) File the original in his office

(3) Issue a certificate of incorporation to the incorporators

(b) The incorporators shall file for recording a certified copy of the articles of incorporation in the office of the recorder of deeds in the county in which the principal office of the corporation in this Commonwealth is located

The ninth section of the bill was read as follows:

Section 9 Effect of Issuances of Certificate of Incorporation Upon the issuance of a certificate of incorporation by the Secretary of the Commonwealth the corporate existence of the corporation shall begin The certificate of incorporation shall be conclusive evidence except as against the Commonwealth that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this act

On the question,

Will the Senate agree to the section?

Mr. REED. Mr. President, I move to amend sec. 9, page 8, line 26, by striking out the word: "Issuances" and inserting in lieu thereof: "Issuance"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The tenth to the twelfth sections of the bill were read as follows and agreed to.

Section 10 Organization Meeting After the issuance of the certificate of incorporation an organization meeting shall be held at the call of a majority of the incorporators for the purpose of adopting by-laws and electing officers and for the transaction of such other business as may properly come before the meeting The incorporators calling the meeting shall give at least three days' notice thereof by mail to each incorporator which notice shall state the time and place of the meeting but such notice may be waived in writing

Section 11 By-Laws The power to make alter amend or repeal the by-laws of the corporation shall be vested in the board of directors The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation

Section 12 Qualification of Members All persons in rural areas proposed to be served by a corporation who are not receiving central station service shall be eligible to membership in a corporation No person other than the incorporators shall be become or remain a member of a corporation unless such person shall use or agree to use electric energy or as the case may be the facilities supplies equipment and services furnished by a corporation A corporation organized under this act may become a member of another such corporation and may avail itself fully of the facilities and services thereof

The thirteenth section of the bill was read as follows:

Section 13 Meetings of Members (a) Meetings of members may be held at such place as may be provided in the by-laws In the absence of any such provision all meetings shall be held in the principal office of the corporation of this Commonwealth

(b) An annual meeting of the members shall be held at such time as may be provided in the by-laws Failure to hold the annual meeting at the designated time shall not work forfeiture or dissolution of the corporation

(c) Special meetings of the members may be called by the president by the board of directors by a petition signed by not less than one-tenth of all the members or by such other officers or persons as may be provided in the articles of incorporation or the by-laws

On the question,

Will the Senate agree to the section?

Mr. REED. Mr. President, I move to amend sec. 13, page 10, line 9, by striking out the word: "of" and inserting in lieu thereof: "in"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourteenth section of the bill was read as follows:

Section 14 Notice of Members' Meetings Written or printed notice stating the place day and hour of the meetings of members and in the case of a special meeting the purpose or purposes for which the meeting is called shall be delivered not less than ten nor more than thirty days before the date of the meeting either personally or by mail by or at the direction of the president or the secretary or the officers or persons calling the meeting to each member of record entitled to vote at such meeting If mailed such notice shall be deemed to be delivered when deposited in the United States mails in a sealed envelope addressed to the member at his address as it appears on the records of the corporation with postage thereon prepaid Notice of meetings of members may be waived in writing

On the question,

Will the Senate agree to the section?

Mr. REED. Mr. President, I move to amend sec. 14, page 10, line 23, by inserting after the word: "delivered" the following: S "except as otherwise provided in this act"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Sections 15 to 24 inclusive of the bill were read as follows and agreed to.

Section 15 Voting by Members Each member present shall be entitled to one and only one vote on each matter submitted to a vote at a meeting of members but voting by proxy or by mail may be provided for in the by-laws

Section 16 Certificate of Membership When a member of a corporation has paid the membership fee in full a certificate of membership shall be issued to such member Memberships in the corporation and the certificates shall be non-transferable The certificate of membership shall be surrendered to the corporation upon the resignation expulsion or death of the member

Section 17 Quorum of Members Unless otherwise provided in the articles of incorporation a majority of the members present in person or represented by proxy shall constitute a quorum for the transaction of business at a meeting of members but if voting by mail is provided for in the by-laws members so voting shall be counted as if present

Section 18 Board of Directors The business and affairs of a corporation shall be managed by a board of di-

rectors not less than three in number which shall exercise all the powers of the corporation except such as are conferred upon the members by this act by the articles of incorporation or by the by-laws of the corporation The by-laws may prescribe qualifications for directors

Sectoin 19 Election Qualification and Compensation of Directors The directors other than those named in the certificate of incorporation to serve until the first annual meeting of members shall be elected annually or as otherwise provided in the by-laws by the members The directors shall be members of the corporation and shall be entitled to such compensation and reimbursement for expenses actually and necessarily incurred by them as may be provided in the by-laws

Section 20 Vacancies Any vacancy occurring in the board and any directorship to be filled shall be filled as provided in the by-laws by persons who shall serve until directors may be regularly elected as provided for in this act

Section 21 Quorum of Directors A majority of the board shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the by-laws The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board unless the act of a greater number is required by the articles of incorporation or the by-laws

Sectin 22 Directors' Meetings Meetings of the board regular or special shall be held at such place and upon such notice as the by-laws may prescribe Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened Neither the business to be transacted at nor the purpose of any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting

Section 23 Officers Agents and Employes (a) The board shall elect from its number a president a vice-president a secretary and a treasurer but the same person may be elected to the office of secretary and treasurer The powers and duties of the foregoing officers as well as their term of office and compensation shall be provided for in the by-laws

(b) The board shall appoint such other officers agents and employes as it deems necessary and fix their powers duties and compensation

(c) Any officer agent or employe elected or appointed by the board may be removed by it whenever in its judgment the best interests of the corporation will be served

Section 24 Executive Committee Any corporation may by its by-laws provide for an executive committee to be elected from and by its board of directors To such committee may be delegated the management of the current and ordinary business of the corporation and such other duties as the by-laws may prescribe but the designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors or any member thereof of any responsibility imposed upon it or him by this act

The twenty-fifth section of the bill was read as follows:

Section 25 Nonprofit Operation (a) Each corporation shall be operated without profit to its members but the rates fees rents or other charges for electric energy and any other facilities supplies equipment or services furnished by the corporation shall be sufficient at all times

(1) To pay all operating and maintenance expenses necessary or desirable for the prudent conduct of its business and the principal of and interest on the obligations issued or assumed by the corporation in the performance of the purpose for which it was organized and

(2) For the creation of reserves

(b) The revenues of the corporation shall be devoted first to the payment of operating and maintenance expenses and the principal and interest on outstanding obligations and thereafter to such reserves for improvement new construction depreciation and contingencies as the board may from time to time prescribe

(c) Revenues not required for the purposes set forth in subsection (b) of this section shall be returned from time to time to the members on a pro rata basis according to the amount of business done with each during the period either in cash in abatement of current charges for electric energy or otherwise as the board determines but such return may be made by way of general rate reduction to members if the board so elects

On the question,

Will the Senate agree to the section?

Mr. REED. Mr. President, I move to amend sec. 25, page 14, line 8, by striking out the misspelled word: "aand" and inserting in lieu thereof: "and"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Section 26 Amendment of Articles of Incorporation A corporation may amend its articles of incorporation by a majority vote of the members present in person or by proxy at any regular meeting or at any special meeting of its members called for that purpose The power to amend shall include the power to accomplish any desired change in the provisions of its articles of incorporation and to include any purpose power or provision which would be authorized to be included in original articles of incorporation if executed at the time the amendment is made Articles of amendment signed by the president or vice-president and attested by the secretary certifying to such amendment and its lawful adoption shall be executed acknowledged filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this act and as soon as the Secretary of the Commonwealth shall have accepted the articles of amendment for filing and recording and issued a certificate of amendment the amendment or amendments shall be in effect

Section 27 Consolidation (a) Any two or more corporations may enter into an agreement for the consolidation of such corporations The agreement shall set forth the terms and conditions of the consolidation the name of the proposed consolidated corporation the number of its directors not less than three the time of the annual meeting and election and the name of at least three persons to be directors until the first annual meeting If such agreement is approved by the votes of a majority of the members of each corporation present in person or by proxy at any regular meeting or at any special meeting of its members called for that purpose the directors named in the agreement shall sign and acknowledge as incorporators articles of consolidation conforming substantially to original articles of incorporation of a corporation organized under this act

(b) The articles of consolidation shall be executed acknowledged filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this act As soon as the Secretary of the Commonwealth shall have accepted the articles of consolidation for filing and recording and issued a certificate of consolidation the proposed consolidated corporation described in the articles under its designated name shall be and become a body corporate with all of the powers of a corporation as originally organized hereunder

Section 28 Dissolution (a) Any corporation may dissolve by majority vote of the members present in person or by proxy at any regular meeting or at any special meeting of its members called for that purpose A certificate of dissolution shall be signed by the president or vice-president and attested by the secretary certifying to such dissolution and stating that they have been authorized to execute and file such certificate by votes cast in person or by proxy by a majority of the members of the corporation A certificate of dissolution shall be exe-

cuted acknowledged filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this act and as soon as the Secretary of the Commonwealth shall have accepted the certificate of dissolution for filing and recording and issued a certificate of dissolution the corporation shall be deemed to be dissolved

(b) Such corporation shall however continue for the purpose of paying satisfying and discharging any existing liabilities or obligations and collecting or liquidating its assets and doing all other acts required to adjust and wind up its business and affairs and may sue and be sued in its corporate name Any assets remaining after all liabilities or obligations of the corporation have been satisfied or discharged shall be distributed pro rata among the members of the corporation at the time of the filing of the certificate of dissolution

(c) Any corporation which purports to have been incorporated or reincorporated under this act but which has not complied with all of the requirements for legal corporate existence may nevertheless file a certificate of dissolution in the same manner as a validly existing corporation The certificate of dissolution in such case may be authorized by a majority of the incorporators or directors at a meeting called by any incorporator upon ten days notice mailed to the last known post office address of each incorporator or director and held at the principal office of the corporation named in the articles of incorporation

Section 29 Fees The Department of State shall charge and collect the same fees as in the case of other corporations for similar services

Section 30 Exemption from Excise Taxes License Fee Corporations formed hereunder shall pay annually on or before July first to the Department of Revenue a fee of ten dollars ($10) for each one hundred members or fraction thereof but shall be exempt from all other State taxes of whatsoever kind or nature

Section 31 Exemption from Jurisdiction of the Pennsylvania Public Utility Commission All corporations organized under this act shall be exempt in any and all respects from the jurisdiction and control of the Pennsylvania Public Utility Commission of this Commonwealth

Section 32 Limited Exemption from Securities Act Whenever any corporation organized under this act shall have borrowed money from any Federal agency the obligations issued to secure the payment of such money shall be exempt from the provisions of the act approved the thirteenth day of April one thousand nine hundred twenty-seven (Pamphlet Laws two hundred seventy-three) commonly known as "The Securities Act" nor shall the provisions of said act apply to the issuance of membership certificates

Section 33 Defectively Organized Corporations In the event any corporation has filed defective articles of incorporation or has failed to do all things necessary to perfect its corporate organization it may nevertheless file corrected articles of incorporation or amend the original articles and do and perform all acts and things necessary in the premises for the correction of such defects The action so taken shall be valid and binding upon all persons concerned and the capacity of such corporation to file corrected articles of incorporation or amendments to the original articles or to do and perform all acts and things necessary in the premises shall not be questioned

Section 34 Act Extended to Existing Corporations Any existing cooperative or nonprofit corporation or associatin organized under any other law of this Commonwealth for the purpose of engaging in rural electrification may by a majority vote of the members present in person or by proxy at a meeting called for that purpose amend its articles of incorporation so as to comply with this act

Section 35 Construction of Act This act shall be construed liberally The enumeration of any object purpose power manner method or thing shall not be deemed to exclude like or similar objects purposes powers manners methods or things

Section 36 Separability of Provisions If any provision of this act or the application of such provision to any person or circumstance is held invalid the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby

Section 37 Act Complete in Itself This act is complete in itself and shall be controlling The provisions of any other law of this Commonwealth except as provided in this act shall not apply to a corporation organized under this act

Section 38 Effective Date This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to.

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 809, entitled:

An Act ot amend section three of article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller

The first second and third sections of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" is hereby amended to read as follows

Section 2 This act shall take effect immediately upon its final enactment

Section 3 (a) [The city controller shall prescribe the form of reports and accounts to be rendered to his department and shall have entire charge and supervision of [the accounts of all other departments and trusts All employes engaged in the keeping of any of the books or accounts prescribed by the city controller or forming part of the city's bookkeeping system shall be under the control and supervision of the city controller] In addition to all other powers and duties the city controller shall

(1) Keep all accounting or financial records of all departments and trusts of the city government and of all other departments and trusts the expenses of which are paid out of the city treasury and of all boards of directors of city trusts in such city whether heretofore or hereafter created

(2) Have power to require such additional and supporting accounting or financial records to be kept and to be rendered to his department by the other departments

and trusts of the city government and by all other departments and trusts the expenses of which are paid out of the city treasury and by all boards of directors of city trusts in such city whether heretofore or hereafter created as may to him seem necessary and shall prescribe the nature form and extent of all such supporting records He shall have complete supervision and control over such records and accounts All employees engaged in the keeping of any of the books or accounts prescribed by the city controller or forming part of the city's bookkeeping system shall be under the control and supervision of the city controller

(3) Have power to prohibit the keeping of any accounting or financial records by any department or trust or by any board of directors of city trusts in such city whether heretofore or hereafter created except those provided for in this section

(4) Have supervision and control over the manner of all expenditures and shall not approve any warrant commitment or any contact involving the payment of money by any department or trust or by any board of directors of city trusts in such city whether heretofore or hereafter created unless there are funds available for the payment of such commitment in the specific item of appropriation made therefor

(5) Have supervision and control over the form of all vouchers and warrants and shall prescribe the manner of payment thereof

(6) Have supervision and control over the manner method and place of payment of all bills for amounts due and payable into the city treasury and shall prescribe the form and method of preparing all bills and receipts

(7) Have supervision and control over all payrolls All paymasters and the place of all payments shall be in the controller's department under his exclusive control

(b) He shall audit accounts of the several departments and trusts including the accounts of any board of directors of city trusts in such city whether heretofore or hereafter created and all other accounts in which the city is concerned and submit annually to the council in such manner as may by ordinance be directed a report of the accounts of the city verified by his oath or affirmation exhibiting the assets liabilities and net worth of the city at the close of the preceding year and the revenues expenses other expenditures receipts and disbursements of the preceding year including the sources from which the revenues and receipts were derived and in what manner the same were disbursed which report shall be published in pamphlet or book form

(c) He shall maintain a complete and modern system of accounting that will at all times reflect the financial condition of the city and shall keep separate accounts for each specific item of appropriation made by the council to each department and require all warrants to state specifically against which items the warrant is drawn Each account shall show in detail the several appropriations made by the council the amount drawn on each appropriation the unpaid contracts charged against it and the balance standing to the credit of the same

(d) He shall not suffer any appropriation to be overdrawn or the appropriation for one item to be drawn upon for any other purpose or by any department other than that for which the appropriation was specifically made except on transfers made by ordinance of council

(e) If any warrant presented to the city controller contains an item for which no appropriation has been made or there shall not be a sufficient balance of the proper fund for the payment thereof or which for any other cause should not be approved he shall notify the proper department of the fact and if the city controller shall approve any warrant contrary to the provisions here he and his sureties shall be individually liable for the amount of the same to the holder thereof

(f) Whenever a warrant or claim shall be presented to him he shall have power to require evidence that the amount claimed is justly due and for that purpose may summon before him any officer agent or employee of any department of the city or any other person and examine him upon oath or affirmation relative to such warrant or claim

(g) He shall also perform all duties required of him by law or ordinance not inconsistent with the provisions hereof

Mr. STIEFEL. Mr. President I move to amend Senate Bill No. 609, Printer's No. 283, by inserting a new Section —Section H to read as follows:

It shall be the duty of the controller of cities of the first class to audit annually all the accounts of Firemen's Pension Funds of cities of the first class receiving appropriations from the State. In default of such an annual audit by the controller no further appropriation shall be made by the State to Firemen's Pension Funds of cities of the first class.

Mr. SIPE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act to amend section three of Article twelve of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by further defining the powers and duties of the city controller

And said bil having been read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President,, when Senate Bill No. 809, the bill just read, was reported from Committee it was the understanding that it would be read twice and recommitted, I therefore, move that the bill be recommitted to the Committee on State Government.

Mr. STIEFEL. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 895, as follows:

An Act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings monuments and bridges

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "safety-net" when used in this act shall mean a net constructed of wire or rope so designed as to catch and support falling persons

The term "employer" when used in this act shall mean and include individuals copartnerships associations and corporations

The term "structure" when used in this act shall mean any building monument tower or bridge

Section 2 The erection and construction of every structure within this Commonwealth shall be so conducted as to provide the greatest extent of protection to the lives and safety of all persons employed thereon as the nature of the employment will reasonably permit

Section 3 Every employer engaged in the erection and construction of any structure shall have suspended beneath all persons employed thereon a safety-net which shall

be so suspended as to prevent any person from falling from any great height

Section 4 The provisions of this act shall not apply to structures less than fifty feet in height nor to bridges or the work thereon where such height is not more than fifty feet from the surface of the ground or water over which such bridge is being constructed

Section 5 Any employer violating the provisions of the act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of five hundred dollars ($500) for each such offense and in default of the payment thereof such employer be an individual or the partners of such copartnership or the members of such association or the officers or directors of such corporation responsible for the violation of this act so convicted may be sentenced to imprisonment for not more than six months or both fine and imprisonment may be imposed

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 961, (House Bill No. 103), as follows:

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment election and salaries of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court the municipal court of Philadelphia and other courts and for the transfer of certain actions pending in said courts and repealing existing laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Purposes and Basic Principles. The basic purpose and principle of this act is to secure uniform administration in one court of matters pertaining to family relations and to secure for each child under its jurisdiction such guidance care custody and control preferably in his own home or by placement as will serve the home or the child's welfare and the best interests of the Commonwealth.

The principle is hereby recognized that children under the jurisdiction of the court are wards of the Commonwealth subject to the discipline and entitled to the protection of the Commonwealth which may intervene to safeguard them from neglect and injury and to enforce the legal obligations due to them and from them

Section 2 Construction of Act This act shall be liberally construed to accomplish the purposes herein declared

Section 3 Family Court Created General Powers There is hereby created in the judicial district composed of the County of Philadelphia a court of record to be known as the "Family Court" The court shall consist of four judges learned in the law The Family Court shall have all the powers of a court of record possessed by the courts of common pleas and quarter sessions of the peace

Any judge or judges of the Family Court when called upon by the President Judge of any of the courts of common pleas of the first judicial district but without interference with the proper conduct of the business of the Family Court shall have power to hear and to determine upon the certification hereinafter provided for of pleas actions causes civil or criminal issues and all issues and other matters in equity in the courts of common pleas courts of oyer and terminer and general jail delivery and courts of quarter sessions of the peace for said judicial district so fully and effectually and to dispose thereof in the same manner as may be done by the judges of the courts of common pleas of the said judicial district Whenever the proper disposition of business requires it an arrangement can be made with the judge or judges of the said Family Court for such services and the President Judge or in his absence or disability any additional law judge of any of the courts of common pleas or said judicial districts may certify matters or issues to be heard and determined by such judge of the Family Court specially presiding as aforesaid

Section 4 Election of Judges Vacancies Compensation Powers of Justice of the Peace The judges of the Family Court shall be elected by the voters of the County of Philadelphia at large at municipal elections for terms of ten years each from the first Monday of January next succeeding their election The first elected judges of said court shall be elected at the municipal election in the year one thousand nine hundred and thirty-seven

It shall be unlawful for any judge of the said court to practice law during his continuance in office

Vacancies in the office of judge of said court shall be filled by the Governor the appointee to hold office until the first Monday of January next succeeding the first municipal election which shall occur three or more months after the happening of such vacancies

Each of the judges of said court shall receive an annual salary of fourteen thousand dollars ($14,000) payable by the Commonwealth

The judges of said court shall be ex-officio justices of the peace

Section 5 General Powers and Vacancies in Office of President Judge The president judge shall have power to oversee and direct the business of the court He shall assign the other judges to the duties to be performed by them Vacancies in the office of President Judge shall be filled in the same manner as in the courts of common pleas of the first judicial district

Section 6 Organization of Court Temporary Appointments by the Governor The court created by this act shall be organized on the effective date of this act and pending the election of the judges thereof as hereinbefore provided the Governor shall appoint the first judges of said court designating one of them to be President Judge and designating also the seniority of the other judges appointed Said judges shall hold office from the day of appointment and commissioning by the Governor until the first Monday of January one thousand nine hundred and thirty-eight

Section 7 Location of Court Sessions Supplies The court shall be open at all times for the transaction of business in the County of Philadelphia at such place as may be provided by the proper authorities of the County of Philadelphia and at such other place or places in the county as may from time to time be found necessary by the court for the convenience of suitors or the accommodation of the public In the hearing of any case the general public may be excluded

It shall be the duty of the proper authorities to provide proper accommodation for the holding of the court at such times and places as the court may decide and the expenses thereof shall be defrayed out of the county treasury

All dockets supplies and materials required for the use of the court and its officers and employes shall be furnished by the proper authorities of the county at the cost of the county

Section 8 Judges Officers Clerks and Employes Prohibited from Engaging in Political Activities No judge officer clerk or employe of the Court shall be a member of or delegate or alternate to any political convention No such judge officer clerk or employe shall serve as a member or attend the meetings of any committee of any political party or take any active part in political management or in political campaigns No judge officer clerk or employe of the court shall in any way or manner interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while counting the

vote or returning the ballot boxes or voting machines books and papers to the place provided by law for that purpose or be within any polling place save only for the purpose of casting his vote as speedily as it reasonably can be done or be within fifty feet thereof except for purposes of ordinary travel or residence during the period of time beginning with one hour preceding the opening of the polls for holding such election and ending with the time when the election officers shall have finished counting the votes and have left the polling place nor shall any such judge officer clerk or employe of the court directly or indirectly pay demand solicit collect or receive or be in any manner concerned in paying demanding soliciting collecting or receiving any assessment subscription or contribution whether voluntary or involuntary intended for any political purpose whatever Provided however That no judge shall be prohibited from engaging in political activities or incurring proper expenses on his own behalf in seeking nomination and election as a judge of this court Provided further however That such activities shall not commence more than three months before the primary election at which the said judge shall be a candidate for nomination

Any person or persons who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding five hundred dollars ($500) and forfeit his office

Section 9 Appointment of Officers and other Employes The court by a vote of not less than three of its members shall appoint a chief probation officer whose annual salary shall be six thousand dollars ($6,000) per year a secretary of the court and as many probation officers, court officers clerks stenographers and other employes including psychiatrists psychologists and physicians as shall be deemed necessary The salaries and expenses of all appointees not fixed by this act shall be fixed on recommendations made by the court by the tax levying body of the county and paid from the county treasury

The secretary of the court shall have the custody of all records and papers of the court in an office provided by the proper authorities for such purposes

Section 10 Method of Appointment and Removal of employes The court as soon as practicable after the passage of this act shall establish and make public a plan classifying all court employes according to duties and qualifications and a schedule of compensation for each class so established which plan and schedule may be changed from time to time by the court after such public notice as the court may determine

All probation officers clerks stenographers and investigators shall be appointed from eligible lists for the particular position to be filled which lists shall be secured through open oral and written competitive tests conducted at such times and in such manner and graded as marked by such persons as the court may direct Such tests shall have reference to education ability personality character and special aptitude for work In all written tests each candidate shall be given a number so that the person marking or grading each paper shall not be able to ascertain the identity of any candidate The names of all candidates passing such tests shall be placed in an employment list for each class in the order of their excellence In filling each position for which tests are required the court shall be restricted to the three persons whose names stand highest on the employment list for the particular class in which there is a vacancy After any name has been three times rejected it shall be stricken from the employment list for the particular class for which it has been rejected

In the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles

No person who has been in the employ of the court for more than ninety days shall be dismissed demoted or reduced in pay except for just cause which shall be neither racial religious nor political nor until he has been furnished with a written statement of the reasons for such proposed action an opportunity to reply in writing to the charges preferred against him and to be heard thereon

When necessary for the proper function of the court's business but not otherwise the court may make provisional appointments to fill any position but no provisional appointment shall have a duration beyond ninety days and successive provisional appointments shall not be made the provisions of this section except as hereinafter provided shall not apply to the secretary of the court nor to psychiatrists psychologists and physicians

The secretary of the court and court officers shall each give bond with approved sureties to the Commonwealth in such amount as the judges of the court shall fix conditioned for the faithful performance of their duties The premium on such bonds shall be paid by the county

Section 11 Appointment Powers and Duties of Referees The president judge may appoint any probation officer or other suitable employe to act as a referee and to hold office during the pleasure of the president judge

The hearing of any case may be referred to such referee by the court or the president judge may direct that all cases of a certain class or within a district to be designated by him shall be initiated before and held in the first instance by such referee in the same manner as provided for the initiation and hearing of cases by the court Upon the conclusion of the hearing in each case the referee shall transmit to the court all papers relating to the case together with his conclusions and recommendations in writing

A hearing before the court shall be allowed to any person or to the parent guardian or custodian of any child whose case has been heard by the referee upon filing with the court a request for such hearing within ten days after the receipt of written notice of the conclusions and recommendations of the referee In case no hearing before the court is requested the conclusions and recommendations of the referee as confirmed or modified by an order of the court shall become the judgment of the court

Section 12 Records The records of the court shall be docketed and may be withheld from public inspection under order of the court

In every case where a child is discharged on probation or otherwise from an institutional industrial or training school a record of such discharge shall be kept in the docket of the court

Section 13 Seal The court shall have a seal on which shall appear the words "Family Court" and the word "Seal" which shall be affixed to all official papers and documents issued from said court The seal of the court shall be in the custody of the clerk of the court and shall be kept in such place as the court may from time to time order

Section 14 Jurisdiction of Family Court The family court shall have exclusive jurisdiction in the following actions and proceedings except where specifically otherwise provided

(a) All those actions and proceedings affecting delinquent neglected and dependent children under sixteen years of age as defined by the laws of this Commonwealth which vest the care guidance control trial placement and commitment of such children in the courts of quarter sessions of the peace and the County or juvenile Court of Allegheny County or the judges thereof which courts when exercising such jurisdiction are known as juvenile courts

(b) All actions and proceedings concerning or trials of persons including adults charged with contributing to or encouraging or tending to cause by any act of commission or omission the delinquency neglect or dependency of any child under sixteen years of age or charged with any act of omission or commission with respect to any child under sixteen years of age which act of omission or com-

mission is a violation of any law or ordinance and jurisdiction over which actions and proceedings is by existing law vested in the courts of quarter sessions of the Peace and the County or juvenile Court of Allegheny County which courts when exercising such jurisdiction are known as juvenile courts

(c, All actions and proceedings relating to the appointment of guardians of the person of delinquent neglected and dependent children under sixteen years of age then subject to the jurisdiction of the Family Court

(d) All actions and proceedings for the support of a delinquent neglected or dependent child under sixteen years of age

(e) All actions and proceedings brought against any husband or father wherein it is charged that he has without reasonable cause separated himself from his wife or children or from both or has neglected to maintain his wife or children or both and all actions and proceedings wherein a child of full age is charged with neglecting to maintain his or her parents or grandparents who are unable to work and who have insufficient financial ability to maintain themselves

(f) All actions and proceedings wherein it is charged that a mother has deserted her child or children or has neglected to maintain her child or children or wherein it is charged that a grandfather or grandmother has neglected to maintain his or her grandchild or grandchildren

(g) All proceedings involving the custody of any child

(h) All actions and proceedings wherein it is alleged that any child under full age is suffering from epilepsy or nervous or mental defects

(i) All actions and proceedings against all disorderly children and all actions and proceedings wherein it is charged that a child between the ages of sixteen and twenty-one years has disobeyed his parents' command or has been found idle in the streets or is keeping company with dissolute or vicious persons against the lawful command of his parents or guardian

(j) All actions and proceedings concerning or trial of charges wherein the paternity of any child alleged to have been born out of lawful wedlock is involved and orders and sentences to provide for the support and disposition of such child

(k) All proceedings for the adoption of any child under full age where the adopting parent or the child to be adopted is a resident of the County of Philadelphia and for such purposes to exercise all the powers and authority now vested by law in the orphans' court in such cases The jurisdiction of the court in such proceedings shall be concurrent with the orphans' court

(l) All actions and proceedings concerning or trial of charges brought against all persons whether minors or adults accused of disorderly street-walking

(m) Any prosecution of any minor for any criminal offense under the laws of this Commonwealth The jurisdiction of the courts in such cases shall be exclusive except that in any such case where the child is over sixteen years of age the court may certify such case to the court of quarter sessions of the peace or the court of oyer and terminer and general jail delivery as the case may require

Section 15 Transfer of Records and Pending Actions from Other Courts All books records indices documents and papers in the possession of the Municipal Court of Philadelphia Courts of Quarter Sessions of the peace or courts of oyer and terminer and general jail delivery and Orphans' Court of Philadelphia County or the clerks thereof and all actions and matters pending in said courts shall on the date when this act becomes effective be transferred to the court created by this act to the extent that such actions and matters and the boks records indices documents and papers connected therewith are within the jurisdiction of the Family Court as herein established

The Family Court is hereby authorized to hear determine and to dispose of the actions and matters so transferred from the Municipal Court of Philadelphia courts of quarter sessions of the peace court of oyer and terminer and general jail delivery and orphans' court and shall have full power and authority to enforce any and all orders decrees judgments or sentences heretofore entered or imposed in any actions or matters transferred from said courts with the same force and effect as if such actions had been originally instituted in the Family Court

Section 16 Powers of Judges as Committing Magistrates in Juvenile Cases Any judge of the Family Court shall have power to inquire under oath or affirmation of all crimes misdemeanors and offenses whatsoever against the laws of the Commonwealth wherein a child under the age of sixteen years is charged and to take in the name of the Commonwealth any recognizance obligation or bail allowed to be taken by any magistrate or by any judge of the court of quarter sessions A judge may continue the recognizances obligations or bail so taken or such as may be returned to the Family Court by a magistrate or by any judge of the court of quarter sessions of the peace or court of oyer and terminer and general jail delivery A judge may continue the recognizances obligations or bail so taken or such as may be returned to the Family Court by a magistrate and may inquire into hear and determine all complaints founded thereon If such charge is not triable in the Family Court the judge shall return such charge to the court of quarter sessions or oyer and terminer having jurisdiction

Section 17 Powers and Duties of Probation Department The chief probation officer the probation officers and other employes assigned to serve under the supervision of the chief probation officer shall constitute the probation department of the court

The chief probation officer under the direction of the court shall have charge of the work of the probation department and shall supervise the work of all probation officers and other employes assigned to such work

The probation department shall make investigations before during and after the filing of any petition or the entry of any action or proceeding as any judge of the court may direct It shall keep a written record of all such investigations and submit the same as the judge may direct It shall keep itself informed concerning the conduct and condition of each person on probation and shall report thereon as the court may direct Each probation officer shall use all suitable ways and means to aid persons on probation to bring about an improvement in their conduct and condition

The probation department shall take over all the probation work of the probation officers of the Municipal Court of Philadelphia in all cases of delinquent neglected and dependent children placed under the supervision and control of probation officers by said court with the same powers authority and duties as if said children had been placed on probation under the authority of this act

The probation department shall (a) keep full records of its work and perform such other duties as the court may direct

Probation officers shall for the purposes of this act have all the powers of constables All other provisions of the laws of the Commonwealth relating to probation under the supervision of the courts acting as juvenile courts so far as they are applicable and not inconsistent with this act shall apply to cases coming within the provisions of this act

Section 18 Department of Accounts The Secretary of the Court under the direction of the court shall set up and maintain a Department of Accounts in which there shall be kept the proper and necessary books and records of all receipts and disbursements Moneys due from or for persons under the jurisdiction of the court shall be paid into this Department and the Secretary shall make periodical statements to the court as the court shall direct The books of account in this Department shall be audited annually by the Controller of the City of Philadelphia

Section 19 Service of Process and Orders Service of all orders of the court in process and actions and proceedings shall be made personally by the delivery of attested copies thereof to the persons summoned or affected but if a judge is satisfied that it is impracticable personally to serve such process or order he may order service by registered mail with a return receipt requested addressed to the last know address or by publication thereof or by both as he may direct It shall be sufficient to confer jurisdiction if service is effected as herein provided before

the time fixed by the court in the order or process for the return thereof

Service of orders or any process required by this act may be made by any suitable person under the direction of the court The judge may authorize the payment of necessary traveling expenses incurred by any person ordered to appear at the hearing of any case coming within the provisions of this act and such expenses when approved by a judge shall be payable by the county

If any person so served with an order or process shall fail to appear he may be proceeded against for contempt of court

Section 20 Special and General Procedures Returns by Magistrates In addition to the methods and procedures provided by existing law proceedings in said court may be initiated before any judge of said court upon information verified under oath by any person or upon the court's own motion A reasonable opportunity to appear shall be afforded any defendant

The court may issue a warrant for arrest or other process to secure or compel the attendance of any defendant The court shall have the same power and authority over the disposition of actions or proceedings affecting children under sixteen years of age as is conferred by law with respect to delinquent neglected and dependent children and in the case of adults the power to impose sentence as the law provides or to suspend sentence and place any defendant on probation

In desertion and non-support cases and in juvenile cases there shall be no preliminary hearings but the person accused or the children involved shall immediately be brought before the court for trial or hearing as the court may direct

Section 21 Control of Court over Committed Children The commitment by the court of a child under the age of sixteen years to a house of refuge or an industrial or training school or county institution or school maintained for such purposes shall not deprive the court of jurisdiction to release and discharge such child therefrom whenever it shall appear to the court after hearing that the interests of the child will be served by his release or discharge or parole under the supervision of a probation officer

Section 22 Examination and Treatment of Persons Found to be Mentally Defective or in Need of Medical Care The court may in its discretion either before or after a hearing cause any person coming within its jurisdiction to be examined by a physician or psychiatrist appointed or designated for the purpose by the court If it shall appear to the court that any such person is mentally defective or mentally disordered it may cause such person to be examined by two qualified psychiatrists or two physicians or one of each and on the written statement of such examiners that such person is mentally defective or mentally disordered the court may commit such person to an appropriate institution authorized by law to receive and care for mentally defective or mentally disordered persons In any such case the parents guardian or custodian of such person shall be given due notice of any proceedings hereunder

The expenses of any such examination when approved by a judge of the court shall be paid out of the county treasury

Section 23 Proceedings for the Support of Dependents In the case of an adult found guilty of desertion abandonment or failure to provide subsistence or care for any person for whose maintenance or care such adult is legally responsible the court may inquire into and determine the ability of such adult to provide for the maintenance or care of such person and may direct when how and where money for such maintenance or care shall be paid and in the event that such adult shall wilfully and without just excuse fail or refuse to pay the same in accordance with the court's order said person shall be dealt with by the court in accordance with the provisions of law relating to desertion and failure to provide subsistence or such adult may be proceeded against as for contempt of court

Section 24 Jury Trials The court shall hear and determine all cases affecting children under sixteen years of age arising under the provisions of this act and the laws of the Commonwealth relating to delinquent neglected and dependent children without a jury except where otherwise provided by law

If a person coming before the court is charged with an offense for which he is entitled to a trial by jury the case shall be tried before a jury under such rules as the court may promulgate but except as modified by its own rules the practice and procedure in criminal actions shall be the same in the Family Court as in similar actions prosecuted in the court of quarter sessions of the peace and court of oyer and terminer and general jail delivery

Section 25 Jurors It shall be the duty of the proper officers of the County of Philadelphia to provide such jurors for service in the Family Court as may from time to time be required by order of the president judge of the Family Court The jurors shall be summoned in the same manner as provided by law for the courts of quarter sessions of the peace They shall receive the same compensation and be subject to the same duties and liabilities as jurors summoned to serve in other courts of the county

Section 26 Review of Decisions by Court En Banc Any person aggrieved by the final decision of any judge of said court shall have the right within ten days after such decision has been rendered to ask for a review thereof before a court en banc composed of three judges of said court which court en banc shall after argument render its decision which shall become the decision of the court

Section 27 Fees The fees to be charged for the business of the court shall be the same as the fees charged for similar services by law by the various county officers of the County of Philadelphia

All fees and other sums of money received by any clerk or employe of the court shall be paid over to the county treasury except moneys paid in pursuance of an order of the court in (a) proceedings against a husband father adult child mother grandfather or grandmother where in it is charged that he or she has without reasonable cause deserted his or her dependents or failed to support any dependents or (b) in a proceeding for the custody of children In all such cases the moneys shall be disbursed to the person or persons entitled as herein above provided

Section 28 Costs Any judge of the court shall have power upon the disposition of any action or proceeding to make an order disposing of the costs including fees of magistrates constables sheriffs and witnesses and other costs and may impose such costs on the County of Philadelphia or on the complainant if after hearing it be found that the complaint was made without proper cause or upon the defendant or parent or parents or custodian of a child if after hearing it be found in the case of parents that they were at fault and are of ability to pay but all such costs shall after hearing and order in the case be immediately chargeable to and paid by the county Provided That the county shall be liable only for the cost of such witnesses as the probation officer shall certify where subpoenaed by his order and where in attendance at or necessary to the trial of the case or such witnesses as the court shall certify were in attendance and necessary to such trials

Section 29 Appeals All parties believing themselves aggrieved by the decision of the Family Court may remove their case by appeal to the Supreme or Superior Court as the case may be in accordance with the practice and procedure applicable to other courts of said county

Section 30 Court Rules and Regulations The court shall have power to adopt such rules of procedure and rules and regulations prescribing the qualifications of employes and personnel for the conduct of officers and employes and for the conduct of its business and the proceedings before it and all rules and regulations necessary to effectuate the purposes of this act as it shall deem proper

Section 31 Constitutionality The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provision of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 32 Effective Date This act shall become effective immediately upon final enactment

Section 33 Repeals All other acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL ON THIRD READING

Mr. LAW. Mr. President, I move that the Senate proceed to the third reading and consideration of Senate Bill No. 762 (House Bill No. 1156), on third reading.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 762 (House Bill No. 1156), entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. EALY. Mr. President, I desire to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. EALY. Mr. President, I would like to ask the Senator from Mercer if this bill has been amended so that the effective date will apply immediately or at the end of the year.

Mr. LAW. Mr. President, it applies immediately.

And the question recurring.

Will the Senate agree to the bill?

BILL OVER IN ORDER

Mr. EALY. Mr. President, in view of the fact that the bill has just come to our desks, I ask that the bill go over in its order.

The PRESIDENT. Is there objection?

Mr. LAW. Mr. President, I object.

The PRESIDENT. The chair hears objection.

On the question,

Shall the bill pass finally?

Mr. LAW. Mr. President, I might say in that connection that one of the reasons for my objection is that there are a number of different counties very much in doubt as to the form of supplies they will have to buy. They want to save the necessity of going ahead with the present registrars' books.

Mr. GELDER. Mr. President, if the Senator from Mercer says that there is a lot of the counties disturbed because they do not know which forms to order, I understand also that the county commissioners generally throughout all of the State are very much disturbed about the expense at this time in getting their budgets out of balance, and they feel that the effective date of this legislation should be the beginning of the next calendar year and not at the present time, and the Senator from Mercer should not object to our studying the bill.

Mr. LAW. Mr. President, I will withdraw my objection and let the bill go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION PROVIDING FOR A CONSTITUTIONAL AMENDMENT ABOLISHING EXEMPTIONS OF PAYMENT OF INCOME TAX BY GOVERNMENTAL EMPLOYERS AND OFFICIALS

Mr. WOODWARD. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD offered the following resolution which was twice read and referred to the Committee on Federal Relations.

In the Senate of Pennsylvania, April 20, 1937.

Whereas, There is now before Congress a resolution for a constitutional amendment requiring all federal employees and officials, appointed or elected, to pay state and federal income taxes; requiring state employees and officials to pay federal income taxes; and requiring employees and officials of national and state banks that are members of the Federal Reserve System to pay state income taxes, and

Whereas, Abolition of the exemptions on such salaries would result in a great increase of revenue to the federal government, thereby reducing the ever-increasing burden upon the taxpayers who can claim no official exemption, and would enable this Commonwealth in the event an income tax is adopted to secure large revenues from these sources, and

Whereas, Certain other reforms of the federal tax system are necessary to effect the consolidation of the gains which have been made in the national economic recovery, and

Whereas, Repeal of the capital gains and losses section of the federal income tax law would result in acceleration of the movement to economic recovery; would cause an estimated increase of the federal government's income by two hundred fifty million dollars as a direct result of increases in the turnover tax on securities and as an indirect result of widespread business improvement and re-employment of workers; would result in an estimated increase of the tax receipts of this Commonwealth for similar reasons; would prevent the exodus of hundreds of millions of dollars of American capital into foreign security markets; would cause a pronounced improvement in the real estate business and the entire construction industry, with corresponding gains in re-employment of persons engaged in said industries; would cause a great increase in the amount of money in circulation and in the amount of new investments, because of the resultant "freezing" of potential profits; and would cause a decrease in the number of investments in tax-exempt securities, and

WHEREAS, Comptroller Morris S. Tremaine of the state of New York, and many other men of experienced finan-

cial judgment have advocated repeal of the capital gains and losses section of the federal income tax law, and

WHEREAS, The federal income tax law provides for a great number of exemptions from payment of taxes on various securities, whereby many persons escape taxation and contrary to the best interests of the economic welfare of the people, deprive the government of a substantial source of revenue while other persons find inescapable taxes more burdensome because of such exemptions, and

WHEREAS, The personal exemptions provided in the federal income tax law are placed at a rate so high that the great majority of persons who fall within the low-income brackets do not directly participate in the financial activities of the federal government, and

WHEREAS, Such participation would serve better to acquaint the great majority of our people with the facts involving the fiscal activities of the federal government and would thus heighten public interest in the financial problems of the nation, and

WHEREAS, It is necessary to effect the foregoing reforms in order to safeguard the gains in the national economic recovery against the possibilities of inflation, an increase in the amount of our national debt, an increase in the amount of capital invested in tax-exempt securities or in foreign countries, an increase in the number of unemployed or a static condition of the unemployment problem, a restraint upon home construction and building operations, a decrease in the amount of money in circulation, and obstructions to industrial and commercial activity; now, therefore, be it

RESOLVED, (if the House of Representatives concur), That the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed legislation providing for a constitutional amendment which will abolish existing exemptions on payment of income taxes by all governmental employees and officials, legislation which will repeal the capital gains and losses section of the federal income tax law, legislation which will abolish the existing exemptions of certain securities, and legislation which will lower the personal income tax exemption to such a figure as to include millions of people who now escape the provisions of the federal income tax law, and be it further

RESOLVED (if the House of Representatives concur), That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the Senators and Rpresentatives in Congress from the State of Pennsylvania.

BILLS INTRODUCED

Mr. STIEFEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, read in place and presented to the Chair Senate Bill No. 1024, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," to further except from subdivision (b) of article six of that act policies of group health and accident insurance; defining group health and accident insurance.

Which was committed to the Committee on Insurance.

Mr. STIEFEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, read in place and presented to the Chair Senate Bill No. 1025, entitled:

An Act to amend sections four hundred fifteen and four hundred sixteen, article four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds Associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," as amended, further defining group life insurance.

Which was committed to the Committee on Insurance.

MOTION TO READ BILLS THE FIRST TIME

Mr. HUFFMAN. Mr. President, I move that all bills reported at to-day's session be read the first time.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 20, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties, and for the revocation of licenses and permits.

And said bill having been read at length the first time, Ordered, To b laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 572, entitled:

An Act creating the Brandywine Battelfield Park Commission as a departmental administrative commission in the Department of Forests and Waters; defining its powers and duties; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 643, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

And said bill having been read at length the first time, Ordered, To b laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 716, entitled:

An Act providing that in all cases where writs of habeas corpus are granted, the judge shall inquire into the facts of the case, including an examination into the record, proceedings and evidence produced against the persons committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 731, (House Bill No. 1322), entitled:

An Act to repeal sections two thousand ninety, two thousand ninety-one, two thousand ninety-two, two thousand ninety-three, two thousand ninety-four, two thousand ninety-five and two thousand ninety-six of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled, "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petitions and contract.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 893, entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (P. L. 496), entitled, "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulk-heads, docks, slips, and basins, and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, treminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes, property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 903 (House Bill No. 1043), entitled:

An Act to reenact and amend the act approved the twenty-second day of June, one thousand thirty-five (P. L. 414), entitled, "An act to provide revenue for State purposes, imposing taxes upon certain classes of personal property, providing for the assessment, collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors, administrators, registers of wills, recorders of deeds, prothonotaries and court clerks and on persons, copartnerships, associations, banks, national banks, trust companies and other corporations, receiving deposits of money, and on certain corporations and limited partnerships, conferring powers and imposing duties on certain State officers and departments, imposing penalties and making an appropriation," as amended imposing annual taxes for state purposes for two additional years imposing taxes on grounds rents, making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corportions doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 927 (House Bill No. 1692), entitled:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 928 (House Bill No. 2118), entitled:

An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on vendors of or dealers in goods, wares and merchandise, and providing for the collection of said tax" by clarifying the provisions relating to appeals

And said bill having been read at length the first time, Ordered, To be laid aside for second reading,

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1004, entitled:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

HOUSE MESSAGE

SENATE BILL No. 589 RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives being introduced returned to the Senate, Senate Bill No. 589, entitled:

An Act fixing the number qualifications manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief appraiser, assistant appraisers and other employes of the board; terminating the terms of the present members of the board of revision of taxes ; abolishing the present assessors; and repealing general, local and special laws.

with the information that the House has passed the same with amendments, in which the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assemly and the same being correct, the titles were publicly read as follows:

House Bill No. 257, entitled:

An Act to amend clause (b) of section four. Article two of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "First Class City Charter Law" as amended, changing the order in which officers of such cities shall act as mayor in case of a vacancy or disability of the mayor to act.

House Bill No. 528, entitled:

A Supplement to the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Act No. 203), entitled "Rural State Highway Law" by establishing an additional route in the County of Lackawanna

House Bill No. 713, entitled:

An Act to amend the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administration Code of 1929," defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates

House Bill No. 1239, entitled:

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth, and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries.

House Bill No. 1295, entitled:

An Act to amend sections one and two of the act, approved the seventh day of June, one thousand nine hundred and eleven (P. L. 667), entitled "A supplement to an act, entitled 'An act for the government of cities of the second class,' approved the seventh day of March, one thousand nine hundred and one; regulating the certification, recording, advertising, and proof of passage of legislative acts of councils; and prescribing the effect of the production thereof when required as evidence," by allowing council to shorten the publications provided for.

Senate Bill No. 587, entitled:

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act, approved the twenty-third day of June one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," by providing for the appointment of boards of view from the board of revision of taxes, and abolishing the board of viewers in counties of the first class.

Senate Bill No. 588, entitled:

An Act to amend the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," by abolishing the department of receiver of taxes; and transferring its powers and duties to the department of city treasurer, and abolishing the office of receiver of taxes.

Senate Bill No. 590, entitled:

An Act relating to tax assessments in counties of the first class; conferring powers and imposing duties on the board of revision of taxes and its agents and employes; and repealing general, local and special laws.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

Commitees will meet as follows:

Today at 3 p. m. Constitutional Changes in Room 265.

At 3:30 p. m. today, Education in Room 402.

On Tuesday, April 27th, at 10 a. m., in Room 302 Judiciary General.

The Committee on Agricultue will meet on Tuesday, April 27th, at 11:30 a. m., in Room 200.

The Committee on Municipal Government will meet today immediately following adjournment in Room 402.

The Committee on Banking will meet on Wednesday, April 21st, at 9:45 a. m., in Room 265.

The Committee on Labor and Industry will meet tomorrow, (Wednesday) at 2:30 p. m., in Room 400.

The Federal Relations Committee will meet on Tuesday, April 27th, at 10:30 a. m., in Room 265.

Today at 4 p. m. the Committee on State Government will hold a public hearing in the Senate Caucus Room on the merger of the State Police with the State Highway Patrol, on the following bills, 769-770-782-784-786 and 887.

For the convenience of the Senators who are attending the Democratic dinner this evening, five buses will be in front of the main Capitol entrance on the plaza and will remain at Hershey for the return trip until the festivities are concluded.

ADJOURNMENT

Mr. HUFFMAN. Mr. President, I move that the Senate do now adjourn, until 12 o'clock noon tomorrow.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:57 p m. until 12 o'clock noon Wednesday, April 20, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, APRIL 20, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

O God, Our Heavenly Fater, once more we have been permitted to assemble together in the Halls of this Legislature. We thank Thee for Thy watchful care and Thy keeping power since we last met, and we pray for Thy forgiveness for all our transgressions, and for strength and understanding to perform our duties aright, knowing that we must give an account to Thee for our stewardship here.

Bless we pray the members and officers of this Legislature.

Bless our Speaker and the Governor of this great Commonwealth.

We ask it all in the name of Jesus Christ, our Lord. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. ROBINSON the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 274. (HOUSE BILL No. 2181).

An Act relating to statutory laws prescribing an enacting clause for statutes fixing the effective date and time of statues hereafter enacted providing for notice of application for local and special legislation for the correction of errors in statutes and for the printing and publication of statutes prescribing rules for the interpretation of statutes defining certain words and phrases when used in statutes and prescribing rules for the construction and operation of amendments re-enactments and repeals of statutes.

Referred to the Committee on Judiciary General.

SENATE BILL No. 435. (HOUSE BILL No. 2182).

An Act to amend section five of the act approved the nineteenth day of April one thousand nine hundred and one (Pamphlet Laws 88) entitled "An act relating to replevin and regulating the practice in cases where the writ of replevin is issued" as amended fixing the time when judgement by default for want of an appearance may be taken in replevin proceedings.

Referred to the Committee on Judiciary General.

SENATE BILL No. 438. (HOUSE BILL No. 2183).

An Act to amend section fifty-three of the act approved the thirteenth day of June one thousand eight hundred and thirty-six (Pamphlet Laws 568) entitled "An act relating to the commencement of actions" as amended fixing the time when judgement by default for want of an appearance may be taken in foreign attachment proceedings.

Referred to the Committee on Judiciary General.

HOUSE BILL No. 439. (HOUSE BILL No. 2184).

An Act to amend section four of the act approved the seventeenth day of March one thousand eight hundred and sixty-nine (Pamphlet Laws 8) entitled "An act relative to fraudulent debtor cases in the absence of personal service residence or appearance.

Referred to the Committee on Judiciary General.

SENATE BILL No. 676. (HOUSE BILL No. 2185).

An Act authorizing the Department of Property and Supplies with the approval of the Govenor to sell and convey certain land located in the City of Allentown Lehigh County Pennsylvania.

Referred to the Committee on State Government.

SENATE BILL No. 677. (HOUSE BILL No. 2186.

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that townships of the first class shall have the power to develop their own water supply.

Referred to the Committee on Townships.

SENATE BILL No. 678. (HOUSE BILL No. 2187).

An Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that townships of the second class shall have power to develop their own water supply.

Referred to the Committee on Townships.

SENATE BILL No. 679. (HOUSE BILL No. 2188).

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in the Township of North Annville Lebanon County.

Referred to the Committee on State Government.

SENATE BILL No. 685. (HOUSE BILL No. 2189).

An Act to amend section one of the act approved the eighteenth day of April one thousand nine hundred twenty-nine (Pamphlet Laws five hundred forty-two) entitled "An act empowering the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions regulating future commitments by the courts of counties having unsuitable institutions and imposing the cost of maintenance and transfer to such prisons upon the county from which committed" by permitting the Department of Welfare to transfer male prisoners from unsuitable penal and correctional institutions to other penal and correctional institutions without the consent of the court by which the prisoners were committed.

Referred to the Committee on Welfare.

SENATE BILL No. 707. (HOUSE BILL No. 2190).

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1, 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

Referred to the Committee on Corporations.

SENATE BILL No. 806. (HOUSE BILL No. 2192).

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws 147) entitled "An act fixing the compensation of persons called to serve as coroner's jurors.

Referred to the Committee on Counties.

SENATE BILL No. 817. (HOUSE BILL No. 2193).

An Act to amend the title and re-enact clause (b) of section thirty-five as amended of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decendents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees therein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents."

Referred to the Committee on Judiciary General.

SENATE BILL No. 830. (HOUSE BILL No. 2194).

An Act authorizing political subdivisions to provide for the issue and sale during any fiscal year of revenue bils which shall be negotiable and useable for the payment of taxes due for said year.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 853. (HOUSE BILL No. 2195).

An Act defining the method of computing the aggregate minimum and maximum limits of consecutive sentences imposed upon persons convicted of crime.

Referred to the Committee on Judiciary General.

BILL INTRODUCED AND REFERRED

By Messrs. COLEMAN, DOUGHERTY, DAVIES, TOOLE and BIERLY. HOUSE BILL No. 2197.

An Act making an appropriation to the Department of Forests and Waters for the acquisition of lands for the Frances Slocum State Park.

Referred to the Committee on Appropriations.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 257.

An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by providing that the city controller shall act as mayor in case of a vacancy or disability of the mayor to act in lieu of the succession of the officers of such cities heretofore provided by law in such case

HOUSE BILL No. 528.

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

HOUSE BILL No. 713.

An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates

HOUSE BILL No. 1239.

An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries.

HOUSE BILL No. 1295.

An Act to amend sections one and two of the act, approved the seventh day of June one thousand nine hundred and eleven (Pamphlet Laws six hundred sixty-seven) entitled "A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one regulating the certification recording advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence" by allowing council to shorten the publications provided for.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. WALSH asked and obtained leave of absence for himself for the remainder of today's session.

REPORTS FROM COMMITTEES

Mr. JAMES W. PATTERSON, from the Committee on Law and Order, reported as committed, House Bill No. 2039, entitled:

An Act to amend section five of the act, approved the second day of July, one thousand nine hundred and thirty-five (P. L. 599), entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions, together with orchestral or other instrumental musical or mechanical musical accompaniment, prelude playing, or selection in connection with or incidental thereto on Sunday, prohibitinig motion picture exhibitions and sound motion picture exhibitions, and orchestral or other instrumental musical or mechanical musical accompaniment, prelude, playing, or selection incidental thereto on Sunday during certain hours, and also during other hours, unless the electors of a municipality approve thereof; regulating the employment of persons in conducting such exhibitions on Sunday; providing for referendums to ascertain the will of the electors; and providing penalties; and repealing inconsistent laws;" further providing when referendums may be held; and making persons filing petitions liable for the cost of printing ballots.

Mr. O'CONNOR, from the Committee on Judiciary General, reported as amended, House Bill No. 1039, entitled:

An Act licensing and regulating private detectives, private police and private guards; prescribing penalties; and repealing inconsistent acts.

Mr. LOPRESTI, from the Committee on Municipal Corporations, reported as amended, House Bill No. 1462, entitled:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens, and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes; reviving such liens and restoring the treasurer's right to sell such lands in certain cases; and saving the rights of intervening purchasers, mortgagees, lien holders, and other encumbrance holders.

Mr. HOLSTROM, from the Committee on Law and Order, reported as committed, House Bill No. 905, entitled:

An Act prohibiting industrial police from carrying weapons when not on duty; requiring them to leave the same at place of employment; and prescribing penalties.

Mr. JACOB F. MATTHEWS, from the Committee on Forestry, reported as committed, House Bill No. 1074, entitled:

An Act to amend clause (a) of section one thousand eight hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended; limiting the amount which may be expended by the Department of Forests and Waters to acquire interior holdings and farms and marginal farms.

Mr. SKALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1221, entitled:

An Act providing that any court order or judgement against a husband, for the support and maintenance of his wife or children or both, or against a son for the support and maintenance of his parent or parents, shall include an order to execute an assignment of his salary and wages; providing for the collection of the periodical payments due under such order or judgment from the employer of such husband or son, relieving such employer from liability therefor; and providing penalties.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 1317, (Senate Bill No. 245), entitled:

An Act to amend part of section one of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 504), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same," by reducing the fee charged for filing municipal or tax liens.

BILL RE-REFERRED

Mr. STOCKHAM returned from the Committee on Forestry with the recommendation that it be re-referred to the Committee on Appropriations, House Bill No. 2132, (Senate Bill No. 487), entitled:

An Act authorizing acquisition of lands adjacent to Fort Necessity Park by purchase condemnation or otherwise and appropriating funds for such acquisition.

The SPEAKER. The bill is now re-referred to the Committee on Appropriations.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2011, entitled:

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on State highways and imposing liability on the Commonwealth therefor

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2173 (Senate Bill No. 640), entitled:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

And said bill having been read at length the first time, Ordered, to be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of a public hearing.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2172 (Senate Bill No. 639), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint, the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases, providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases, providing for an appeal from the common pleas court to the Supreme Court, providing for exclusive judicial review and prohibiting injunctions against the Board, providing the Board with investigatory powers, including the power to issue subpoenas and the compelling of obedience to them through application to the proper court, providing for service of papers and process of the Board; prescribing certain penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of a public hearing.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2196 (Senate Bill No. 916), entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 2175 (Senate Bill No. 372), entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The House proceeded to the first reading and consideration of House Bill No. 2191, (Senate Bill No. 801), entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws one hundred eight) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent therewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2144 (Senate Bill No. 651), entitled:

An Act to amend sections one, two and three of Article seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act for the better government of cities of the first class of this Commonwealth," advancing the dates for the submission of budget estimates, the adoption of financial program and the fixing of the tax rate, and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1981, entitled:

An Act to amend the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the Public Health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream

french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four nine and ten of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" are hereby amended to read as follows

Section 2 (a) It is unlawful for any person association partnership or corporation by himself herself itself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice including coated ice cream and the coating thereof which is adulterated within the meaning of this act or to sell offer for sale or expose for sale or have in possession with intent to sell any imitation ice cream ice cream substitute or coated imitation ice cream as defined in this act

(b) It is unlawful for any person association partnership or corporation by himself herself itself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell any ice cream custard ice cream french ice cream french custard frozen custard sherbets ices or fruit ices which are not registered with the Department of Agriculture as required in this act The possession of any such non-registered product shall be deemed prima facie evidence of an intent to sell the same

(c) It is unlawful to import into this Commonwealth for sale any ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice including coated ice cream unless the same are registered with and the manufacturer thereof has been licensed by the Department of Agriculture as provided in this act

Section 3 Ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and the coating thereof shall be deemed to be adulterated within the meaning of this act

First If it contains boric acid formaldehyde saccharin or any other added substance or compound that is deleterious to health

Second If it contains salts of copper iron oxide ochres or any coloring substance deleterious to health Provided That this paragraph shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes

Third If it contains any deleterious flavoring matter or flavoring matter not true to name

Fourth If it contains any fats oils or paraffin other than milk fats added to or blended or compounded with it Provided however That chocolate ice cream and the coating of coated ice cream may contain cocoa butter

Fifth If it is an imitation ice cream ice cream substitute or coated imitation ice cream as defined in this act

Sixth If it is offered for sale from any container compartment or cabinet which contains any article other than ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice

Seventh If it falls below the standards or any of them fixed for the particular product by the definition thereof contained in this act or is falsely labeled or labeled contrary to the provisions of this act

Eighth If it is manufactured under conditions not in conformity with the provisions of section five of this act

Ninth If it contains less than one and eight-tenths (1.8) pounds total food solids per gallon in the finished product or weighs less than four and seventy-five hundredths (4.75) pounds per gallon or if smaller units shall contain a proportionate amount of total food solids of less than three and six-tenths (3.6) avoirdupois ounces per fluid pint and weigh less than nine and five-tenths (9.5) avoirdupois ounces per fluid pint

Section 4 It is unlawful for any person association partnership or corporation to sell offer for sale expose for sale or have in possession with intent to sell any ice cream custard ice cream french ice cream french custard frozen custard sherbets ices or fruit ices in any container which is falsely labeled or branded as to the name of the manufacturer thereof or to use the words "home made" or words of similar import in connection therewith unless the same has been manufactured in a bona fide home under bona fide home conditions or to misrepresent in any way the place of manufacture thereof or to fail to place on each such container or package the name and address of said manufacturer preceded by the words "manufactured by" or followed by the word "manufacturer"

It is unlawful for any person to use or cause or allow to be used any equipment cabinet can or other container belonging to one manufacturer for the purpose of preserving or holding any ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice manufactured by another manufacturer or for any person manufacturer or employe or agent of any manufacturer to knowingly supply or place or deposit ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice of one manufacturer in any equipment cabinet can or other container belonging to another manufacturer It is unlawful for any person other than the owner to remove erase obliterate cover or conceal any manufacturer's or owner's name insignia device or distinguishing mark which may appear or be placed on any ice cream equipment cabinet can or other container

Section 9 (a) Any person association partnership or corporation violating any of the provisions of this act or any rule or regulation of the Department of Agriculture made pursuant thereto shall [be guilty of a misdemeanor and] for the first or second offense upon conviction thereof [shall] in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) and costs of prosecution or in default of such fine and costs in the case of an individual or the officers and members of an association partnership or corporation to undergo an imprisonment in the county jail of not less than thirty (30) days nor more than sixty (60) days [or both] and for a third or subsequent offense shall be guilty of a misdemeanor and sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or in the case of an individual or the officers and members of an association partnership or corporation to undergo an imprisonment not exceeding one year or both in the discretion of the court

All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid [to the Department of Agriculture and when so collected and paid shall thereafter be paid] into the State Treasurery through the Department of Revenue [for the use of the Commonwealth] and credited to the General Fund

(b) The Attorney General at the request of the de-

partment may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 10 Nothing contained in this act shall be construed to apply to ice cream and similar frozen products manufactured and sold by social fraternal charitable educational religious or beneficial organizations nor to a farmer making and selling from the products of his farm ice cream custard custard ice cream french ice cream french custard frozen custard sherbet or ice provided that the standards of purity and quality prescribed by this act are maintained in all cases of manufacture and sale permitted by the provisions of this section

The provisions of this act shall not be construed to be impaired or in any way affected by the provisions of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" or its amendments

On the question,

Will the House agree to the section?

Mr. McARDLE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 4), page 5, line 18, by striking the word "such" and inserting in lieu thereof "original"

Amend sec. 1 (sec. 4), page 5, line 21, by inserting after the word "manufacturer" the following: "or to sell at retail said products unless the name and address of the manufacturer thereof is prominently and conspicuously displayed so that the same may be readily seen by purchasers of such products"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the Public Health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed

And said bill having been read at length the second time and agree to as amended.

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2143, Senate Bill No. 607, Printer's No. 175, was passed over at the request of Mr. SAMUEL A. WEISS.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 716, as follows:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennslyvania

The first section was read as follows:

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That Article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any county city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this Article shall never exceed seven (7) per centum upon the assessed value of the taxable property therein but the debt of the County of Allegheny may be increased in an amount that the total county debt of such county shall not exceed ten (10) per centum upon the assessed value of the taxable realty therein and the debt of the City and County of Philadelphia may be increased in such amount that the total city and county debt of said city and county shall not exceed fifteen (15) per centum upon the assessed value of the taxable realty therein nor shall any municipality or district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of taxable property or taxable realty without the consent of the electors thereof at a public election in such manner as shall be provided by law In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and county as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any other public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon The method of determinating such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof with provision for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvements of public works or utilities of any character from which income or revenue is to be derived by said city and county or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city and county such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said city and county shall not be required to levy a tax to pay said

interest and sinking fund charges as required by section ten Article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however That any county city borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewerage treatment work

On the question,

Will the House agree to the section?

MOTION TO RECOMMIT

Mr. SKALE. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study and amendment

On the question

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Philadelphia, Mr. Scale, to withdraw his motion. He has a constitutional amendment which I think was on the third reading calendar last night and passed. which seeks to accomplish the same thing, and which he feels does so by a better method. The amendment which I introduced was passed in 1935 and the question is whether it would not be better to save a year's time.—that would be the minimum that would be possibly saved and it might possibly be that more than that time could be saved, if the time question is not settled by the Supreme Court allowing a shorter space of time. Therefore I had asked and suggested to Mr. Scale and the gentleman from Philadelphia, Mr. Ominsky, that we permit both of these amendments to ride along to the Senate until we have time to discuss the matter with other people and determine just what was the best thing to do, because not only is Philadelphia involved but other communities in the State as well are involved. I called it up with the idea that we would not let the bill pass here until I had a chance to talk this matter over with these gentlemen. I would ask the gentleman from Philadelphia, Mr. Scale, to withdraw his motion to send it back to committee. I will agree that the bill will not be called up until we have had a chance to work the thing out amicably between us.

Mr. Speaker, has the bill already passed second reading?

The SPEAKER. The bill has not passed second reading.

Mr. TURNER. Then I withdraw my request to call the bill up; Mr. Speaker.

Mr. SCALE. Mr. Speaker, I withdraw my motion to recommit.

The bill is not called up.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2070, as follows:

An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 851) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 851) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs" is hereby repealed

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House bill No. 978, as folows:

An Act creating the "Valley Forge Peace Memorial Fund" in the State Treasury for the receipt of contributions by this and other states and the Federal Government for the purpose of providing erecting and dedicating on the Valley Forge Camping Ground of an Eternal Light Peace Memorial appropriating the moneys in said fund to the Valley Forge Park Commission and making an appropriation into said fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That a special fund is hereby created in the State Treasury to be known as the "Valley Forge Peace Memorial Fund" The deposits in said fund shall consist of the moneys appropriated by this act and such as may be contributed by other states of the United States and by the Federal Government for the purpose of providing erecting and dedicating on the Valley Forge Camping Ground an Eternal Light Peace Memorial The State Treasurer is hereby authorized and directed to receive any moneys contributed by any other state or the Federal Government for such purposes and to deposit the same into the fund created by this act separate and apart from other moneys in the State Treasury No moneys shall be obligated used or expended from the fund created by this act until the amount in such fund total at least fifty thousand dollars ($50,000) All interest earned on moneys in the Valley Forge Peace Memorial Fund shall from time to time be credited to such fund and not to the General Fund

Section 2 The moneys in the Valley Forge Peace Memorial Fund from time to time are hereby specifically appropriated subject to the limitations provided in section one of this act to the Valley Forge Park Commission for the purpose of providing by contract or otherwise erecting and dedicating a suitable memorial on the Valley Forge Camping Ground in Montgomery County Pennsylvania on a site selected by said commission and for all expenses incidental thereto for return to the several states and the Federal Government of any unused and unexpended balances remaining in said fund in proportion to their respective contributions or for repayment to the several states and the Federal Government of the total amount contributed together with any interest earnings thereon in case the minimum sum of fifty thousand dollars ($50,000) provided for in section one of this act shall not be contributed

Section 3 The sum of five thousand dollars ($5,000) is hereby specifically appropriated from the General Fund into the Valley Forge Peace Memorial Fund created by this act as the contribution of the Commonwealth of Pennsylvania to carry into effect the provisions of this act

Section 4 This act shall become effective immediately. upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. LONGAKER. Mr. Speaker, inasmuch as this bill

provides for the erection and dedication of an eternal light peace memorial at the Valley Forge Park and calls also for an appropriation, I move you that it be recommitted to the Committee on Appropriations for further study and consideration.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1639, as follows:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the Department of Welfare and courts and imposing certain charges on counties

Whereas No suitable institution has heretofore been provided for the segregation of male defective delinquents and it is urgent that said cases be separated from persons confined in penal and correctional institutions and in mental health hopsitals for the criminal insane and

Whereas A new industrial school is to be erected to which are to be transferred all persons detained in and presently committed to the Pennsylvania Industrial School at Huntingdon unless otherwise committed and

Whereas The vacation of said school for its present use will make available said institution in the future as an institution for the segregation of defective delinquents therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That upon the completion of the new Pennsylvania Industrial School in accordance with the provisions of the act approved the one thousand nine hundred and thirty-seven Act No. entitled "An act providing for the acquisition of lands and the erection construction and equipment of new Pennsylvania Industrial School at Huntingdon conferring powers and imposing duties on the Department of Property and Supplies and the Department of Welfare imposing certain charges on counties and making an appropriation" and the transfer thereto of all persons detained in the Pennsylvania Industrial School at Huntingdon unless otherwise committed the Department of Welfare shall prepare and have properly equipped the said institution at Huntingdon and the farm connected therewith as a place for the reception care maintenance detention employment and training of defective delinquents who have been convicted of crime and who may hereafter be committed to said institution by the courts of this Commonwealth in accordance with this act Said institution shall be known as the Pennsylvania Institution for Defective Delinquents

Section 2 The management and operation of the Pennsylvania Institution for Defective Delinquents and the care and maintenance and employment of persons detained therein shall be the function of the Department of Welfare It shall have power to employ and fix the compensation in the manner provided by the Administrative Code of 1929 and its amendments of a superintendent deputy superintendent chaplain guards physicians clerks mechanics stenographers and other employes as may be deemed necessary for the proper maintenance and mangement of said institution and the safekeeping therein of persons committed thereto or detained therein The compensation of all persons so appointed and all other expenses in connection with the care and maintenance of persons detained in said institution shall be paid from appropriations made to the Department of Welfare for such purposes but the Commonwealth shall be reimbursed for all such expenditures by the respective counties from which such persons were committed in the same manner and to the same extent as is now provided by law in the case of persons committed to the Pennsylvania Industrial School at Huntingdon

Section 3 When any person over the age of fifteen years is convicted of crime before any court or is held as a juvenile delinquent by any juvenile court or is detained in any prison industrial school workhouse house of correction penitentiary or any other penal or correctional institution under sentence and such person is in the opinion of the court or the superintendant jail physician or warden of the institution where maintained so mentally defective that he should be cared for and maintained in the Pennsylvania Institution for Defective Delinquents such superintendent physician or warden shall make application upon a form prepared by the Department of Welfare to the court having jurisdiction of the charge against such person which court upon the presentation of such petition or upon its own motion in case of convictions before it or juvenile delinquents appearing before it or upon application of the district attorney the defendant or counsel for the defendant or other person acting for the defendant shall order an inquiry by two qualified physicians or by a psychiatrist as now provided by law in case the person has not been sentenced who shall immediately examine the said person and make written report of its findings to the court If in the opinion of the physicians or psychiatrist the person so committed or convicted or held is mentally defective and has criminal tendencies whether or not coupled with mental instablility he or they shall so state in the report of their examination to the court The court may in its discretion summon other witnesses and secure further evidence If the court is then satisfied that the person thought to be mentally defective is not insane though is in fact mentally defective with criminal tendencies the courts shall order the commitment or transfer of such person to the Pennsylvania Institution for Defective Delinquents If any person who has been sentenced and is so committed or transfered shall recover the time during which he was in the Pennsylvania Institution for Defective Delinquents shall be computed as a part of the term for which he was sentenced In case sentence has not been imposed the court shall have power to commit such person to the Pennsylvania Institution for Defective Delinquents in lieu of sentence to a prison workhouse Pennsylvania Industrial School penientiary or any other penal or correctional institution where required by a relevant act of assembly or by law and direct the detaining of such defendant in such institution until the further order of the court

Section 4 The expenses of examination including the fees of the physicians and psychiatrists and all costs incident to the commitment transfer to and maintenance of such person in the Pennsylvania Institution for Defective Delinquents shall be borne by the county from which such person was committed

Section 5 A record shall be kept of each inmate setting forth his name age nationality date of admission and such facts concerning the life antecedents and environment as can be obtained either at the time of admission or later In case of transfers from other institutions all records applicable to the transferred person shall be filed with the institution to which transferred

Section 6 If the sentence of a person committed or transferred to the Pennsylvania Institution for Defective Delinquents shall expire before his recovery he shall be detained in the said institution until his mental condition has so improved as to warrant his discharge

Section 7 The Department of Welfare shall have power to provide for the employment of persons detained in the Pennsylvania Institution for Defective Delinquents in the shops and on the farm thereby providing vocational and agricultural training suited to the persons committed thereto Industries for the employment of inmates shall be established and maintained by the department at the Pennsylvania Institution for Defective Delinquents in the same manner as similar industries are maintained at penal institutions operated by the Commonwealth and like pay-

ments shall be made to inmates of said institution from the Manufacturing Fund as is provided by law in the case of State penal institutions

Section 8 The Department of Welfare shall have power to make all necessary rules and regulations not inconsistent with this act for the admission care detention employment discipline instruction and temporary or permanent release of all persons detained in said institution

Section 9 When in the opinion of the Department of Welfare it appears that the mental condition of any inmate has so improved that his release will be beneficial and not incompatible with the welfare of society it may recommend the discharge of such inmate to the court committing or sending him to the institution which recommendation shall be accompanied by a record of the case setting forth the date of the original commitment the institutions in which such person was an inmate and the time spent in each the history of the case in the Pennsylvania Institution for Defective Delinquents and the opinion of the superintendent and physician as to the present mental condition of such inmate Whereupon the court may in its discretion after hearing all persons desirous of being heard issue an order under the seal of the court upon the Department of Welfare to discharge such inmate from the said institution

Section 10 This act shall not be construed to repeal or modify the provisions of the provisions of the Mental Health Act approved the eleventh day of July one thousand nine hundred and twenty-three (Pamphlet Laws 998) or the Psychiatrists' Act approved the second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 224)

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1769 as follows:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act in Cities of the Second Class A"

Section 2 The provisions of this act insofar as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments and shall not affect the validity of any registrations made prior to the enactment hereof except as herein provided

Section 3 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in any city of the second class A

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class A

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class A

(n) "City" shall mean only a city of the second class A

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the second class A or to those of any county within which such city is located or to any school district with which it is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Eelection Board" or "County Board" shall mean the county board of the elections of any county containing a city of the second class A as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 4 Registration Commission Membership Bipartisan Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary Actions

by Vote of Majority of Members Record of Proceedings Annual Report

(a) There shall be a registration commission in and for each city of the second class A which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of four commissioners who shall be qualified electors of the city not more than two of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of four years or until their successors qualify unless sooner removed or otherwise disqualified Provided however that the terms of office of the commissioners now in office under and administering the provisions of the act entitled 'An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration and other appointees registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties" approved January second one thousand nine hundred and thirty-four (Pamphlet Laws one hundred forty special session one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) shall not be terminated by the enactment of this act but said commissioners shall continue in office and shall administer the provisions of this act until the termination of their terms of office as set forth in their present commissions

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of three thousand dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution of this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 5 Powers of Commission Regulations Enforcement Correction of Errors or Irregulatrities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission shall be first duly sworn or affirmed

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may with the consent of the county commissioners appoint employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) registrars or clerks who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars ($3,000) per annum who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 7 Counsel Compensation Duties The commission may employ special counsel at a compensation not exceeding two thousand dollars per annum Such counsel

shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall appear what extra sums are needed

Section 9 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 10 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to Be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to Be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized emplove of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges

(a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three qualified electors of the city to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or political body or citizens organization represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at place of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 16 Candidates May Be Present At Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the effective date of this act each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration

(b) The Commission by its own action may or upon the signed petition of at least two hundred qualified electors of any ward of the city requesting the same shall cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registration applica-

tions for change of party enrollment and removing notices from electors of said ward at a conveniently located point in said ward for at least one day prior to the election or primary continuously between the hours of 10 A M and 3 P M and between the hours of 7 P M and 10 P M Said petitions to be effective shall be filed with the Commission at least forty-five days prior to any primary or election Immediately upon such motion of the commission or immediately upon the receipt of any such petition the Commission shall notify in writing the county chairmen of the political parties enrolling the largest and second largest number of voters within the county at the preceding Novembed election of the filing of said petition and of the number of registrars the Commission will appoint to serve in said wards Not later than the third day after receipt of said notice said chairmen shall submit to the Commission a list of qualified electors of the city to serve as registrars for said days Of the registrars appointed by the Commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the Commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the city or shall appoint as all of such registrars any qualified electors of the city as the case may be

(c) The county board of elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or space is primarily designed

(f) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said ward at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least thre days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 18 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss.

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had real to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this .....day of .....19...

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all time be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be re-issued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the

affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the records of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inabilty to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be led with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector his ward and district the fact of registration designation of party enrollment and the date thereof The commission upon request made at its office shall deliver such a written or printed statement to any person who is registered under the provisions of the existing registration law

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any city of the second class A wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district repister until such time as said person appears at the office of the commission and declares the street and number of his residence in the city

(h) For the purpose of carrying into effect the provisions of subsection (c) (13) of this section insofar as they relate to persons heretofore registered under the provisions of the act entitled "An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescriping the powers and duties of citizens parties of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and vureaus police officers courts judges prothonotaries sheriffs conty commisioners peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties" approved the second day of January one thousand nine hundred and thirty-four (Pamphlet Laws one hundred forty one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four) the commission shall deliver to the election board of the proper county in order that the same may be delivered to the election officers for use at the fall primary and the municipal election to be held in the year one thousand nine hundred and thirty-seven a sufficient number of affidavits for use at each polling place setting forth that the elector is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsection (c) (13) of this section shall subscribe to this affidavit by his signature or mark and of all said affidavits thus executed shall be returned by the election officers to the commission after the fall primary and municipal election of 1937 and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register and shall make a notation of said information on the registration card contained in the general register Any voter thus affected may also execute said affidavit by appearing personally at the office of the commission and the commission shall have on hand a sufficient number of said affidavits for this purpose Any affidavit thus executed shall also be attached to the registration card of said elector contained in the district register and a notation of said information made on the registration card contained in the general register

Section 20 Who may Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with duplicate registration affidavits and shall be returned with them to the office of the registration commision

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is maried or single (5) if married where his family reside (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers Mothers or Husands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mothers original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or morther was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected' and the registrar commisioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioners' application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 26 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one

place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 28 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any case the commission shall advise the elector promptly in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the electors card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 30 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus Certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such city and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility coroparttions furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registertd from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in sub-sections (e) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee cannot be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 32 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspector of registration They shall be qualified electors of the city and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 33 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Corrected Street Lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in Section 33 (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 36 Delivery of District Registers to County Election Boards

(a) Not later than noon of the third day preceding an election or primary the commission shall deliver to the county election board of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on

election day in the manner in which the county election boards now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county election board the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county election board

(b) District registers when so delivered to the county election board shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery to the county election board

Section 37 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections provided that if the signature on the voter's certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a nonpartisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county electoin board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19 ...

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials theron and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward and date of the primary or election The voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district registers herein provided for shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register After the polls are closed the names of all electors on the district register

marked or stamped as having voted shall be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the case of any difference ascertained if possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 38 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 31 and 32 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed.

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each district and the other data required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 40 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 41 Correction by Commission of Errors in Cancellation of Registrations Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceeding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall reinstate the registration of such elector

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of such city whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to in the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commision shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner Provided however that in all cases where an appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 43 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 44 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoened shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoena issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefore so long as there are sufficient funds available for such payments Provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 45 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of a commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of registration court or commission by virtue of this act shall be prejury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon convcition thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either at the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the previsions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector of registration or other officer assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully neglect or refuse to perform such duty shall be guilty of a disdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by coercion threats or bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine a not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy any card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisoment of not less than three (3) months nor more than five (5) years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided therein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior Laks Proviso

(a) The following act of Assembly and amendments and supplements thereto are hereby repealed absolutely insofar as they affect the personal registration and enrollment of voters in cities of the second Class A

(1) An Act entitled "An Act to provide for the permanent personal registration of electors in cities of the second Class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissionsers peace officers county treasurers county controllers registrars of vital statistics real estate brokers rental agents and boards of school directors and imposing penalties" approved January second one thousand nine hundred and thirty-four (P. L. 140 special session one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four)

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

(d) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1642, as follows:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act in Cities of the Second Class"

Section 2 The provisions of this act insofar as they are the same as those of existing laws are intended as a continuation of such laws and not as new enactments and shall not effect the validity of any registrations made prior to the enactment hereof except as herein provided

Section 3 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in any city of the second class

(b) "Commissioner" shall mean a member of a registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general

or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for any elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any city of the second class

(j) "Political body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registery list of qualified electors prepared or to be prepared by the registration commission as hereinafter provided

(m) "County" shall mean any county of this Commonwealth within which is located a city of the second class

(n) "City" shall mean only a city of the second class

(o) All references to mayors police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school directors and other officials of counties cities and school districts where not otherwise specified shall refer only to those of any city of the second class or to those of any county within which such city is located or to any school district with which it is coextensive

(p) "Public office" shall mean and include any National State judicial county city school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(q) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(r) "District" shall mean any election district of the city

(s) "County Election Board" or "County Board" shall mean the county board of elections of any county containing a city of the second class as now or hereafter provided for by the election laws of this Commonwealth

(t) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculating or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 4 Registration Commission Membership Bipartisan Term of Office Vacancies Removal Compensation Oath of Office Organization Chairman Secretary Actions by Vote of Majority of Members Record of Proceedings Annual Report

(a) There shall be a registration commission in and for each city of the second class which commission shall have jurisdiction over the registration of electors of such city under the provisions of this act

(b) The registration commission shall consist of three commissioners who shall be qualified electors of the city not more than two of whom shall be enrolled members of the same political party who shall be appointed by the Governor with the advice and consent of the Senate and shall hold office for terms of fours years or until their successors qualify unless sooner removed or otherwise disqualified Provided however That the terms of office of the commissioners first appointed by the Governor under this act shall commence upon the date of their appointment and shall expire on the first Monday of January one thousand nine hundred forty-one Upon the appointment by the Governor of the registration commission for any such city the terms of office of the existing registration commission or commissioners of any such city shall terminate

(c) The Governor shall fill any vacancy in any such commission within ten days after the vacancy shall occur by appointing a qualified elector of the city to hold office during the remainder of the term of the commissioner whose place shall have become vacant

(d) The Governor may at any time remove any commissioner for cause and may appoint a duly qualified elector of the city as his successor for the remainder of his term

(e) Each commissioner shall receive compensation at the rate of four thousand five hundred ($4500) dollars per annum except the chairman who shall receive five thousand ($5000) dollars per annum

(f) As soon after their appointment as may be the members of each commission shall take the oath of office required by the Constitution if this Commonwealth and shall organize by selecting from their number a chairman and a secretary who shall not be members of the same party

(g) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(h) Each commission shall keep a record in permanent form of all its proceedings and shall make an annual written report to the Governor

Section 5 Powers of Commission Regulation Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commissions and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witnesses as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission or commissioner shall be first duly sworn or affirmed

Section 6 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time as it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may with the consent of the county commissioners appoint

employes of the county commissioners to act as such for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such cities and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the city No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary of the county

(d) No registrar or inspector of registration shall exercise any power of this office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and adress the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission may appoint a chief clerk at a compensation not exceeding three thousand dollars ($3000) per annum who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) Investigate all questions relating to the registration of electors in such city and for that purpose shall have power to enter and inspect any house dwelling building inn lodginghouse or hotel within such city and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or therein regarding any person or persons residing or claiming to reside thereat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the right of any person to vote or to be registered in such city

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such city to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest

Section 7 Counsel Compensation Duties The Commission may employ special counsel at a compensation not exceeding three thousand ($3000) dollars per annum Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 8 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the funds that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of the commissioners counsel a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 9 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 10 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 11 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 12 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 13 Records and Documents to Be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of the city during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safe-keeping of the records and documents and subject to the further provisions of this act

Section 14 Watchers at Places of Registration Privileges

(a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three qualified electors of the city to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons

applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 15 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of the city or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 16 Candidates May Be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 17 Day and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the effective date of this act each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sundays holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the city as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of the city and who appear for registration

(b) The Commission by its own action may or upon the signed petition of at least two hundred qualified electors of any ward of the city requesting the same shall cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registration applications for change of party enrollment and removal notices from electors of said ward at a suitable and conveniently located place in said ward for at least one day prior to the election or primary continuosuly between the hours of 10 A M and 3 P M and between the hours of 7 P M and 10 P M Said petitions to be effective shall be filed with the commission at least forty-five days prior to any primary or election Immediately upon such motion of the Commission or immediately upon the receipt of any such petition the Commission shall notify in writing the county chairman of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of the filing of said petition and of the number of registrars the Commission will appoint to serve in said wards Not later than the third day after receipt of said notice said chairman shall submit to the Commission a list of qualified electors of the city to serve as registrars for said days Of the registrars appointed by the Commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the Commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the city or shall appoint as all of such registrars any qualified electors of the city as the case may be

(c) The county board of elections shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the said county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper city authorities shall furnish suitable space in the city hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or space is primarily designed

(f) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said ward at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the city at least three days prior to the date when the place shall be so open and by such other newspapers publication as it deems desirable

Section 18 Registration Cards Preparation and Distribution (a) For the purpose or registering the qualified electors of each city the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section nineteen of this act and the following affidavit

REGISTRATION AFFIDAVIT

State of Pennsylvania }
County of } ss:

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenyt-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six month) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before me this ..... day of .....19....

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The

keys of all such binders shall at all times be retained by the commission

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be reissued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 19 Manner of Registration (a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the register commissioner or clerk in permanent writing or typewritting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street and number of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state of the United States or the foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the ward and election district in which the elector resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed for the whole city the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualifications as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be led with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector his ward and district the fact of registration designation of party enrollment and the date thereof The commission upon request made at its office shall deliver such a written or printed statement to any person who is registered under the provisions of the existing registration law

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any city of the second class wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General or this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street and number of his residence in the city

(h) For the purpose of carrying into effect the provisions of subsection (c) (13) of this section insofar as they relate to persons heretofore registered under the provisions of the act entitled "An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and

proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commisions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" approved the eighteenth day of January 1934 (Pamphlet Laws two hundred fifty one thousand nine hundred thirty-three thirty-four) the commission shall deliver to the election board of the proper county in order that the same may be delivered to the election officers for use at the fall primary and the municipal election to be held in the year 1937 a sufficient number of affidavits for use at each polling place setting forth that the elector is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels

Any elector heretofore registered under the provisions of said act and affected by the provisions of subsection (c) (13) of this section shall subscribe to this affidavit by his signature or mark and all of said affdavits thus executed shall be returned by the election officers to the commission after the fall primary and municipal election of 1937 and the commission shall attach each of said affidavits in a permanent manner to the registration card of said voter in the district register and shall make a notation of said information on the registration card contained in the general register Any voter thus affected may also execute said affidavit by appearing personally at the office of the commission and the commission shall have on hand a suffcient number of said affidavits for this purpose Any affidavit thus executed shall also be attached to the registration card of said elector contained in the district register and a notation of said information made on the registration card contained in the general register

Section 20 Who May Register Who May Vote Electors Need Register Only Once Exception Every person who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided No person shall be permitted to vote at any election or primary held in such city unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 21 Applicants to Register May be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challeged by a registrar or by any commissioner or by any clerk or by a qualified elector of the city Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents resides (7) where applicant actually resided immediately before he took up his present residence (8) his residences for the four months immediately preceding the date of execution (9) the name of his present employer (10) the city street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city street and number of said last employer's place of business (13) sex of the applicant (14) his color (15) the date fo his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the city Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted for a majority of the candidates of such party all of the candidates of a party for presidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 22 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or by making affidavit as to the court in which and time when his father or mother was naturalifed and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she is unable to produce his original naturalization papers or a certified copy thereof or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 23 Incomplete or Rejected Applications to Be Recorded The registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the application is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 24 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar

commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the city may appear and show cause why the petitioner should not be registered

Section 25 General Register The duplicate registration cards for the entire city shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of such city and shall not be removed from the office of the commission except upon order of a court of record of the county

Section 26 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 27 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the street and number of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the street and number of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name the removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of hs removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 28 Tranfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same city the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same city shall transfer the registration card of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence In any case the commission shall advise the elector promptly in writing of its action

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 29 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Cancellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity When an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the elector's card attesting his registration

(b) At any time not later than the tenth day preceding any primary any qualified elector of the city including any watcher may petition the commission to cancel the party enrollment of any registered elector of such city who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidential elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registra-

tion card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 30 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statitics of every registration district containing constituted by or contained within any city shall report in writing at least weekly to the registration commission the deaths of residents of the city except residents less than tweny years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each reigstered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such city and approve his identity and the commission thereupon shall correct its record accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any city shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residence to gether with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith senc to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty-one of this act and shall proceed thereupon in accordance with the provisions of that section

Section 31 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensusing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his acutal name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At last once in each four years the commission shall conduct a check-up of each registered elector in the city by either of the methods provided for in subsections (a) and (b) above

(d) Upon the return by the post office of any such notice which it his been unable to deliver at the given address because the addressee can not be found there or upon the report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-two of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personally appears and proves his qualifications as an elector

Section 32 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district of such city by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered Or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day preceding the election or primary next ensuing and satisfy te commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the comission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the city and shall be appointed without rference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 33 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election or primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors and special inspectors of registration and the officials concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the city committee of each political party or political body upon the writen application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having ot is purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body

of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his writen request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Corrected Street lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electeors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section 33 (c) herein Two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 35 Petitions to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the city including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such city setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 36 Delivery of District Registers to County Election Boards

(a) Not later than noon of the third day preceding an election or primary the commission shall deliver to the county election board of the proper county the district register accurately corrected to date for each election district in order that the same may be delivered to the election officers with other election materials for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver the same Provided That the registration commission shall not deliver to the county election board the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are delivered to the county election board

(b) District registers when so delivered to the county election board shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards can not be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery to the county election board

Section 37 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in such city and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections provided that if the signature on the voter's certificate as compared with the signature as recorded in the district registrar shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in subsection (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote each elector shall estbalish his identitl to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested b the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officer at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be re-

quired to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the city a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

..... Pennsylvania

Approved .....

Number of stub of ballot issued (or number of admission to voting machines) .....

(and party at primary) .....

The voter's certificate shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been prepared by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward and date of the primary or election The voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district registers herein provided for shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initials in the proper space on the registration card of such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted shall be immediately counted and the results compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained if possible the ballot-box or voting machine is oppened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 38 Entry of Information in General Registers Following Elections and Primaries Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 31 and 32 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney any evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" etc according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time together with his street address in each such district and the other data required to be given upon such removal the date of each election and primary at which the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "supplemental cards attached" together with the date thereof

Section 39 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the districts registers to be examined and in the case of each registered elector who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or general election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten day from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently re-register by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 40 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 41 Correction by Commission of Errors in Cancellation of Registrations Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the reinstatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the

commission shall reinstate the registration of such elector

Section 42 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of such city whose rights are impaired by any general order made by the commission not including by the commission on personal application made to it as refusals to remove upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceding any election or primary setting forth why he feels that an injustice has been done any praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commission at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the wavier thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner bv agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner provided however that in all cases where an appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 43 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 44 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents each per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subjoena issued by such commission

(d) No subpoena shall be issued for the benefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridian of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person among those witnesses who have appeared in response to subpoena issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriations made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 45 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of a commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of registration court or commission by virture of this act shall be periury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars $(500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to vote registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any regis-

tration card without a proper application in person on the part of the person registered either at the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person falsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector of registration or other officer assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1.000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) An person who neglects or refuses to furnish to any commissoner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a disdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceedingly one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy any card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

Section 46 Effective Date Partial Invalidity Legislative Intent

(a) Except as otherwise provided therein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any parts or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 47 Repeal of Prior Laws Proviso

(a) The following act of Assembly and amendments and supplements thereto are hereby repealed absolutely insofar as they affect the personal registration and enrollment of voters in cities of the second class

(1) An Act entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certan procedur for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties bodies of electors registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics and boards of school directors and imposing penalties" approved January eighteenth one thousand nine hundred and thirty-four (Lamphlet Laws two hundred fifty special session one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four)

(b) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(c) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofore repealed or superseded

(d) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2157 (Senate Bill No. 638), entitled:

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred and nineteen (Pamphlet Laws four hundred ninety-eight) entitled, "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2152 (Senate Bill No. 558), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 958 as follows:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in addition to the appropriation made under the provisions of the act approved the ninth day of July one thousand nine hundred and thirty-six (Pamphlet Laws 41) the sum of one thousand two hundred dollars ($1,200) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Forests and Waters for the purpose of completing the construction of the new dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania

The sum appropriated by this act shall be available for use by the Department of Forests and Waters until the dike or river bank protection shall have been built and constructed

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2162 as follows:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of four million nine hundred ninety-eight thousand dollars ($4,998,000) is hereby specifically appropriated from the General Fund to the State Emergency Relief Board to provide direct relief work relief and for administrative expenses as hereinafter provided and for the payment of bills contracted by or with the authority of the State Emergency Relief Board for direct relief work relief or administrative expenses contracted prior to the effective date of this act

Section 2 The State Emergency Relief Board shall make allocations from time to time out of the moneys appropriated to it among the several counties of this Commonwealth for direct relief or work relief on the basis of need and payments shall be made under such system of requisitioning and accounting as the Governor Auditor General and State Treasurer shall determine

Section 3 The allocations so made to a county by the State Emergency Relief Board shall be available for expenditure in that county for direct relief or work relief for the unemployed who are without means of support through such agencies as shall be designated by the State Emergency Relief Board and under such rules and regulations as the board shall adopt

Section 4 Out of the appropriation made by this act the State Emergency Relief Board shall from time to time allocate to the State Veteran's Commission an aggregate of thirty-two thousand five hundred dollars ($32,500) for the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and to furnish funds to provide the necessities of life for and to assist otherwise such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means

Section 5 The State Emergency Relief Board may from time to time expend or authorize the expenditure of such sums as may be necessary out of the appropriation made by this act for the payment of salaries wages or other compensation of the director and other employes or assistants for the payment of postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles telephone rentals telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices for the payment of premiums on surety bonds for such officers and employes as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned and operated by the board which policy or policies shall protect both the Commonwealth and State officers or employes operating such motor vehicles against claims for damages for injury to person or property for the payment of a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of the board for payment to the State Work Relief Compensation Fund of such moneys as may be necessary under the provisions of the act approved the third day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand five hundred fifteen) for the payment of rents for such buildings offices rooms storage space and lands as may be required for the accommodation or performance of the work of the board and for such other uses as the State Emergency Relief Board may in its discre-

tion deem necessary to carry out the purpose for which the appropriation is made under this act

Section 6 No investigator clerk or other employe of the State Emergency Relief Board shall be a member of or delegate or alternate delegate to any political convention nor be present at any such convention as an employe or in any official capacity nor serve as a member of or attend meetings of any committee of any political party or take any active part in political management or in political campaigns or use his position to influence political movements or use his position to influence the political action of any other person nor in any way or manner interfere with the conduct of any election or the preparation therefor at the polling place or with the election officers while the vote is being counted or the vote or ballot box is being returned save only for the purpose of marking and depositing his ballot nor be within fifty feet of any polling place during voting hours and the counting of the ballots except for the purpose of residence or travel Any person who shall violate any of the foregoing provisions shall be guilty of a misdemeanor and shall upon conviction thereof be punished by a fine not exceeding five hundred dollars $500) and forfeit his position

Section 7 This act shall become effective immediately upon its final enactment

An said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 608, entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

The first and second sections were separately read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be unlawful for any court judge jury body or person to impose a sentence under which any person is to suffer death by electrocution hanging or any other means

Section 2 Where any statute now provides that a death sentence shall be imposed the court shall impose a life sentence in lieu thereof

The third section was read as follows:

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed Provided however That the provisions of this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

On the question,

Will the House agree to the section?

Mr. HESS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend bill, page 2 by inserting after line 12 a new section to read as follows: "Section 4. This act shall become effective immediately upon final enactment."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2153 (Senate Bill No. 559), as follows:

An Act to amend article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 1021 It shall be the duty of the Superintendent of Public Instruction to withhold the payment of all money due any school district out of any appropriation made by the Commonwealth for any purpose until all reports required by law and due at such time have been filed either with the Department of Public Instruction or other proper authority whether or not such reports have any bearing on the right to such payment At this discretion he may in like manner withhold any or all appropriations from any district failing or refusing to comply with the laws and regulations of any department of the government of this Commonwealth for preserving the health or safety of pupils enrolled in the public schools

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to .

Ordered, To be transcribed for a third reading.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. McFALL. Mr. Speaker, I move that House Bill

No. 1051, Printer's No. 502, together with the message from the Governor, which was laid upon the table, be taken from the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1051.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1051, Printer's No. 502, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. McFALL. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Northampton, Mr. McFall, vote on the final pasage of this bill?

Mr. McFALL. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. McFALL. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill in third reading?

Mr. McFALL. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 2, page 3, line 12 by inserting after the word "[or]" and before the word "it" the word: "or"

Amend section 2, page 3, line 12 by striking out at the end of the line the following: "[It shall also be unlaw-]"

Amend section 2, page 3, line 13 by striking out at the beginning of the line the following: "[full]"

Amend section 2, page 3, line 17 by inserting after the word "and" and before the word "its" the word: "[of]"

Amend section 2, page 3, line 21 by striking out at the end of the line the following: "Commission therefore]" and inserting in lieu thereof the following: "board therefor"

Amend section 3, page 4, line 7 by inserting after the word "to" and before the word "commenced" the word: "be"

Amend section 3, page 4, line 9 by striking out after the word "Board" and before the word "it" the word: "[And]" and inserting in lieu thereof the word: "and"

Amend section 3, page 4, line 24 by striking out at the beginning of the line the word: "[amendment]" and inserting in lieu thereof the word: "act"

Amend section 3, page 4, line 25 by striking out at the beginning if the line the word: "[obstruction]' and inserting in lieu thereof the word: "obstructions"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

PERMISSION GRANTED REPUBLICANS TO MEET

Mr. TURNER asked and obtained permission for the Republicans to hold a caucus immediately in the House Caucus Room.

RECESS

The SPEAKER. If there are no objections the Chair is about to declare a recess for fifteen minutes. Are there objections? The Chair hears none and declares a recess for fifteen minutes.

AFTER RECESS

The SPEAKER. (Roy E. Furman) in the Chair.

The time of recess having expired the House was called to order.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 2083 (Senate Bill No. 539), as follows:

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall after the first day of May one thousand nine hundred and thirty-seven consist of seven members who shall be appointed for terms of six years as provided by law

Section 2 The respective members of the board shall have the following qualifications

Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county and shall have practiced law in the county for the last five years immediately preceding their appointment

One of such members shall be a construction engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment

One of such members shall be a civil engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five year's practical experience immediately preceding his appointment

One of such members shall be a real estate appraiser and shall have had at least five years' practical experience

One of such members shall be a real estate broker licensed as such under the laws of this Commonwealth and shall have had at least five years' practical experience

One of such members shall be a business man or an accountant with at least five years' practical experience or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board

Section 3 No person shall be appointed a member of the board of revision of taxes unless he shall have filed with the appointing authority a written application for such appointment setting forth in detail sufficient information to show that the applicant possesses the qualifications required of him by this Act All such facts shall be sworn to or affirmed by the applicant All such applications shall remain on file in the office of the appointing authority as a public record

Section 4 The board shall organize each year by electing a chairman and a secretary from among its members In the absence of the chairman a member designated by him shall act as chairman

The chairman of the board shall receive a salary of twelve thousand five hundred dollars $12,500) per annum Each of the other members shall receive salaries of ten thousand dollars ($10,000) per annum None of the members shall receive any other compensation for any service required of them by law

Each member of the board shall give bond in such amount and with such surety or sureties as the tax levying body of the county shall approve conditioned upon the faithful performance of all of their duties as members of the board They shall not be required to give any other bond for any purpose

The members of the board shall not during their terms of office engage in any other employment or hold any other public office or other public employment

Section 5 The board shall appoint a chief appraiser who shall receive a salary of eight thousand five hundred dollars ($8,500) per annum Such chief appraiser shall at the time of his appointment have had not less than ten years' practical experience in making real estate appraisals It shall be his duty to supervise and assist in the setting up and maintaining of a scientific and modern system of appraisement and records thereof and to supervise the making of assessments and the keeping of the records of the board in accordance with the directions rules and regulations of the board

Section 6 The board shall appoint two deputy appraisers whose salaries shall be five thousand dollars ($5,000) per annum each and two personal property appraisers and as many senior assistants as it deems necessary but not more than twenty whose salaries shall be four thousand dollars per annum Each of such deputy appraisers and assistant appraisers shall have had not less than five years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade Each of the personal property appraisers shall have had not less than five years' practical experience in valuing securities and other personal property subject to taxation

The board shall appoint as many junior assistant appraisers as it deems necessary but not more than ten whose salaries shall be fixed by the board subject to the approval of the tax levying body of the county and shall range in amount from one thousand eight hundred dollars ($1,800) to two thousand seven hundred and fifty dollars ($2,750) Each of such junior assistant appraisers shall have had not less than three years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade or shall be a graduate of or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed

The board shall also appoint such number of clerks stenographers and other employes and at such compensation as shall be allowed and fixed by the tax levying body of the county

All salaries and compensation shall be paid out of the county treasury

Section 7 The board of revision of taxes may by general rules and regulations prescribe additional qualifications not inconsistent with the provisions of this act to be possessed by the chief appraiser deputy appraisers personal property appraisers senior assistant appraisers junior appraisers and other employes of the board

No person shall be employed by the board in any position except pursuant to written application under oath or affirmation setting forth in detail his qualifications for the office or position which he seeks which applications shall be preserved among the records of the board All appointments shall be made pursuant to competitive examinations conducted by the board which shall be open to all persons possessing the requisite experience and qualifications Appointments shall as far as possible be made by advancement from among the employes of the board

Section 8 The terms of the members of the board of revision of taxes now in office in counties of the first class are hereby terminated as of the effective date of this act The several assessors and personal property assessors heretofore provided for by law in counties of the first class are hereby abolished and the terms or employment of the present assessors are hereby terminated

Section 9 The following acts and their amendments are hereby repealed

The act approved the twenty-fourth day of March one thousand nine hundred and three (Pamphlet Laws 51) entitled "An act providing for the manner of appointment of assesors for the purpose of valuation of property in counties containing a population of one million two hundred and fifty thousand or over"

The act approved the thirty-first day of May one thousand nine hundred and seven (Pamphlet Laws 329) entitled "An act fixing the salary of real estate assessors in counties having a population of one million or over" and

The act approved the seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 149) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries"

The act approved the eighteenth day of February one thousand nine hundred and thirty-seven (Act Number 3) entitled "An act providing for the appointment of assessors and clerks by boards of revision of taxes in cities of the first class fixing their salaries and repealing inconsistent acts"

All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—152

Achterman,	Dyson,	Marino,	Rush,
Alexander,	Ehern,	McArdle,	Sarraf,
Allen,	Falkenstein,	McCullough,	Scanlon,
Allmond,	Finnerty,	McDermott,	Schor,
Arnold,	Fitch,	McElroy,	Schrope,
Aukerman,	Flanagan,	McFall,	Shaw,
Baine,	Flannery	McGee,	Shea,
Baker, J. J.,	Flinchbaugh,	McShane,	Shepard,
Balthaser,	Ganser,	Melchiorre,	Shoemaker
Bierly,	Gerard,	Mellott,	Shugarts,
Blank,	Gorski,	Mihm,	Siegel,
Bohn,	Haberlen,	Moomaw,	Simon,
Boies,	Hagerty,	Mooney,	Skale,
Boltz,	Hamilton, F. P.,	Moran,	Smith, James A.,

Bradley,	Harkins,	Moul,	Smith, John A.,
Brancato,	Harmuth,	Munley,	Spengler,
Brigerman,	Hays,	Murrin,	Stank,
Broad,	Hering,	Nagel,	Thomas,
Brown,	Hess,	O'Brien,	Thompson,
Brownfield,	Hetrick,	O'Connor,	Toole,
Burrows,	Hindman,	O'Keefe,	Tronzo,
Caesar,	Hirsch,	Ominsky,	Tumelty,
Caputo,	Holland,	O'Neill,	Valibus,
Chervenak,	Holmes,	Ostroff,	VanSickle,
Coakley,	Holstrom,	Patterson, C. S.,	Vogt,
Cohen, H. B.,	Hontz,	Patterson, J. W.,	Wagner,
Cohen, R. E.,	Horting,	Pearson,	Weiss, D. H.,
Coleman,	Jirolanio,	Pershing,	Weiss, S. A.,
Coolahan,	Keenan,	Piole,	Welliver,
Corrigan,	Kelso,	Powers,	Welsh,
Costanzo,	Kilroy,	Preston,	Westrick,
Decker,	Kroll,	Readinger,	Whalen,
DeNote,	LaRue,	Reese,	Whitenight,
Dickinson,	Levy,	Reising,	Wright,
Donohoe,	Lewis,	Richter,	Yanoshat,
Dougherty,	Long,	Robinson,	Yourishin,
Downey,	Lopresti,	Rothenberger,	Zappala,
Dubbs,	Lovett,	Ruffennach,	Furman,

NAYS— 52

Atkins,	Imbrie,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Simpson,	Wall,
Cadwalader,	Lyons,	Sloan,	Wampole,
Davies,	Matthews, J. F.,	Snyder,	Watkins,
Eckels,	McDevitt,	Sollenberger,	Webster,
Fiss,	McKinney,	Sproul,	Weidemann,
Gillette,	Merrell,	Stackpole,	Wilson,
Habbyshaw,	Muir,	Stewart,	Winner,
Hall,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to call up at this time House Bill No. 1119, Printer's No. 586, on page 20, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. REUBEN E. COHEN.

The House resumed the consideration on third reading of House Bill No. 1119 entitled:

An Act to amend section one and sections two and eleven as amended of and to add section five and one-tenth to the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws twenty-one) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by further regulating the practice of optometry and providing for the licensing of optometric eye specialists having the right to treat the human eye

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. JAMES W. PATTERSON. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. REUBEN E. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Patterson.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. JAMES W. PATTERSON. I will, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, I wish to ask the gentleman from Allegheny, Mr. Patterson, the purpose of recommitting this bill to the Committee on Public Health and Sanitation.

Mr. JAMES W. PATTERSON. Mr. Speaker, in reply to the question of the gentleman from Philadelphia I will say that the answer to his question is contained in my original motion, for the purpose of further study. The bill has not been considered by the Committee on Public Health and Sanitation. It is a matter which relates very seriously to the health of the people of the Commonwealth and I believe that that committee should have the opportunity of considering it.

Mr. REUBEN E. COHEN. Mr. Speaker, may I ask the gentleman from Allegheny just what portions of the bill the Department of Health and Sanitation would be interested in?

Mr. JAMES W. PATTERSON. Mr. Speaker, I am not familiar with what sections of the bill the Department would be interested in but I believe that the Committee on Public Health and Sanitation should have an opportunity to consider every measure that comes before this House relating to public health and sanitation.

Mr. REUBEN E. COHEN. Mr. Speaker, may I ask the gentleman from Allegheny whether or not he is a member of the Committee on State Boards?

Mr. JAMES W. PATTERSON. I am not, Mr. Speaker.

Mr. REUBEN E. COHEN. May I ask the gentleman from Allegheny further, Mr. Speaker, whether he has discussed this matter with any of the members of the Committee on State Boards?

Mr. JAMES W. PATTERSON. I have not, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker, may I ask the gentleman further whether or not he is familiar with the fact that the Committee on State Boards has considered this bill for quite some time and finally reported it out?

Mr. JAMES W. PATTERSON. I am, Mr. Speaker.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, in my opinion House Bill No. 1119—

POINT OF ORDER

Mr. JAMES W. PATTERSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. JAMES W. PATTERSON. Mr. Speaker, the gentleman from Philadelphia is discussing a bill that is not before the House at this time.

The SPEAKER. The question before the House is on the motion of the gentleman from Allegheny to recommit House Bill No. 1119.

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to discuss the motion, sir.

The SPEAKER. The gentleman will confine his remarks to the motion and not to the merits of the bill.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, my opposition to recommitting this bill to the Committee on Public Health and Sanitation is that when this bill was in the Committee on State Boards the matter was carefully—

POINT OF ORDER

Mr. JAMES W. PATTERSON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Allegheny will state his point of order.

Mr. JAMES W. PATTERSON. Mr. Speaker, I reiterate my point of order. The gentleman is discussing the bill.

The SPEAKER. The Chair has ruled on the point of order and asks the gentleman to confine his remarks to the motion. The Chair feels that so far the gentleman has confined his remarks to the motion before the House.

Mr. REUBEN E. COHEN. Mr. Speaker and members of the House, after the bill was reported out for two readings there was a public hearing held in the House Caucus Room about three weeks ago. At that time I believe that eminent physicians of the Commonwealth of Pennsylvania appeared against the bill and persons interested on behalf of the bill appeared in favor of the bill. It was a rather long public hearing and I am of the opinion that the Committee on State Boards fully considered the testimony given at that hearing and finally decided to report the bill out to give this House an opportunity to hear discussion on the merits of the bill itself and have it finally voted upon. For that reason I ask the members of the House to vote down this motion to recommit the bill.

Mr. LONG. Mr. Speaker if I understand the motion correctly it is to recommit this bill to the Committee on Public Health and Sanitation.

The SPEAKER. That is correct.

Mr. LONG. Mr. Speaker on this motion I would just like to inform the House that this bill, House Bill No. 1119, was originally committed to the House Committee on State Boards, because it sets up a state board. The House Committee on State Boards gave this particular bill a great deal of consideration before they saw fit to report it out upon the floor of this House. A public hearing was held before the committee, at which time ample opportunity was given to present evidence. After hearing the evidence presented at the public hearing, the Committee on State Boards believed that the bill should be reported out of the Committee on State Boards for action by this House. It is my opinion, as chairman of the Committee on State Boards, that if this bill should be recommitted at all it should be recommitted to that committee which is in full possession of the facts upon this particular measure. I believe that better consideration can be given to any bill in this House by referring it to the committee which is in possession of all the facts concerning the bill. I, therefore, ask the membership of the House not to recommit this bill to the Committee on Public Health and Sanitation.

Mr. JAMES W. PATTERSON. Mr. Speaker I desire to interrogate the gentleman from Philadelphia, Mr. Long.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LONG. I will, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to ask the gentleman if he does not believe that the Committee of this House on Public Health and Sanitation should have an opportunity to consider a bill of this nature which involves very seriously the health of the people of the Commonwealth.

Mr. LONG. Mr. Speaker I am of the opinion that every member of this House will have ample opportunity to give due consideration to this bill since it is before the whole membership of the House at this time. Every member of the Committee on Public Health and Sanitation has an equal right with every other member of this House to full information, full discussion and full consideration of this bill at this time.

Mr. JAMES W. PATTERSON. Mr. Speaker will the gentleman state whether in his opinion the Committee on Public Health and Sanitation of this House is not selected specifically for their knowledge and experience with public health matters.

Mr. LONG. Mr. Speaker it is my opinion that no committee of this House is ever selected for the purpose of considering any particular piece of legislation. As Chairman of the Committee on State Boards, I am proud of the membership of that Committee. Some of the finest, ablest and most experienced members of this House happen to be members of the Committee on State Boards.

Mr. JAMES W. PATTERSON. Before proceeding, Mr. Speaker, I wish to inform the gentleman from Philadelphia, Mr. Long, the chairman of the committee, that my motion is in sense a reflection upon his committee. I wish to ask the identical question which I just propounded and I wish him to answer it, Mr. Speaker, not on the basis of a committee appointed to consider any particular piece of legislation which is the method in which he answered it, but to consider certain types of legislation, and I ask him whether he does not believe the Committee on Public Health and Sanitation should consider matters relating to the public health.

Mr. LONG. Mr. Speaker, this bill does not only affect the public health, but it also sets up a State Board. I believe that every member of this House is concerned with the public health and I believe that they will give it due consideration as it has been given due consideration in the committee on State Boards, where we are fortunate in having a member of the medical profession as a member of that committee.

Mr. JAMES W. PATTERSON. Mr. Speaker I dislike to prolong this discussion but the gentleman is treading very gingerly around the edges of my question. The Committee on State Boards has considered the measure, and that is one part of the legislation that is over with as far as the Committee on State Boards is concerned, but does he not feel that a committee selected by this House specifically for their experience and knowledge of public health should have an opportunity to consider this matter in committee, and I should like, Mr. Speaker, to have the gentleman answer a little more directly than he did the previous question.

Mr. LONG. Mr. Speaker it is my opinion that this bill has had an ample opportunity to be discussed by a com-

mittee of this House, a committee which is in possession of all the facts. I believe that that committee because of their possession of the facts and their previous consideration of the bill is better qualified to consider this measure than any other committee of the House at this time.

The yeas and nays were required by Mr. REUBEN E. COHEN and Mr. CAPUTO.

Mr. REUBEN E. COHEN. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—99

Achterman,	Habbyshaw,	McElroy,	Sloan,
Arnold,	Hall,	Merrell,	Snyder,
Aukerman,	Hamilton, F. P.,	Mihm,	Sollenberger,
Baker, F. T.,	Hamilton, R. S.,	Moul,	Sproul,
Baker, J. J.,	Harmuth,	Muir,	Stackpole,
Boltz,	Hays,	Munley,	Stank,
Boose,	Hetrick,	Murrin,	Stewart,
Boyer,	Hindman,	Patterson, J. W.,	Thompson,
Bradley,	Holstrom,	Peale,	Trout,
Broad,	Hontz,	Perry,	Turner,
Brown,	Huntley,	Pershing,	Valibus,
Brownfield,	Imbrie,	Powers,	VanAllsburg,
Cadwalader,	Keenan,	Preston,	Wall,
Chervenak,	Kelso,	Richter,	Wampole,
Coleman,	Kline,	Robinson,	Watkins,
Coolahan,	Kroll,	Royer,	Veidemann,
Davies,	LaRue,	Sarraf,	Weiss, S. A.,
Dougherty,	Leisey,	Schrock,	Welsh,
Eckels,	Longaker,	Schumacher,	Wilson,
Elpern,	Lopresti,	Serrill,	Winner,
Finnerty,	Lyons,	Shea,	Wood,
Fiss,	Matthews, J. F.,	Shepard,	Yanoshat,
Flinchbaugh,	McCullough,	Shugarts,	Yourishin,
Gerard,	McDermott,	Siegel,	Furman,
Gillette,	McDevitt,	Simon,	

NAYS—79

Alexander,	Falkenstein,	McFall,	Ruffennach,
Allen,	Fitch	McGee,	Rush,
Allmond,	Flannery,	McKinney,	Scanlon,
Baine,	Gorski,	McShane,	Schor,
Balthaser	Haberlen,	Melchiorre,	Schrope,
Bierly,	Hagerty,	Moomaw,	Shaw,
Blank,	Harkins,	Mooney,	Skale,
Brigerman,	Hering,	Moran,	Smith, James A.,
Caputo,	Hess,	Nagel,	Smith, John A.,
Coakley,	Hirsch,	O'Brien,	Spengler,
Cohen, H. B.,	Holland,	O'Connor,	Thomas,
Cohen, R. E.,	Holmes,	O'Keefe,	Toole,
Corrigan,	Horting,	Ominsky,	Tronzo,
Costanzo,	Jirolanio,	Ostroff,	Wagner,
DeNote,	Levy,	Patterson, C. S.,	Weiss, D. H.,
Dickinson,	Lewis,	Piole,	Westrick,
Donohoe,	Long,	Readinger,	Whalen,
Downey,	Lovett,	Reese,	Wright,
Dubbs,	Marino,	Reising,	Yeakel,
Dyson,	McArdle,	Rothenberger,	

So the question was determined in the affirmative and the motion was agreed to.

BILL ON FINAL PASSAGE

Mr. HOLSTROM. Mr. Speaker, I desire to call up at this time House Bill No. 1200, Printer's No. 442, on page 17 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HOLSTROM.

The House resumed the consideration on third reading of House Bill No. 1200, entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine; permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriations remaining on January first one thousand nine hundred forty

On the question recurring.

Will the House agree to the bill on third reading?

Mr. HOLSTROM. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend the title of the act by inserting after the word "thirty-nine" in line 6, and before the word "permitting" in line 7, the following: "apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two"

Amend page 2 by inserting between lines 11 and 12 the following paragraphs:

"Section 2. The moneys hereby appropriated shall be apportioned by the Department of Highways among the several counties of this Commonwealth on the basis of the average per mile cost of maintaining the township roads and bridges in the townships of the second class in each county, as reported in the annual financial reports of the boards of supervisors to the Department of Highways for the year one thousand nine hundred thirty-two, multiplied by the number of miles of second-clas township roads in such county as of January first one thousand nine hundred thirty-eight"

Amend page 2, line 12, by strikng out the following word and numeral: "Section 2."

Amend page 2, line 12, by inserting after the numeral "2" and before the word "The" the following: "Of the amount apportioned to the several counties as hereinbefore provided,"

Amend page 2, line 12, by striking out the word "The" after the numeral "2" and before the word "Department" and substituting in lieu thereof the following: "the"

Amend page 2, line 17, by striking out the word 'total" after the word "the" and before the word "amount".

Amend page 2, line 17, by striking out the words "hereinbefore provided" after the word "amount" and before the word "as" and substituting in lieu thereof the following: "apportioned to the county".

Amend page 2, line 19, by striking out the word "such" after the word "of" and before the word "township" and substituting in lieu thereof the word "the".

Amend page 2 by adding after the word "bridges" in line 19, and before line 20, the following: "in any such county".

Amend page 2, line 20, by striking out the words 'appropriated by" and inserting in lieu thereof the following: "apportioned to a county under".

Amend page 2, line 23, by inserting before the word "by" the following: "in any such county".

Amend page 4, line 5, by adding after the word "reasonable" the following: "The duly elected road supervisors of each township, subject to the approval of the Secretary of Highways, may be employed by the Department of Highways in the work to be done under the provisions of this act"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing

BILL ON FINAL PASSAGE

Mr. HESS. Mr. Speaker, I desire to call up at this time House Bill No. 1087, Printer's No. 405, on page 20 of today's calendar, bills on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HESS.

The House resumed the consideration on final passage of House Bill No. 1087, entitled:

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

RECONSIDERATION OF VOTE

Mr. HESS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. READINGER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Berks, Mr. Hess, vote on the third reading of the bill.

Mr. HESS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Berks, Mr. Readinger, vote on the third reading of the bill?

Mr. READINGER. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. HESS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1, page 1, lines 5 and 6, by striking out the following: "of original criminal jurisdiction whether"

Amend sec. 1, page 1, line 6, by striking out the following: "or not of record" and inserting in lieu thereof: "of this Commonwealth"

Amend sec. 3, page 2, line 15, by inserting after the word "court" the following: "and except that defendant's witnesses may, at any time and without leave of court, converse about the cose with the defendant and his attorney, and Commonwealth witnesses may, at any time and without leave of court, converse about the case with the prosecuting attorney'

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON THIRD READING

Mr. ACHTERMAN. Mr. Speaker. I desire to call up at this time House Bill No. 1201, Senate Bill No. 366, Printer's No. 159, on page 18, of todays calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. ACHTERMAN.

The House resumed the consideration on third reading of House Bill No. 1201 (Senate Bill No. 366), entitled:

An Act to amend sections three, four and six of the act, approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act", by providing for additional projects; removing the date by which projects must be commenced; removing certain restrictions against the construction of projects; extending the life of such Authority; clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of any of the assets belonging to the Authority; and clarifying certain provisions of said act.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. ACHTERMAN. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of amendment.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1254, entitled:

An Act to amend section five of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" as amended changing the dates on which county officers their deputies and clerks shall be paid

On the question,

Will the House agree to the bill on third reading?

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (sec. 5,) page 2, line 17, by striking out the word "sixteenth" and inserting in lieu thereof "fifteenth and the last.

Amend sec. 1 (sec. 5), page 2, lines 17 and 18, by striking out the words "and on the first day"

Amend sec. 1 (sec. 5), page 2, line 18, by striking out with light-face brackets the words "of the month succeeding that"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 500 as follows:

An Act relating to local taxation establishing a system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of county borough town township school and poor taxes with certain exceptions through the county treasurers as county tax collectors and city tax collectors in cities of the second class A and third class providing for a referendum to ascertain the will of the electors in each county (except counties of the first class) as to the acceptance of this act providing that the act shall apply to all of the aforesaid counties in the event the referendum provisions are held unconstitutional defining the rights powers and duties of the collectors of county borough town township school and poor district taxes in certain counties defining the rights powers and duties of such taxing units regulating the date of making and certifying of tax levies abolishing the office of county borough town township school and poor district tax collectors except county treasurers and certain tax collectors in cities upon the expiration of existing terms and in cases of vacancies imposing certain duties upon the Department of Internal Affairs defining certain criminal offenses imposing penalties and creating liens and repealing existing laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in counties of the second third fourth fifth sixth seventh and eighth classes a system for the collection of all county borough town township school and poor taxes is hereby established

Section 1 Short Title This act shall be known and cited as "The County Tax Collection Law"

Section 2 Definitions A The phrase "city tax collector" as used in this act shall be construed to mean the person who in each city of the second class A and third class is the legally constituted collector of the taxes within the scope of this act levied within each such city

B The term "corporate authorities" as used in this act shall be construed to mean (a) the county commissioners of any county (b) the burgess or council or both of any borough or town (c) the board of township commissioners of any township of the first class (d) the board of township supervisors of any township of the second class (e) the board of school directors of any school district and (f) the managers directors or overseers of any poor district

C The phrase "county tax collector" as used in this act shall be construed to mean the person herein designated in each county of the second third fourth fifth sixth seventh and eighth classes as the collector of the taxes within the scope of this act levied within each such county except county and school taxes in cities of the second class A and third class and poor taxes in such cities levied on the county assessment and valuation

D The phrase "salary board" as used in this act shall be construed to mean a salary board constituted by any law existing on the effective date of this act or enacted at any time in the future for counties which are taxing units within the provisions of this act Where any such county does not have such a board the county commissioners and the county treasurer shall constitute the "salary board"

E The phrase "taxing unit" as used in this act shall be construed to mean a county of the second third fourth fifth sixth seventh or eighth class or a borough town township school or poor district located wholly or partly within any such county except (a) school districts of the first class and (b) poor districts which levy their taxes only in cities on city assessments and valuations

F The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Section 3 Saving Clause A The provisions of this act in so far as they are the same as those of existing acts shall be construed as a continuation of such acts and not as new enactments The repeal or superseding by this act of any existing act or any part thereof shall not be construed to revive any act or part of any act heretofore repealed or superseded

B Except as otherwise specifically provided in this act the provisions of this act shall not affect any act done any liability duty or obligation incurred or any right accrued or vested prior to the effective date of this act nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any act repealed or superseded by this act

C All resolutions regulations and rules made pursuant to any act repealed or superseded by this act shall unless inconsistent with any provisions of this act continue with the same force as if such act had not been repealed or superseded

Section 4 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein In the event that the provisions of subsection B of section seven of this act are held unconstitutional it is hereby declared that it is the legislative intent that the remaining provisions of ths act are to become effective in each county subject to the provisions of this act as if the provisions of subsection B of section seven had not been included herein

Section 5 Construction of References and Section Headings A Any reference in this act to any act by title or otherwise shall be construed to apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted

B Any reference in this act to the provisions of law on any subject shall apply to statutes and decisions becoming effective after the effective date of this act as well as to those then in existence

C Section headings shall not be construed to effect in any manner the scope or meaning of any portion of this act

Section 6 Jurisdiction of Courts Except where otherwise specifically provided the provisions of this act shall not be deemed to curtail in any manner whatsoever the equity jurisdiction and powers of the courts of this Commonwealth

Section 7 Referendum Scope of Act A This act shall apply to the collection of all county borough town township school and poor taxes in such counties of the second third fourth fifth sixth seventh and eighth classes as shall

accept this act in the manner provided in subsection B of this section except (a) school taxes in school districts of the first class and (b) poor taxes levied only in cities on the city assessment and valuation Provided That in the event the provisions of subsection B of this section are held unconstitutional this act shall apply to the collection of all county borough town township school and borough taxes in counties of the second third fourth fifth sixth seventh and eighth classes except (a) school taxes in school districts of the first class and (b) poor taxes levied only in cities on the city assessment and valuation

B. At the municipal election in the year one thousand nine hundred thirty-seven there shall be submitted to the electors of each county, except a county of the first class, a question to determine the will of the electors of such county with respect to the acceptance of this act and the collection of county, borough, town, township, school and poor taxes under the centralized system of collection established by this act. Such question shall be in the following form:

Do you favor the abolition of the present system of collecting local taxes and the acceptance of Act No. approved 1937 which establishes a centralized county system for the collection of all local taxes (with certain exceptions) through the office of the county treasurer?	Yes	
	No	

The said question shall be printed on separate official ballots in bound form by the county commissioners of each county and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

The votes cast on such question shall be counted by the election officers and returns thereof made by them and by election officers where voting machines are used, to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other election returns. The return board shall compute the vote for the entire county and certify the results thereof to the county commissioners, the county treasurer and to the corporate authorities of each political subdivision within the county.

Such election shall be governed by the election laws of the Commonwealth, and all penalties provided by such laws shall apply to such election.

If a majority of the electors voting on such question in any county shall vote "no" on the question submitted, then this act shall not apply to such county and the existing laws for the collection of such taxes shall be continued in force in such county and its various political subdivisions; but if a majority of the electors voting on such question shall vote "yes" then the existing laws, so far as the same are inconsistent with the provisions of this act, shall be repealed when this act shall come into full force and effect in such county.

In any county where the provisions of this act are not in effect by reason of the negative vote of the electors of the county, the question as to whether the provisions of this act shall apply to such county may be resubmitted from time to time in the manner aforesaid to the electors thereof at any election occurring at least two years prior to the election at which tax collectors are elected for the boroughs and townships in such county upon petition of electors equal to at least ten per centum of the highest vote cast for any office in the preceding municipal or general election held in such county.

C This act shall not be construed to apply to the collection of (a) city taxes nor (b) any taxes levied on unseated lands which shall continue to be collected as now provided by law

D Nothing contained in this act shall be construed as repealing or changing the existing laws providing for the return of seated real estate to the county commissioners for the collection of delinquent taxes nor the laws relating to the filing and collection of tax claims in and through the office of the prothonotary except that for taxes which are within the scope of this act the making of the returns to the county commissioners and the certifying of the taxes to the proper corporate authorities for entry of liens in the office of the prothonotary shall hereafter be performed only by the persons who are under the provisions of this act the collectors of such taxes and except also that interest shall only accrue and be collected on such deliquent taxes in accordance with the provisions of this act and not otherwise

Section 8 Tax Collections Before and After Vacancies or Expiration of Terms of Present Collectors A The tax collectors of each taxing unit who are in office on the date this act becomes effective in its entirety in such taxing unit shall continue in office as provided by law immediately prior to such effective date until the end of their respective terms and shall continue to perform the duties possess the powers receive the emoluments of office and be subject to the liabilities and penalties provided by such law Duplicates of taxes shall as long as such collectors are in office be delivered to them and taxes collected by them in the manner provided by such law

B When any vacancy shall occur in the office of the collector of any of the taxes within the scope of this act whether it be due to death resignation removal expiration of the term of office failure to comply with the law or any other reason whatsoever the particular office or collector of such taxes in which the vacancy occurs shall be abolished and shall not be filled except that where a county treasurer or a city tax collector is the collector of any such taxes his office shall not be abolished but after the effective date of this act his collection of all such taxes shall be made as herein provided and not otherwise All such taxes charged in duplicates which were delivered prior to the vacancy to any tax collector whose office has thus been abolished shall after the vacancy be collected in the manner and by the persons as provided by law immediately prior to the effective date of this act All duplicates issued after any such office has been abolished shall be delivered to the county tax collector or city tax collector as herein provided and the taxes therein set forth collected by him

Section 9 County Treasurer Designated as County Tax Collector Bond A The county treasurer of each county shall as the offices of the collectors of the taxes within the scope of this act are abolished as herein provided become the collector of all of such taxes levied and assessed within the county except county and school taxes levied in cities of the second class A and third class and poor taxes in said cities levied on the county assessment and valuation He shall have and exercise except as herein specifically otherwise provided all of the powers vested by law in the collectors of such taxes immediately prior to the effective date of this act

B Before entering upon his term of office and yearly thereafter before receiving his tax duplicate and warrants each such county tax collector shall give a fidelity bond to the Commonwealth in an amount to be fixed by the county commissioners and with surety corporate or personal to be approved by the court of quarter sessions Each such bond shall contain a warrant of attorney to confess judgment thereon and shall be conditioned that the tax collector shall well and truly perform his duties and account for and pay over all moneys received by him and account for all uncollected tax items contained in the duplicates delivered to him by showing (a) that they have been certified to the proper corporate authorities for entry as liens in the office of the prothonotary or (b) that the property against which they were levied has been returned to the

county commissioners or (c) that in the case of occupation poll and per capita taxes they have been included in a record of uncollected items which the collector has delivered to the proper corporate authorities with an affidavit that he has made a diligent effort to collect such taxes or (d) that they are items for which the collector has been exonerated as herein provided or (e) that they are held in the custody of a court pending a decision on an appeal from the assessed valuation of taxable property In each county where there is a county controller such bonds shall be deposited with that officer In each other county such bonds shall be deposited with the county commissioners

Section 10 Levy of Taxes Certification Warrants The corporate authorities of each taxing unit shall annually not later than the fifteenth day of May of each year make their respective levies of taxes which are to be collected under the provisions of this act including poll and per capita taxes if any and certify such levies except school taxes levied in cities of the second class A and third class to the board for the assessment and revision of taxes or county commissioners as the case may be together with the warrants of such taxing units directed to the county or city tax collector as the case may be authorizing the collection of the taxes levied and assessed in the respective taxing units as will appear upon the duplicates to be furnished to the collectors

Section 11 Duplicates Contents A Not later than the first day of July following the date on which the system for the collection of taxes as herein provided shall go into full and complete effect and annually thereafter not later than such date the board for the assessment and revision of taxes or the county commissioners as the case may be shall prepare a consolidated duplicate for each city borough town and township for all of the taxes within the scope of this act which are to be collected in each such political subdivision except school taxes in cities of the second class A and third class and shall deliver such duplicates not later than such dates to the county or city tax collector as the case may be by whom the taxes are to be collected as provided in this act The consolidated duplicate for each such political subdivision shall show substantially (a) the name and last known address of each taxable (b) the name of each taxing unit whose taxes are included in the duplicate (c) the rates of taxation of each such taxing unit (d) the location and valuation of each parcel of real estate of such taxable and the amount of the tax levied against each such parcel (e) the valuation of the personal property taxable for county purposes and the amount of the tax levied on such property (f) where occupation taxes are levied the valuation of the occupation of each taxable and the amount of the occupation tax (g) the amount of any poll or per capita tax levied by any such taxing unit and (h) the full amount of the taxes which each taxable owes to each such taxing unit Such boards or county commissioners as the case may be shall attach to the duplicates the warrants issued by the corporate authorities of each taxing unit whose taxes are contained in the respective duplicates authorizing the county or city tax collector to collect all taxes levied within the respective taxing units and shall furnish at the same time to each such taxing unit a copy of the portion of each consolidated duplicate pertaining to that taxing unit The duplicates for the taxes of school districts levied in cities of the second class A or third class shall be prepared and delivered as provided by law immediately prior to the effective date of this act

B It shall be the duty of the Department of Internal Affairs immediately after the effective date of this act to prepare a model form of duplicate arranged substantially in accordance with the requirement of this section

Section 12 Duplicates Public Records Form A All such tax duplicates shall be public records duly authenticated copies thereof shall be evidence equally and in like manner as the originals

B All such duplicates shall be preserved in the office of the county tax collector at the county seat or in the office of the city tax collector

Section 13 Preparation of Duplicates for Independent School Districts and Certain Poor Districts In the case of any independent school district or a poor district embracing territory in more than one city borough town or township or any of them the duplicate shall be prepared for each such political subdivision as hereinbefore provided but shall set forth specifically opposite the name of each taxable the school district or poor district to which the taxes charged in the duplicate are payable

Section 14 Tax Bills A At the time of the preparation of the duplicates as herein provided the board for the assessment and revision of taxes or county commissioners as the case may be shall prepare a tax bill for each taxable whose name appears on such duplicates Each such tax bill shall contain all of the information which the duplicate contains relating to the taxable and also (a) if an installment system for tax payments has been established a statement as to when each installment of the taxes becomes due and delinquent and the additional percentage which will be added to each installment as a penalty (b) if no installment system of tax payment has been established and as to those taxes not paid on the installment plan a statement of the discount and time before which the same may be secured the period during which taxes are payable at face and the date when the penalty will be added stating the same and (c) the places where such taxes are payable

B The county comissioners or board for the assessment and revision of taxes as the case may be shall deliver the tax bills to the county and city tax collector as the case may be along with the duplicates as herein provided Each such tax collector shall within one week after receiving such tax bills mail them to the last known addresses of the taxables as set forth in the tax bills Failure of a tax collector to mail the tax bills or of a taxable to receive a bill shall not however relieve the taxable of the obligation of the tax

C The Department of Internal Affairs immediately after the effective date of this act shall prepare a model form of such a tax bill and of a tax receipt The tax bill may be used for receipt purposes where a stub or duplicate showing substantially the same information is attached thereto which stub or duplicate may be detached from the bill for record purposes

Section 15 Appointment of County Tax Collector in Certain Cases Where any county tax collector is unable to furnish a proper bond within the time fixed by this act or fails to settle finally all duplicates in his hands for any year in accordance with this act a vacancy in the office of county tax collector shall exist Upon the occurrence of any vacancy in the office of county tax collector whether if be due to death resignation removal failure to furnish a bond failure to comply with the law or any other reason whatsoever the county commissioners shall immediately appoint a citizen of the county as county tax collector who shall hold office until a new county treasurer is duly elected and qualified The county tax collector so appointed shall furnish bond in like manner and shall have all the rights powers privileges and emoluments conferred upon and be subject to all the liabilities and penalties of the county tax collector as provided by this act and by the laws of this Commonwealth Each such appointed tax collector shall receive in addition to the compensation herein fixed for the county tax collector such further compensation as the salary board shall fix Any further vacancy occurring in such office after any such appointment shall be filled in like manner

Section 16 Salary of County Tax Collector A When the system for the collection of taxes as herein provided shall be in full and complete effect each county tax collector in addition to any compensation which he may receive for acting as county treasurer shall receive an annual salary of four thousand dollars ($4,000) in counties of the second class three thousand dollars ($3,000) in counties of third class two thousand dollars ($2,000) in counties of the fourth class fifteen hundred dollars ($1500) in counties of the fifth class one thousand dollars ($1000) in counties of the sixth class seven hundred fifty dollars ($750) in counties of the seventh class and five hundred dollars ($500) in counties of the eighth class

B Until such time as the system for the collection of taxes as herein provided shall be in full and complete effect each county tax collector shall receive for the duplicates placed in his hands such compensation as shall be fixed by the salary board

Section 17 Appointment of Deputy and Clerks Salaries A The county tax collector shall have power except as herein otherwise provided with the consent of the salary board to appoint one deputy tax collector and such clerks as the collector and salary board deem necessary to effectuate the provisions of this act The number of such clerks shall not however at any time be more than one for each ten thousand or fraction thereof of taxables whose taxes are to be collected by such collector during the then current year The salary of such deputy and clerks shall be fixed by the salary board

B To assist the county tax collector in the collection of taxes the county commissioners with the consent of the board for the assessment and revision of taxes in counties where such boards exist may assign to the county tax collector any of the subordinate assessors or clerks of such board when their services are not required by it but such asssessors and clerks shall not receive any additional compensation for such service

Section 18 Division of Cost of Tax Collection The county commissioners shall keep an accurate account of the cost of the collection of taxes which are collected by the county tax collector as herein provided including all moneys expended for books bonds supplies stamps audits salary of the county tax collector and other salaries clerical hire mailing of tax bills transmittal of funds and records to the county tax collector advertising and any other expenses. One half of such cost shall be paid by the county The remaining one half of such cost shall be paid by the other taxing units whose taxes are collected by the county tax collector in the proportion that the amount of the taxes certified to him for collection for the particular taxing unit bears to the total amount of taxes certified to him for collection for all of such other taxing units All such cost shall be paid in the first instance by the county The county commissioners shall once in each year certify to each other taxing unit the amount of its share of the cost and request payment thereof If any such taxing unit shall neglect to pay its proportion of such cost within ninety days after notice to do so the same shall upon certification by the county commissioners be deducted from the funds then or thereafter in the hands of the county tax collector belonging to such taxing unit and the county tax collector shall thereupon pay any such amount into the county treasury The receipt of the county commissioners for any such amount paid into the county treasury shall exonerate the county tax collector from the payment of such amount to such taxing unit

Section 19 County Tax Collector's Responsibility for Collections Life of Warrants Surrender of Duplicates to Successor

A The county commissioners shall charge to the county tax collector the whole amount of the taxes in the duplicates to be collected by him as herein provided Each county tax collector shall be responsible for the collection of all taxes charged in the duplicates delivered to him during his term of office except as herein otherwise specifically provided

B The warrants attached to the duplicates shall be effective for the collection of taxes for a period of two years Upon the expiration of the term of office of a county tax collector or in case of a vacancy in the office for any cause whatsoever as herein provided all unsatisfied duplicates shall be delivered to the successor in office who shall continue and be responsible for the collection of the unpaid taxes charged in such duplicates in the manner provided by this act The executors or administrators of any deceased county tax collector shall not have power to enforce the collection of any unpaid taxes

Section 20 Lien of Taxes All taxes within the scope of this act levied upon real property and the penalties and interest thereon shall be a first lien upon such property from the time they become due Each such lien shall continue and remain a valid lien in accordance with the law relating to tax liens immediately prior to the effective date of this act

Section 21 Banks Authorized to Receive Taxes Each county tax collector shall have authority to designate any bank savings bank bank and trust company trust company or national banking association located within the county as a deputy county tax collector for the sole purpose however of receiving and receipting for taxes paid to it at its place of business The county tax collector shall not be held responsible for losses occasioned by the failure of any such institution for moneys received by it as such deputy unless he had knowledge of the unsound condition of the institution when he appointed it his deputy Each such institution acting as a deputy county tax collector shall within five days after the last day of each calendar month transmit to the county tax collector all moneys received by it as such deputy during such preceding month In addition to such monthly payments any such institution may from time to time transmit to the county tax collector moneys received by it as such deputy moneys thus transmitted need not be included in the monthly payments Each such payment shall be accompanied by an itemized statement showing what taxes have been paid the dates when paid and by whom they have been paid Such an institution shall not be allowed any compensation or commission for acting as such deputy other than expenses actually incurred in transmitting moneys and records of payments to the county tax collector

Section 22 Attendance of Collectors in Certain Districts Notice The County tax collector his deputy or one of his clerks shall at least two days prior to the time when a penalty will be attached to any taxes or installment of taxes sit to receive payment of taxes in each political subdivision where a bank savings bank bank and trust company or national banking association is not serving as a deputy county tax collector Public notice of the time and place of attendance of such collector his deputy or clerk shall be given by him at least two days prior to such attendance by an advertisement inserted one time in one newspaper of general circulation as defined by the Newspaper Advertising Act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) its supplements and amendments published in each such political subdivision In lieu of such advertisement in particular political subdivisions the county tax collector may advertise a list of the times and places when and where he his deputy or clerk will sit in the several political subdivisions of the county in that event such list shall be inserted two times in three newspapers of general circulation as above defined published in said county if so many are there published if there be only two such newspapers the list shall be inserted in those two newspapers if there be only one such newspaper the list shall be inserted in it if there is not any such newspaper the notice shall be inserted in the newspaper of general circulation as above defined published nearest to the county seat of such county The county commissioners may also print on the tax bills the dates when the tax collector his deputy or clerk will sit in the taxable's political subdivision

Section 23 Collecting Taxes Entry of Receipts Depositories A Upon receipt of the duplicates and warrants as herein provided each county and city tax collector shall proceed forthwith to collect the taxes charged in such duplicates Upon receipt of any taxes each such tax collector his deputy or clerk shall issue a receipt for the amount collected If a tax payable to a county tax collector is paid at any place other than his office at the county seat the person or institution receiving the tax shall immediately forward a duplicate of such receipt or the stub attached to the tax bill to the county tax collector who shall enter upon the proper duplicate in his possession a record of the payment

B Each county and city tax collector shall designate one or more banks savings banks bank and trust companies trust companies or national bank associations located within the city or county as a depository or depos-

itories of all taxes collected or received by him Such tax collectors shall not deposit any tax moneys in any such banking institution which is not a properly designated depository Before depositing any tax moneys in any such depository each such tax collector shall secure from such depository a bond or bonds to secure payment of the deposits of such tax moneys secured by a surety company authorized to transact business within the Commonwealth or in lieu of such surety bond or bonds the deposit of tax funds may be secured by the deposit with any bank or trust company within the Commonwealth other than the depository which may be agreed upon of bonds or other interest bearing obligations of the United States of the Commonwealth or of bonds of any city borough township or school district of the Commonwealth the total amount of such bonds or obligations thus deposited measured by their actual market value shall be equal at all times to one hundred twenty per centum of the amount of the deposits All such bonds and obligations shall be accompanied by a proper assignment or power of attorney for their transfer and in the event of the failure of the depository to pay the full amount of such deposits such bonds and obligations and the proceeds of the sale thereof shall belong to the tax collector until he shall receive from the depository the full amount of the deposits made by him Provided That any such tax moneys may be insured with the Federal Deposit Insurance Corporation or any other corporation hereafter organized by the United States for the purpose of insuring deposits up to the amount to which such corporation is or may hereafter be authorized to insure deposits in any one name and when so insured the tax collector shall not require such banking institution to furnish additional bond insurance or security to cover the amount of such deposits so insured A tax collector shall not be responsible for the loss of tax moneys caused by the failure of any such depository which has complied with the requirements of this section unless he had knowledge of the unsound condition of the depository when he designated it as such

Section 24 Payment of Taxes Discounts Penalty on Delinquent Taxes All taxes within the scope of this act except when paid on the installment plan shall be subject to a discount of five per centum (5%) if paid on or before the first day of September of the year in which they were levied Beginning on the second day of September to and including the first day of November all such taxes shall be payable at face Beginning on the second day of November at which time all such taxes shall become delinquent to and including the thirtieth day of April of the following year a penalty of one-half of one per centum (½%) for each month or fraction thereof during which such taxes remain unpaid shall be added to their face amount Beginning on the first day of May of the year following the year of levy interest at the rate of six per centum (6%) per annum shall be added to such delinquent taxes until they are paid regardless of whether the lands against which such taxes were levied have been returned to the county commissioners or a lien for such taxes has been filed in the office of the prothonotary All such penalties and interest shall be collected as part of such taxes as herein provided Additional penalties or interest shall not attach to such taxes under any tax return or tax lien laws of the Commonwealth

Section 25 Installments System A The county commissioners of any county which is a taxing unit may by resolution authorize payment of all the taxes within the scope of this act levied within the county in two or more equal installments After the effective date of this act boroughs towns townships school and poor districts which are taxing units shall not have power to require or authorize payment of taxes in installments All existing ordinances and resolutions of any of such taxing units other than counties relating to payment of taxes in installments shall become void upon the effective date of this act

B If the county commissioners of any such county establish an installment plan for the payment of such taxes they shall in their resolution set forth the number of installments in which the taxes shall be paid and the dates when the respective installments shall become due and delinquent A discount shall not be allowed on such taxes paid in installments To each installment on the date when it becomes delinquent a penalty of five per centum (5%) shall be added

C A taxable may evidence his intention to pay a tax on the installment plan either by paying the first installment before it becomes delinquent or by filing with the tax collector prior to the date when the first installment becomes delinquent a written statement to the effect that he elects to pay the tax on the installment plan If after evidencing such an intention a taxable shall permit one-half or more of the total number of installments to become delinquent an additional penalty of three per centum (3%) shall be added to each such delinquent installment Further penalties shall not be added to any installment except that if an installment remains unpaid and the lands upon which the taxes were levied have been returned to the county commissioners or a lien for such taxes has been filed in the office of the prothonotary interest shall be added at the rate of six per centum (6%) per annum on the amount of the tax remaining unpaid on the first day of May of the year following the year for which such taxes were levied Such interest shall begin on such first day of May and shall continue until the taxes have been paid All such penalties and interest shall be collected as part of the taxes as herein provided Additional interest shall not attach to such installments under any tax return or tax lien laws of the Commonwealth

D If a taxable shall fail to evidence an intention to pay on any such installment plan his taxes shall become due and payable and be collected in the manner provided in this act for taxes which are not paid on an installment plan

Section 26 Payment Payment of any taxes within the scope of this act or any installment thereof may be made by the presentation of money check draft or money order to the tax collector his deputy or clerk personally or by mailing to the collector a check draft or money order in a properly addressed and stamped envelope All payments by check draft or money order shall be conditioned upon the tax collector's receiving actual payment of such check draft or money order in money or unconditional solvent credit All receipts issued by any such tax collector his deputy or clerk shall state that payments by check draft or money order are conditioned upon the tax collector's receiving actual payment in money or unconditional solvent credit Each person who makes a payment by mail shall enclose his tax bill or an identifying stub with the check draft or money order so that the payment may be identified Upon request each such tax collector shall mail to the person paying the tax at the latter's expense a receipt for each such payment

Section 27 Distress and Sale If any taxable shall fail to pay any tax within the scope of this act or any installment thereof before he becomes delinquent the county or city tax collector or upon authorization by the tax collector his deputy or one of his clerks may thirty days after the making of a demand for payment of such tax as herein provided recover such taxes by distress and sale of the goods and chattels of the delinquent Such collector his deputy or clerk may make such demand by sending by registered mail a written request for payment or by serving such a written request upon the taxable in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff Each such tax collector his deputy or clerk shall give ten days' notice of each sale by written or printed advertisement in the manner provided by law immediately prior to the effective date of this act Failure to demand or to collect any tax by distress and sale of goods and chattels shall not invalidate any return made or lien filed for non-payment of taxes or any sale had for the collection of such taxes

Section 28 Payment of Taxes by Tenant in Common and Coparcener Any tenant in common or coparcener of lands shall have the right to pay his proportionate part of the amount of tax due thereon and it shall be the duty of the proper county or city tax collector to re-

ceive such tax The interest of any such tenant in common or coparcener who shall have thus paid his proportionate part of the taxes shall not be affected by any proceeding or sale to enforce payment of the taxes on the other interests in the land

Section 29 Exonerations A The corporate authorities of each taxing unit shall have power to exonerate the county or city tax collector from the collection of any tax penalty or interest in whole or in part for mistakes indigent persons unseated lands et cetera as shall appear just and reasonable to such corporate authorities Such corporate authorities shall direct their clerk to enter in a book to be kept for that purpose (a) the names of all persons as to whose taxes any tax collector has been exonerated (b) the reasons for the exonerations and (c) the amount and date when the exonerations were made and shall give to each such tax collector a certificate stating the nature of the tax the name of the taxables and the amount of each tax as to which such tax collector has been exonerated All such books shall be open to public inspection during business hours

B Such action of the corporate authorities in exonerating a tax collector as to the amounts owing by taxables shall not in way have the effect of discharging or limiting the liability of such taxables for the tax All taxes for which a tax collector has thus been exonerated shall after such exoneration be paid directly to the corporate authorities of the respective taxing units The respective taxing units shall have power to collect such taxes by suit in assumpsit or by levy distress and sale in the manner herein provided for county and city tax collectors

Section 30 Returns and Payments A During the first ten days of each calendar month each county and city tax collector shall make a written return to the corporate authorities of each taxing unit whose taxes he collects of the amount of taxes collected during the preceding calendar month Such returns shall also state the amount of the taxes appearing uncollected upon the duplicates as of the close of such preceding calendar month and shall include an itemized statement showing what taxes have been paid by whom they have been paid and the date of payment Each such tax collector shall at the time of making any such return pay over to the treasurer of each such taxing unit the full amount of the taxes collected for such taxing unit during the preceding calendar month In addition to such monthly returns and payments any such collector may from time to time make supplemental returns and payments information and moneys included in such supplemental returns and payments need not be included in the monthly returns and payments

B Each county or city tax collector failing to make any monthly payment as herein required shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars

Section 31 Final Settlement A Each county and city tax collector shall make on or before the fifteenth day of June of the year following the one in which the taxes were payable a complete settlement of all taxes within the scope of this act charged upon the duplicates in his possession by showing (a) that they have been collected and paid over or (b) that they have been certified to the proper corporate authorities for entry as liens in the office of the prothonotary or (c) that they were levied against property which has been returned to the county commissioners or (d) that in the case of occupation poll and per capita taxes they have been included in a record of uncollected items which the collector has delivered to the proper corporate authorities with an affidavit that he has made diligent effort to collect such taxes or (e) that they are taxes for which he has been exonerated as herein provided or (f) that they are held in the custody of a court pending a decision on an appeal from the assessed valuation of taxable property On making final settlement each county and city tax collector shall make an oath or affirmation before the county commissioners or the city clerk as the case may be that he has made a just and true return of all moneys collected by him and a just and true accounting of all items charged in the duplicates delivered to him If the tax accounts of each such collector with each such taxing unit be thus adjusted and balanced to the satisfaction of the corporate authorities of each such taxing unit and the incoming tax collector if any such tax collector whose accounts have thus been settled and his surety shall be discharged from further liability

B If the corporate authorities of any such taxing unit or such incoming tax collector or both refuse to signify their satisfaction with any such settlement any such tax collector whose accounts have thus been settled or his surety may apply by petition to the court of common pleas of the county to have such tax collector's bond released and if it shall appear to such court that settlement has been made according to law it shall enter an order releasing such tax collector and his surety from further liability

Section 32 Collection After Expiration of Warrants Collection by Taxing Units A Each county and city tax collector may sue for any taxes due and unpaid after the date fixed for final settlement if (a) he has not been exonerated as to such taxes and (b) the property against which such taxes were levied has not been returned to the county commissioners and (c) such taxes have not been certified for entry of liens and (d) such taxes are not held in the custody of a court as herein provided

B In addition to all other remedies provided by this act each taxing unit shall have power to collect unpaid taxes from the persons owing such taxes by suit or other appropriate remedy To each judgment obtained for such taxes there shall be added a penalty of ten per centum (10%) together with costs of suit Upon each such judgment execution may be issued without any stay or benefit of any exemption law The right of each such taxing unit to collect unpaid taxes under the provisions of this subsection shall not be affected by the fact that such taxes have been entered as liens in the office of the prothonotary or the fact that the property against which they were levied has been returned to the county commissioners

Section 33 Embezzlement If any person charged with the collection safekeeping or transfer of any taxes within the provisions of this act shall convert or appropriate the moneys so collected or any part thereof to his own use in any way whatever or shall use by way of investment in any kind of property or merchandise any portion of the moneys so collected by him from such taxes and shall prove a defaulter or fail to pay over the same or any part thereof at the time or place required by law and to the person legally authorized to demand and receive the same every such act shall be deemed and adjudged to be an embezzlement of so much of said money as shall be thus taken converted appropriated embezzled invested used or unaccounted for which is hereby declared a misdemeanor and every such tax collector and every person whomsoever aiding or abetting or being in any accessory to such an act and being thereof convicted shall be sentenced to an imprisonment not exceeding five (5) years or to pay a fine not exceeding five thousand dollars ($5,000) or both at the discretion of the court

Section 34 Receipt of Unassessed Taxes or Taxes for Which Collector Has Been Exonerated A county or city tax collector or any other person on his behalf shall not receive payment or give any receipt for the payment of any taxes which were not assessed nor shall any such tax collector or other person in his behalf receive payment or give any receipt for the payment of any taxes for which such tax collector shall have been exonerated If any such tax collector or other person on his behalf shall violate any of the provisions of this section he shall upon summary conviction before a magistrate alderman or justice of the peace be sentenced to pay a fine of one hundred ($100) dollars for the use of the county and costs of prosecution

Section 35 Return of Unpaid Taxes on Real Property A Except as herein specifically otherwise provided each county and city tax collector shall on the first Monday of May of each year make a return to the county commissioners of all real property upon which there remains unpaid any taxes within the scope of this act which became due and collectible during the preceding year Such

county commissioners shall thereupon certify such return to the county treasurer in order that the sale of such properties may be made in the manner provided by law immediately prior to the effective date of this act

B If the corporate authorities of any taxing unit shall prior to the first Monday of May of any year notify such county or city tax collector in writing that they do not desire to have him make a return to the county commissioners of the real property upon which any taxes of such taxing unit remain unpaid he shall on such first Monday of May certify to and file with such corporate authorities or their solocitor as requested schedules of unpaid taxes in such form as may be requested by such corporate authorities and shall not use such taxes in making the return to the county commissioners required by this section

C If any county or city tax collector shall refuse neglect or fail to make any return or certification as herein provided he shall become personally liable for the payment of all taxes upon the real property which should have been returned or for the taxes which were not certified and recovery of such taxes may be had against him The provisions of this section shall not prevent the filing of any lien for the collection of such taxes and the collection of such taxes in the manner provided by law immediately prior to the effective date of this act where any such lien shall be filed the tax collector charged with the collection of the taxes for which such lien was filed shall not thereafter be liable for his failure to collect such taxes

D When a county or city tax collector shall return property to the county commissioners or certify unpaid taxes to the corporate authorities for the entry of liens as herein provided he shall add the amount of the penalties to each item of the taxes

Section 36 Audit of Accounts of Tax Collectors A In each county in which there is a county controller the accounts of each county and city tax collector covering taxes within the scope of this act shall be audited and settled annually after the fifteenth day of June by the county controller In counties where there is not a county controller such accounts shall be similarly audited and settled by an auditor who shall be a certified public accountant and who shall be appointed by the county commissioners Each such county controller and auditor shall receive for such services such compensation as the court of common pleas of the county may fix which compensation shall constitute an item of the cost of collection of taxes Each such county controller and auditor shall immediately after such audit is completed prepare a summary report in a form to be prescribed by the Department of Internal Affairs as herein provided and shall cause a brief summary of such report to be published once in at least one and not more than three newspapers of general circulation as defined by the Newspaper Advertising Act of May sixteenth one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) its supplements and amendments published in the county and in the legal newspaper if any as defined in such act published in such county if no newspaper of general circulation as so defined is published in the county the summary shall be printed in such newspaper published nearest to the county seat of such county

B The Department of Internal Affairs shall immediately after the effective date of this act prepare a model form for the summary reports required by this section

Section 37 Repeals The following acts and parts of acts are hereby repealed as respectively indicated except that until the system herein provided for the collection of taxes is in full effect such acts and parts of acts shall remain in force to the extent necessary to effectuate the provisions of this act

The act aproved the twentieth day of March one thousand seven hundred and twenty-five (four Statutes at Large ten) entitled "An act for raising of county rates and levies" absolutely

Sections sixteen eighteen nineteen twenty and twenty-one of the act approved the eleventh day of April one thousand seven hundred and ninety-nine (three Smith Laws three hundred ninety-two) entitled "An act to raise and collect county rates and levies" absolutely

Sections five and six of the act approved the sixth day of April one thousand eight hundred and two (Pamphlet Laws one hundred seventy-eight) entitled "An act for laying out making and keeping in repair the public roads and highways within this Commonwealth and for laying out private roads" absolutely

Section one of the act approved the third day of April one thousand eight hundred and four (Pamphlet Laws five hundred seventeen) entitled "An act directing the mode of selling unseated lands for taxes" absolutely

Sections nine and twelve of the act approved the first day of April one thousand eight hundred and thirty-four (Pamphlet Laws one hundred sixty-three) entitled "An act to provide for the incorporation of boroughs" in so far as they relate to taxation and to tax collectors

Sections seventeen eighteen nineteen twenty thirty-one thirty-two thirty-three thirty-five thirty-nine forty-one forty-two forty-four forty-seven forty-eight forty-nine fifty fifty-one and fifty-two of the act approved the fifteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws five hundred nine) entitled "An act relating to county rates and levies and township rates and levies" absolutely

Sections one two three four and five of the act approved the twenty-eighth day of February one thousand eight hundred and thirty-five (Pamphlet Laws forty-five) entitled "A supplement to the act relating to county rates and levies and township rates and levies and to the act relating to counties and townships and county and township officers" absolutely

Section eight and eleven of the act approved the twenty-seventh day of May one thousand eight hundred and forty-one (Pamphlet Laws four hundred) entitled "An act relating to the election of county treasurers and for other purposes" absolutely

Sections nineteen twenty and twenty-one of the act approved the twenty-second day of April one thousand eight hundred and forty-six (Pamphlet Laws four hundred eighty-six) entitled "An act to provide for the reduction of the public debt" absolutely

Section three of the act approved the eleventh day of April one thousand eight hundred and forty-eight (Pamphlet Laws five hundred seventeen) entitled "An act to provide for the ordinary expenses of government the repairs of canals and railroads belonging to the State and the payment of other claims upon the Commonwealth" absolutely

Sections three clause ten section six clause two and section twelve of the act approved the third day of April one thousand eight hundred and fifty-one(Pamphlet Laws three hundred twenty) entitled "An act regulating boroughs" absolutely

The act approved the first day of February one thousand eight hundred and fifty-six (Pamphlet Laws thirteen) entitled "An act in relation to the appointment of collectors of State and county taxes" absolutely

Section three of the act approved the twenty-first day of April one thousand eight hundred and fifty-six (Pamphlet Laws four hundred seventy-seven) entitled "An act relating to the sale of lands for the non-payment of taxes" absolutely

The act approved the twenty-sixth day of March one thousand eight hundred and sixty-seven (Pamphlet Laws forty-five) entitled "An act relating to the powers of the legal representatives of deceased tax collectors in this Commonwealth" in so far as the same to taxes collected under the provisions of this act

The act approved the twenty-fifth day of May one thousand eight hundred and seventy-eight (Pamphlet Laws one hundred fifty) entitled "An act requiring collectors of special taxes to give bond" absolutely

The act approved the twelfth day of April one thousand eight hundred and eighty-one (Pamphlet Laws nine) entitled "An act relating to the collection of borough tax

in the boroughs of the Commonwealth of Pennsylvania" absolutely

The act approved the twenty-fourth day of May one thousand eight hundred and eighty-one (Pamphlet Laws thirty-one) entitled "An act authorizing and requiring county treasurers in counties where the treasurer by existing law collects state and county taxes to collect unpaid or delinquent taxes in certain cases" absolutely

The act approved the third day of June one thousand eight hundred and eighty-five (Pamphlet Laws seventy-two) entitled "An act to punish defaulting tax collectors" except in so far as it applies to the collection safe-keeping or transfer of State and city taxes and taxes of school districts of the first class

Sections one two three four five six seven eight nine ten and eleven of the act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws one hundred eighty-seven) entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" absolutely

The act approved the thirtieth day of June one thousand eight hundred and eighty-five (Pamphlet Laws two hundred four) entitled "An act to empower the county commissioners in the counties where by present law the county treasurer collects the taxes to change the date or dates at which a reduction of said taxes for prompt payment shall cease" absolutely

The act approved the second day of June one thousand eight hundred and ninety-one (Pamphlet Laws one hundred seventy-five) entitled "An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' by providing the time in which tax collectors shall pay over tax and make settlements" absolutely

The act approved the eighth day of June one thousand eight hundred and ninety-one (Pamphlet Laws two hundred twelve) entitled "An act relating to the collection of state county and poor taxes in the several counties of this Commonwealth and providing for monthly returns and payments of the collectors thereof" absolutely

The act approved the twenty-second day of May one thousand eight hundred and ninety-five (Pamphlet Laws one hundred eleven) entitled "An act to provide for the more speedy and effectual manner of collecting the road and poor taxes in the several boroughs and townships in this Commonwealth" absolutely

The act approved the twenty-fifth day of June one thousand eight hundred and ninety-five (Pamphlet Laws two hundred ninety-six) entitled "An act requiring tax collectors of townships and boroughs of the Commonwealth to give a numbered tax receipt from a book to be furnished by the county commissioners containing a correspondingly numbered stub and requiring a sheet setting forth name amount of tax paid and number of receipt to be sent twenty days before each election to the county commissioners for public inspection and to provide for punishment of tax collectors violating the provisions of this act" absolutely

The act approved the ninth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred forty-two) entitled "An act requiring the tax collectors of the several boroughs and townships of this Commonwealth to make monthly returns of the taxes collected by them and the amount outstanding upon their respective duplicates to the several authorities legally authorized to receive the said taxes and to borough councils and to pay over monthly the amounts so collected by them and providing a penalty for the violation of the same" absolutely

Section one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties" absolutely

The act approved the first day of May one thousand nine hundred and nine (Pamphlet Laws three hundred five) entitled "An act to amend section seven of an act entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' approved June twenty-fifth one thousand eight hundred and eighty-five allowing a reduction of five per centum on all taxes paid within ninety days from date of notice by collector that duplicate has been issued or delivered to him" absolutely

The act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws one hundred seventy) entitled "An act providing for notification of taxables by tax collectors in boroughs and townships prescribing the contents of such notices and providing for the payment of the expenses thereof" absolutely

Section five hundred and three five hundred and forty-seven five hundred and forty-eight five hundred and forty-nine five hundred and fifty five hundred and fifty-one five hundred and fifty-two five hundred and fifty-three five hundred and fifty-four five hundred and fifty-seven five hundred and fifty-eight five hundred and fifty-nine five hundred and sixty five hundred and sixty-one five hundred and sixty-two and two thousand eight hundred and seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenues and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" and their amendments absolutely

The act approved the fifteenth day of April one thousand nine hundred and thirteen (Pamphlet Laws seventy-five) entitled "A supplement to an act approved the twenty-fourth day of March one thousand nine hundred five entitled 'An act establishing in counties containing a population of from three hundred thousand to one million a board for the Assessment and Revision of Taxes for State and county purposes prescribing their powers and duties and abolishing the office of ward borough and township assessors in so far as respects the assessment of State and county taxes' providing for the appointment by said board of collectors of county taxes in cities of such counties and defining the powers and duties of such collectors" absolutely

The act approved the twenty-first day of May one thousand nine hundred and thirteen (Pamphlet Laws two hundred eighty-four) entitled "An act to amend an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' as amended by an act approved the second day of June one thousand eight hundred ninety-one entitled 'An act to amend section nine of an act approved the twenty-fifth day of June one thousand eight hundred and eighty-five entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" by providing the time in which tax collectors shall pay over tax and make settlements'" absolutely

The act approved the twenty-sixth day of March one thousand nine hundred and fifteen (Pamphlet Laws eleven) entitled "An act prescribing certain duties for collectors of taxes in boroughs and townships and for county treasurers" absolutely

The act approved the seventeenth day of May one thousand nine hundred and seventeen (Pamphlet Laws two hundred twenty-one) entitled "An act providing for the filling of vacancies in the office of tax-collector in boroughs and townships by the county commissioners and repealing certain acts inconsistent therewith" absolutely

The act approved the twenty-fourth day of May one

thousand nine hundred and seventeen (Pamphlet Laws two hundred seventy) entitled "An act authorizing tenants in common and coparceners of land to pay their proportionate share of the taxes assessed against the land and providing that the sale thereof for unpaid taxes shall not impair or divest the title of those who have paid their respective shares of such taxes" except as to city taxes first class school district taxes and poor district taxes levied on city assessments and valuations

The act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred sixty-five) entitled "An act to amend section four of an act approved the twenty-fifth day of June one thousand eight hundred eighty-five (Pamphlet Laws one hundred eighty-seven) entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth' by changing the time of issuing duplicates" absolutely

The act approved the twenty-second day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred fifty-nine) entitled "An act authorizing counties of the fourth class to arrange for and pay the premiums on the bonds required of delinquent collectors" absolutely

Sections eight hundred and seven nine hundred and one and one thousand and thirty-five of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" and their amendments in so far as they relate to the tax collector and sections eight hundred and fifty one thousand eight one thousand eight-one one thousand three hundred and three one thousand three hundred and four one thousand three hundred and five one thousand three hundred and six one thousand three hundred and seven one thousand three hundred and eight one thousand three hundred and nine one thousand three hundred and ten one thousand three hundred and eleven one thousand three hundred and twelve and one thousand three hundred and thirteen of said act and their amendments absolutely

The act approved the twelfth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighteen) entitled "An act regulating the collection of county taxes in cities and providing for discounts and penalties" absolutely

The act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred seventy-six) entitled "An act relating to the collection and return of county borough township school and poor taxes" absolutely

The act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred three) entitled "An act to amend sections one and two of the act approved the fifteenth day of July one thousand eight hundred and ninety-seven (Pamphlet Laws two hundred seventy-six) entitled "An act to prohibit the payment of any occupation or poll tax assessed for State or county purposes of any elector by any person other than the elector against whom such tax is assessed except upon the written and signed order of such assessed elector and prescribing penalties' by providing certain exemptions" absolutely

Sections five hundred and eleven and one thousand and one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" in so far as they apply to the office of tax collector and sections eight hundred and five eight hundred and six one thousand seven hundred and twelve one thousand seven hundred and thirteen one thousand seven hundred and fourteen one thousand seven hundred fifteen one thousand seven hundred and sixteen one thousand seven hundred and seventeen one thousand seven hundred and eighteen and one thousand seven hundred and nineteen of said act and their amendments absolutely

The act approved the twenty-fifth day of July one thousand nine hundred and thirty-two (Pamphlet Laws ten) entitled "An act authorizing counties cities boroughs towns townships school districts and poor districts to install by ordinance or resolution a system for the collection of taxes in installments and specifying certain conditions and penalties in such cases' except in so far as it applies to city taxes first class school district taxes and to poor taxes levied on city assessments and valuations

Sections four hundred and two and five hundred and forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" in so far as they relate to the tax collector and sections four hundred and fourteen four hundred and twenty-three five hundred and seventy five hundred and seventy-one nine hundred and nine nine hundred and ten nine hundred eleven nine hundred and twelve nine hundred and thirteen nine hundred and fourteen nine hundred and fifteen and nine hundred and sixteen of said act absolutely

The act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one thousand one hundred thirty-five) entitled "An act relating to the collection of delinquent county taxes in counties of the second class repealing all acts or parts of acts general or local or special inconsistent herewith" absolutely

The act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand one hundred seventy-two) entitled "An act requiring tax collectors of townships of the first class to secure from banks banking institutions or trust companies a bond to secure payment of deposits of all township tax moneys deposited therein by such tax collector secured by a surety company authorized to transact business within the Commonwealth of Pennsylvania or a depository agreement secured by the deposit of bonds or interest bearing securities of the United States the Commonwealth of Pennsylvania or any city borough township or school district in the Commonwealth of Pennsylvania" absolutely

All other acts and parts of acts general local and special inconsistent with or supplied by this act are hereby repealed

Section 38 Effective Date The provisions of this act shall except as herein specifically otherwise provided become effective immediately upon its enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. WILSON. Mr. Speaker and members of the House, before this bill is voted on at this time I desire to call the attention of the House to the fact that they are embarking upon a new program. They propose to do away with a plan or a system of collection of taxes in the Commonwealth of Pennsylvania which has been in existence for over one hundred years, a system which with all its faults and with all of the amendments that have been offered from time to time since the act of 1834, has served this Commonwealth well indeed.

I want to call attention to the fact that no one can approach this proposition with the idea that he knows exactly what to do. I want to assure the House that I have devoted a great deal of attention to the matter of taxes. For forty-four years I have represented rural townships and boroughs and there has never been a time in all that period when I was not familiar with the existing law at the time with reference to the collection of those taxes, having helped to make out duplicates, serving as a secre-

tary of the council of my borough for over thirty years, serving as a secretary of the school board for a goodly number of years, serving as attorney for townships, as I have said, all this time.

From a rural standpoint I desire to call attention to two facts or two lines of thought why this bill should not be passed and I go on record in saying that the bill should not pass regardless of the amendments that have just recently been inserted in the bill. Lawyers, of course, make a business of looking into these things from the constitutional standpoint. It does not take very much study to come to the conclusion that so far as the local option feature is concerned that it is unconstitutional. So, members of the House, when you vote upon this bill you will vote upon it with the idea that it is just exactly as it was in the beginning.

There are two ways of approaching it, as I say. One is the form and substance of the bill itself. Is it carefully drawn even conceding the theory that the underlying principle that is sought to be worked out here is correct. Now the next thought on it is on the underlying principle itself.

I desire to call attention to the fact that the form and substance of this bill are far from desirable even conceding that the underlying principle is correct and it is along that line that I wish to speak first.

Before I bring out these points I want to say to the House that I have spent at least two hours this morning on this amended bill and have picked out certain clauses, phrases and paragraphs and marked them and numbered them and have written questions concerning them: They are far too many to interrogate the sponsors of the bill and in order to extend the courtesy to these gentlemen who have put their names upon this administration bill, so that they would have a fair chance of defending the bill which has been placed in their hands a marked copy of these questions was handed to the sponsors of the bill. So I will embrace these questions in my argument against the bill.

As to the form and substance of the bill I call the attention of the House to page 4, line 20, under sub-section C and I read the provisions that are set forth there as follows: "All resolutions regulations and rules made pursuant to any act repealed or superseded by this act shall unless inconsistent with any provisions of this act continue with the same force as if such act had not been repealed or superseded."

The questions that I would ask not only of the sponsors of this bill but of every member of this House, the Administration and all of the authorities in connection with it, if you please, as to this particular paragraph are as follows:

1. Would you please name some specific instances which this portion of the bill is to cover?

2. Would not resolutions be in force which were based on repealed acts, if this were adopted?

3. Would it not be necessary in determining the legality of said resolutions, etc. to refer to a repealed act?

4. What would this do to our legal digest, and would it lead to less or more litigation?

The questions suggest the argument. I shall not offer any argument. I merely ask you to think. The greatest trouble that any lawyer in this world has is to get his clients or the people that he represents or the jury or the court to think.

The next paragraph to which I would call your attention is on page 10. I ask the members to turn to page 10 of this bill. In line 16 in the bill—this is Section 9 headed "County Treasurer Designated as County Tax Collector"—appear these words "He shall have and exercise except as herein specifically otherwise provided all of the powers vested by law in the collectors of such taxes immediately prior to the effective date of this act." Now as to that paragraph I desire to ask:

1. Why should the bill not set forth specifically all powers referred to by this portion of the bill?

2. As written will it not be necessary to refer to repealed acts to determine what these powers may be?

3. Will not this lead to more and complicated litigation?

The next paragraph appears on page 10, sub-section B, beginning on line 20. These are the words that appear there on this proposed act: "Before entering upon his term of office and yearly thereafter before receiving his tax duplicate and warrants each such county tax collector shall give a fidelity bond to the omCmonwealth in an amount to be fixed by the county commissioners and with surety corporate or personal to be approved by the court of quarter sessions. Each such bond shall contain a warrant of attorney to confess judgment thereon and shall be conditioned that the tax collector shall well and truly perform his duties and account for and pay over all monevs received by him and account for all uncollected tax items contained in the duplicates delivered by him."

I desire to ask with reference to this provision these questions:

1. Would it not be better to provide that the bond be given to the Commonwealth for the use of all the respective taxing districts within the county for which the county collector is collecting taxes?

2. Will this provision in the bill not lead to confusion when it becomes necessary to confess judgment on the county collector's bond?

3. As written who is entitled to confess judgment on the bond and in what amount?

4. In case there is a shortage in one or more of the acounts of the several taxing districts in the county how are these taxing districts to receive benefits from the judgment confessed upon the bond unless said judgment is entered for its use?

5. What is the detailed plan for confessing judgment on county tax collector's bonds provided for in this section of the bill?

6. Whl should this detailed plan not be specifically provided for in the bill?

I have another question, that reminds me, which I will make number seven:

If once this bond has had a confession of judgment on it what will happen to it if you want to put a second confession of judgment on it having exhausted the power of attorney that is already in the bond?

I next pass on to the fourth question which appears on page 11, line 17, I would be glad if every member of the House would look at these paragraphs and bear in mind that I am calling your attention to them to serve you rather than to find fault. On page 11, line 17 appears these Words: "In each county where there is a county con-

troller such bonds shall be deposited with that officer In each other county such bonds shall be deposited with the county commissioner."

These are the questions I would ask about the depositing of bonds:

1. Does the bill not provide that bonds filed by the county tax collector shall be approved by the Court of Quarter Sessions?

2. Does not the bond to be filed by the county tax collector cover the collection and the proper accounting of the duplicates of the several taxing districts within the county?

3. Why then should the bonds be placed in the possession of the controller or the county commissioners; why should it not be provided that they be filed with the Court of Quarter Sessions?

The next paragraph that I wish to call your attention to is on page 16, line 10. I desire to call attention to this fifth question, beginning at line 10, reading in part as follows: "Salary of County Tax Collector. When the system for the collection of taxes as herein provided shall be in full and complete effect each county tax collector in addition to any compensation which he may receive for acting as county treasurer shall receive an annual salary of" and then it gives the amount which shall be paid in the respective districts; for instance, in a county of the sixth class it shall be $750.

Now I desire to ask these question, you to furnish the answers, if you please:

1. What is the purpose for providing additional compensation to the county treasurer for services rendered as county tax collector?

2. If it is for the additional duties outlined in this bill why would it not be proper to provide for additional compensation to controllers in counties having controllers, or county commissioners?

3. Is this provision not, in effect, an amendment to the present county code or to the Salary Act of 1923.

4. In other words, is it not true that this bill provides for additional duties for both the county treasurer and the county controller or county commissioners as the case may be, and why should one receive additional compensation and not the other? Or why should any of them receive additional compensation when the work will all be done by deputies or clerks for which the taxing districts must pay?

Now, Mr. Speaker those are only five of the questions. There are seventeen of them, but I have just been approached by a gentleman saying that the bill is to be postponed. I am ready to have this bill postponed. I have submitted my questions, which are seventeen in number with a lot of smaller questions attached thereto, to the sponsors of this measure and I trust that while they have this bill on the postponed calendar they will take the time to answer all of these questions and amend the bill, and it will be a pleasure to hear the answers to these questions, because with the permission of the House I shall renew the questions and, in addition, ask the members of the House to oppose the bill on its merits, so far as the underlying principle is concerned. Therefore, with the understanding that this bill is to be postponed and that these matters will be given consideration in the spirit which I have given them in advance, I shall yield at this time asking for the privilege to speak when the bill comes up on final passage.

BILL POSTPONED

Mr. MOOMAW. Mr. Speaker and members of the House, in view of the splendid arguments that the gentleman on the other side of the House has brought out, and I wish to thank him for furnishing me with copies of the same, and I only regret that he did not fully complete them, but inasmuch as it is the intention to place the bill on the postponed calendar I will not attempt at this time to answer any of them, although from what I have seen the answers to practically all of them are contained in the measure itself.

I, therefore, move you that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Franklin, Mr. Moomaw.

The SPEAKER. Will the gentleman from Franklin permit himself to be interrogated?

Mr. MOOMAW. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Franklin the purpose of placing this bill on the postponed calendar.

Mr. MOOMAW. Mr. Speaker, apparently in looking around I notice there are a number of absentees here in the House, not upon the floor of the House, but who I know are going to vote favorably upon this measure, and due to its importance we should have a full roll call on the same.

Mr. TURNER. Mr. Speaker and members of the House, for the very reason which the gentleman from Franklin has advanced, I object to this bill being placed upon the postponed calendar. It has been here, we understand the terms, it has been on the calendar and every one knew it was coming up today. I take it that those who are not here do not want to vote. Therefore, I think we should go ahead and dispose of the bill at the present time, one way or the other.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, on the motion to postpone I wish to call the attention of the House to the fact that there are quite a number of members absent. I feel sure that this measure has enough implications that all the members desire to be recorded, and I would suggest that we all go along with the gentleman from Franklin, Mr. Moomaw, and support him in his motion to postpone the bill until a full membership will have an opportunity to vote upon it.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TURNER and Mr. SCHROCK and were as follows:

YEAS—119

Achterman,	Dubbs,	Lopresti,	Rothenberger,
Alexander,	Dyson,	Lovett,	Ruffennach,
Allen,	Elpern,	McCullough,	Rush,
Allmond,	Falkenstein,	McDermott,	Sarraf,
Arnold,	Fitch,	McElroy,	Scanlon,
Aukerman,	Gerard,	McFall,	Schor,
Baine,	Haberlen,	McGee,	Schrope,
Baker, J. J.,	Hagerty,	McShane,	Shaw,
Balthaser,	Hamilton, F. P.,	Melchiorre,	Shea,
Blank,	Harkins,	Mellott,	Shoemaker,
Bohn,	Harmuth,	Mihm,	Shugarts,

Boies,	Hays,	Moomaw,	Skale,
Bradley,	Hering,	Mooney,	Smith, James A.,
Brigerman,	Hess,	Moran,	Smith, John A.,
Broad,	Hetrick,	Moul,	Stank,
Brown,	Hindman,	Nagel,	Thomas,
Burrows,	Hirsch,	O'Brien,	Thompson,
Caesar,	Holland,	O'Connor,	Tronzo,
Coakley,	Holmes,	O'Keefe,	Tumelty,
Cohen, H. B.,	Holstrom,	Ominsky,	VanSickle,
Cohen, R. E.,	Hontz,	O'Neill,	Vogt,
Coleman,	Horting,	Patterson, C. S.,	Wagner,
Corrigan,	Keenan,	Patterson, J. W.,	Weiss, D. H.,
Costanzo,	Kelso,	Powers,	Weiss, S. A.,
Decker,	Kilroy,	Preston,	Welliver,
DeNote,	Kroll,	Readinger,	Welsh,
Dickinson,	LaRue,	Reese,	Westrick,
Donohoe,	Levy,	Richter,	Zappala,
Dougherty,	Lewis,	Robinson,	Furman,
Downey,	Long,		

NAYS—49

Baker, F. T.,	Huntley,	Peale,	VanAllsburg,
Bierly,	Imbrie,	Piole,	Wampole,
Boose,	Kline,	Royer,	Watkins,
Boyer,	Leisey,	Schrock,	Weidemann,
Cadwalader,	Longaker,	Schumacher,	Whalen,
Caputo,	Lyons,	Serrill,	Winner,
Chervenak,	Marino,	Sloan,	Wood,
Davies,	Matthews, J. F.,	Snyder,	Woodside,
Flannery,	McArdle,	Sproul,	Wright,
Gillette,	McDevitt,	Stewart,	Yanoshat,
Habbyshaw,	McKinney,	Toole,	Yeakel,
Hall,	Merrell,	Trout,	Yourishin,
Hamilton, R. S.,	Muir,	Turner,	

So the question was determined in the affirmative and the motion was agreed to.

HOUSE BILL No. 1028 MADE A SPECIAL ORDER

Mr. BOIES. Mr. Speaker, I move that House Bill No. 1028 Printer's No. 588 entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 216) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as a dental hygienist

on page 13 of today's calendar, bills on third reading be made a special order of business at 3:40 p. m.

The motion was agreed to.

HOUSE BILL No. 1028, SPECIAL ORDER

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 1028, Printer's No. 58, on page 13 of today's calendar, bill on third reading.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1028 entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 216) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the boards a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as dental hygienists

And said bill having read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McGee,	Siegel,
Alexander,	Flinchbaugh,	McKinney,	Simon,
Allen,	Ganser,	McShane,	Simpson,
Allmond,	Gerard,	Melchiorre,	Skale,
Arnold,	Gillette,	Mellott,	Sloan,
Atkins,	Gorski,	Merrell,	Smith, John A.,
Aukerman,	Habbyshaw,	Mihm,	Smith, James A.,
Baine,	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Muir,	Stackpole,
Blank,	Harkins,	Munley,	Stank,
Bohn,	Harmuth,	Murrin,	Stewart,
Boies,	Hays,	Nagel,	Stockham,
Boltz,	Hering,	O'Brien,	Strode,
Boose,	Hess,	O'Connor,	Terry,
Boyer,	Hetrick,	O'Keefe,	Thomas,
Bradley,	Hindman,	Ominsky,	Thompson,
Brigerman,	Hirsch,	O'Neill,	Toole,
Broad,	Holland,	Ostroff,	Tronzo,
Brown,	Holmes,	Patterson, C. S.,	Trout,
Brownfield,	Holstrom,	Patterson, J. W.,	Tumelty,
Burrows,	Hontz,	Peale,	Turner,
Cadwalader,	Horting,	Pearson,	Valibus,
Caesar,	Huntley,	Perry,	VanAllsburg,
Caputo,	Imbrie,	Pershing,	VanSickle,
Chervenak,	Jirolanio,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, H. T.,	Schrope,	Wood,
Eckels,	Matthews, J. F.,	Schumacher,	Woodside,
Elpern,	McArdle,	Serrill,	Wright,
Falkenstein,	McCullough,	Shaw,	Yanoshat,
Finnerty,	McDermott,	Shea,	Yeakel,
Fiss,	McDevitt,	Shepard,	Yourishin,
Fitch,	McElroy,	Shoemaker,	Zappala,
Flanagan,	McFall,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1640 entitled:

A Supplement to the act approved the second day of

June one thousand nine hundred fifteen (P. L. 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedue related to such diseases and making an appropriation.

On the question,
Will the House agree to the bill on third reading?
It was agreed to,
On the question,
Shall the bill pass finally?

BILL POSTPONED

Mr. SCHOR. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

PERMISSION GRANTED COMMITTEES TO MEET DURING SESSION.

Mr. O'KEEFE asked and obtained permission for the Committee on Elections to attend a scheduled public hearing in the House Caucus Room during the session.

Mr. FLINCHBAUGH asked and obtained permission for the Committee on Banking to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 872, entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation may at any time split or separate the assessment on any tract of real estate divided into lots in order to permit the payment of taxes due on a portion of such tract requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made

On the question,
Will the House agree to the bill on third reading?
It was agreed to,
On the question,
Shall the bill pass finally?

Mr. LEWIS. Mr. Speaker, I would like to interrogate the gentleman from Delaware, Mr. Weidemann.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. WEIDEMANN. I will, Mr. Speaker.

Mr. LEWIS. Mr. Speaker, I desire to inquire of the sponsor of the bill whether in his opinion the title of the act is correct, inasmuch as it has been amended to exclude counties of the first class.

Mr. WEIDEMANN. Mr. Speaker, I have been advised that the bill as now on the calendar eliminates counties of the first class.

Mr. LEWIS. Mr. Speaker, do I understand that the gentleman has some authority for his belief that it is not necessary to amend the title of this bill?

Mr. WEIDEMANN. Yes. Mr. Speaker, the Legislative Reference Bureau.

On the question recurring,
Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Smith, James A.
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Walsh,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	LaRue,	Robinson,	Weidemann,
Costanzo,	Leisey,	Rothenberger,	Weiss, D. H.,
Davies,	Levy,	Royer,	Weiss, S. A.,
Decker,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1977, entitled:

An Act to amend sections three seven eight fifteen twenty-four and twenty-eight sections fourteen thirty-four and thirty-eight as amended sections eighteen and sixty-one as amended sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 869) entitled "An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth" by providing for the reorganization of the division changing the designation Staff Corps and Departments to State Staff and Detachment defining the powers of the division commander providing for the vacation of commissions upon transfer to the Inactive National Guard making the period

of enlistment and qualifications conform to the National Guard Bureau requirements defining the duties of the Adjutant General providing for the elimination of officers or warrant officers by courts of inquiry changing the basic annual allowance for mounted troops and increasing the minimum allowance providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains providing a term of office for staff and warrant officers and eliminating an obsolete reference to five year terms providing that any sheriff or constable may receive and confine military offenders providing that any division commander may appoint a general court-martial providing for the collection of court-martial fines and execution of sentence of court-martial and rescinding obsolete provisions referring to staff officers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Siegel,
Alexander,	Flinchbaugh,	McShane,	Simon,
Allen,	Ganser,	Melchiorre,	Simpson,
Allmond,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Smith, James A.,
Baine,	Haberlen,	Mooney,	Snyder,
Baker, F. T.,	Hagerty,	Moran,	Sollenberger,
Baker, J. J.,	Hall,	Moul,	Spengler,
Balthaser,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boies,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	Leisey,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,		

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1216, entitled:

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions insured under the Federal Savings and Loan Insurance Corporation shall be legal investments for certain corporations and certain funds

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, John A.,
Atkins,	Gorski,	Mihm,	Smith, James A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS— 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1477, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, S.,	Trout,
Brown,	Holmes,	Patterson, W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Decker,	Long,	Rush,	Wampole,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Eckels,	McArdle,	Serrill,	Woodside,
Elpern,	McCullough,	Shaw,	Wright,
Falkenstein,	McDermott,	Shea,	Yanoshat,
Finnerty,	McDevitt,	Shepard,	Yeakel,
Fiss,	McElroy,	Shoemaker,	Yourishin,
Fitch,	McFall,	Shugarts,	Zappala,
Flanagan,	McGee,	Siegel,	Furman,

NAYS— 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 563, entitled:

An Act to amend the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws 912) entitled "An act to protect the public health defining and providing for the licensing of bakeries and regulating the inspection maintenance and operation of bakeries and premises stores and shops connected therewith defining and regulating the manufacture sale and offering for sale of bakery products conferring powers on the Department of Agriculture and providing penalties' requiring licenses for all bakeries further regulating bakeries and the importation of bakery products providing for injunctions in certain cases and changing the penalties prescribed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flanagan,	McGee,	Siegel,
Alexander,	Flannery,	McKinney,	Simon,
Allen,	Flinchbaugh,	McShane,	Simpson,
Allmond,	Ganser,	Melchiorre,	Skale,
Arnold,	Gerard,	Mellott,	Sloan,
Atkins.	Gillette,	Merrell,	Smith, James A.,
Aukerman,	Gorski,	Mihm,	Smith, John A.,
Baine,	Haberlen,	Moomaw,	Snyder,
Baker, F. T.,	Hagerty,	Mooney,	Sollenberger,
Baker, J. J.,	Hall,	Moran,	Spengler,
Balthaser,	Hamilton, F. P.,	Moul,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boies,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	VanSickle,
Chervenak,	Jirolanio,	Powers,	Vogt,
Coakley,	Keenan,	Preston,	Wagner,
Cohen, H. B.,	Kelso,	Readinger,	Wall,
Cohen, R. E.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Coolahan,	Kroll,	Richter,	Webster,
Corrigan,	LaRue,	Robinson,	Weidemann,
Costanzo,	Leisey,	Rothenberger,	Weiss, D. H.,
Davies,	Levy,	Royer,	Weiss, S. A.,
Decker,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Marino,	Schrope,	Winner,
Dyson,	Matthews, J. F.,	Schumacher,	Wood,
Elpern,	McArdle,	Serrill,	Wright,
Eckels,	McCullough,	Shaw,	Yanoshat,
Elpern,	McDermott,	Shea,	Yeakel,
Falkenstein,	McDevitt,	Shepard,	Yourishin,
Finnerty,	McElroy,	Shoemaker,	Zappala,
Fiss,	McFall,	Shugarts,	Furman,
Fitch,			

NAYS— 3

Habbyshaw,	Muir,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1921, as follows:

An Act to amend section four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 90) entitled "An

act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed levied and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties" providing for uniform discount and uniform penalties making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four and five of the act approved the twenty-sixth day of April one thousand nine hundred and thirty-five (Pamphlet Laws 90), entitled "An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed leved and collected upon the basis of the assessments for taxation for county purposes and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith abolishing the department of assessors in cities of the second class A consolidating tax statements covering city school county and poor taxes therein and making uniform the time for levy and collection of said taxes respectively and regulating the discounts therefrom and penalties thereon" are hereby amended to read as follows

Section 4 Upon all such taxes and taxables shall be allowed [the same discounts for prompt payment and shall be subject to the same penalties for delay or delinquency in payment as is now provided under existing law relating to the particular tax and where such existing laws fix specific dates for such discounts and penalties corresponding times shall be calculated from the time duplicates issue under the provisions of this act] a discount of two (2%) per centum if paid on or before the thirtieth day of April and said taxes shall be payable at face during the months of May and June and if not paid on or before the thirtieth day of June the said taxes shall be deemed delinquent and shall be subject to a penalty of two (2%) per centum up to July thirty-first and in addition thereto interest on the face amount of said delinquent taxes at the rate of one-half of one per centum per month for each and every month or part thereof that the same may be delinquent after the thirty-first day of July of said year.

Section 5 It shall be the duty of the collector of taxes in the issuing of tax statements to include [so far as practicable] all city school county and poor taxes against the same properties or persons upon one statement for each year and said tax statement shall be mailed to the taxpayer by the tax collector not later than the first day of April of each calendar year Taxables shall have the option to elect to pay the total amount of their city county school and poor taxes in four equal quarterly payments as follows viz

The first quarterly payment during the months of April May and June the second quarterly payment during the month of July the third quarterly payment during the month of October and the fourth quarterly payment during the month of January The first quarterly payment shall become delinquent if not paid on or before the thirtieth day of June the second quarterly payment shall become delinquent if not paid on or before the thirty-first day of July the third quarterly payment shall become delinquent if not paid on or before the thirty-first day of October the fourth quarterly payment shall become delinquent if not paid on or before the thirty-first day of January

The discount as provided under section four shall be allowed to the taxable on his first quarterly payment only provided the same shall be paid on or before the thirtieth day of April Upon default in the payment of any quarterly installment the entire unpaid balance shall thereupon become due and owing by the taxable and said unpaid balance shall bear the same penalties and interest charges as is hereinbefore provided

Section 2 All acts and parts of acts general local or special inconsistent herewith are hereby repealed

Section 3 This bill shall become effective January 1, 1938

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Colahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshak,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flaherty,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideraiton of House Bill No. 1567, entitled:

An Act to amend section two and section nine as amended of the act approved the fifth day of January one thousand nine hundred and thirty-four (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" further regulating the making of payments to representatives of persons who cannot personally receive compensation

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Siegel,
Alexander,	Flinchbaugh,	McShane,	Simon,
Allen,	Ganser,	Melchiorre,	Simpson,
Allmond,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Smith, James A.
Baine,	Haberlen,	Mooney,	Snyder,
Baker, F. T.,	Hagerty,	Moran,	Sollenberger,
Baker, J. J.,	Hall,	Moul,	Spengler,
Balthaser,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,		

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1113, entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine one thousand nine hundred and thirty one thousand nine hundred and thirty-one one thousand nine hundred and thirty-two one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five and validating the liens of such taxes

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2147, (Senate Bill No. 626), entitled:

An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (P. L. 38) entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class" further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the previsions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2133 (Senate Bill No. 573), entitled:

An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McKinney,	Siegel,
Alexander,	Flinchbaugh,	McShane,	Simon,
Allen,	Ganser,	Melchiorre,	Simpson,
Allmond,	Gerard,	Mellott,	Skale,
Arnold,	Gillette,	Merrell,	Sloan,
Atkins,	Gorski,	Mihm,	Smith, James A.,
Aukerman,	Habbyshaw,	Moomaw,	Smith, John A.,
Baine,	Haberlen,	Mooney,	Snyder,
Baker, F. T.,	Hagerty,	Moran,	Sollenberger,
Baker, J. J.,	Hall,	Moul,	Spengler,
Balthaser,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,		

NAYS—1

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 1765, Printer's No. 636 was passed over at the request of Mr. TURNER.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1712, entitled:

A Supplement to the act approved the fifth day of May one thousand nine hundred and eleven (Pamphlet Laws 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I should like to ask the gentleman from Allegheny, Mr. Weiss, by what authority he believes that the judges of the County Court of Allegheny County may be chosen to sit as judges of the Court of Quarter Sessions?

Mr. SAMUEL A. WEISS. Mr. Speaker, I took this matter up with the Attorney General's office and corrected the defect in the bill introduced at the last session, in which we provided for the assignment of county court judges in the Court of Quarter Sessions. I do not believe that there is anything in the law to prevent the selection of any county court judge to hear misdemeanor cases in the court of Quarter Sessions only. They have no jurisdiction over the Court of Oyer and Terminer and General Jail Delivery. This bill was introduced for the purpose of relieving the criminal court docket by assigning misdemeanors and other cases to the county court judges who say they want more work. It will be a great help to the taxpayers of our county.

Mr. BROWN. Mr. Speaker, may I ask the gentleman from Allegheny whether or not under the Constitution of the State of Pennsylvania there is any distinction as to the judges of the Court of Quarter Sessions, the judges of the Court of Oyer and Terminer and the judges of the Court of Common Pleas.

Mr. SAMUEL A. WEISS. Mr. Speaker, I do not believe there is because the Constitution provides that the common pleas judges shall "in turn" sit in the Court of Quarter Sessions and General Jail Delivery, in hearing law cases, but I think this Legislature has the authority to provide for the trial of misdemeanor cases by the judges of the county court just the same as the Legislature has the right to provide for the trial of those cases in the original act creating the Municipal Court of Philadelphia.

Mr. BROWN. Mr. Speaker, may I ask the gentleman from Allegheny, Mr. Weiss, whether or not the judges of the Court of Allegheny County could sit in the courts of Oyer and Terminer?

Mr. SAMUEL A. WEISS. Mr. Speaker, they could not under this bill.

Mr. BROWN. Mr. Speaker, could they under any Legislative enactment short of a Constitutional Revision or amendment?

Mr. SAMUEL A. WEISS. Mr. Speaker, there will be a question in my mind whether the Court of Quarter Sessions or the Court of Oyer and Terminer and General Jail Delivery,—if we by law would provide for the assignment of those judges to sit and hear cases in the Court of Oyer and Terminer, there would be a constitutional question, I believe, although I say we can do it in the Court of Quarter Sessions but I do not believe we will be able to do it in the Court of Oyer and Terminer. That is not the purpose of this bill.

Mr. BROWN. Mr. Speaker, may I further ask the gentleman whether if in his opinion the judges of the County Court of Allegheny County, as he has stated, could not serve in the Court of Oyer and Terminer, isn't it true under Article V of the Constitution of Pennsylvania, Section 9, that the same law or Constitutional provision that applies to the judges of the Court of Oyer and Terminer applies likewise to the Court of Quarter Sessions, and therefore if they cannot sit in the Court of Oyer and Terminer they likewise could not sit in the Court of Quarter Sessions, the judges deriving their power from the same section in both instances.

Mr. SAMUEL A. WEISS. Mr. Speaker, as I said a moment ago, that question might be raised to the bill but I think it is removed in the wording of this bill which removes the serious Constitutional objection raised in the bill introduced in the last session by myself, which was passed by both Houses and vetoed by the Governor on the recommendation of the Attorney General. I believe this bill will meet the objections raised in the bill introduced at the last session.

Mr. BROWN. Mr. Speaker and members of the House, I do not oppose this bill on the ground that it probably will save the taxpayers of Allegheny County some money and I did not interrogate the gentleman from Allegheny County, Mr. Weiss, with the end in view of being prejudicial to the bill, but it seems to me that the bill is wholly unconstitutional. It is certainly a question that does not admit of any doubt, as I read the article in the Constitution providing for the judiciary, and that is, if the judges of the County Court of Allegheny County cannot sit as judges in the Court of Oyer and Terminer they likewise cannot sit as judges in the Court of Quarter Sessions, and neither could they sit as judges of the Court of Common Pleas. And while I think the bill has a good purpose and ought to be passed, I just want to call this to the attention of the gentleman from Allegheny County, feeling that perhaps in some way the bill might be amended so that its efficacy could be assured and therefore I simply make that suggestion to the gentleman from Allegheny.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, there is no question in my mind about the seriousness of the attitude of the gentleman from Alle-

gheny on any measure before this House and I know this interrogation is not for the purpose of embarrassment. I know he has an honest difference of opinion. I am well aware of the contents of the veto message of the Governor to the bill I introduced at the last session. I had this matter up with the Legislative Reference Bureau and the Attorney General and the bill was introduced at this session, and it was introduced in such a manner and rephrased so as to remove that constitutional objection. If the Legislature has the right to create a municipal court in Philadephia or in any other county, giving it the power to hear certain cases, certainly we can increase the powers and duties of the county court, which this bill does. It provides for the increase of the power to that court in a different manner. You will notice on page 2 of the bill it says: "The judges of the County Court in and for the County of Allegheny said judges shall when called upon by the President Judge of the Court of Common Pleas of the same judicial district as hereinafter provided, have power to hear and determine when certified according to provisions (b) of this section ***." So, if this Legislature has the power to create the Municipal Court to hear misdemeanor cases certainly it has the same power to increase the jurisdiction of the County Court of Allegheny County, and I say, in view of the fact that authorities who know much more about Constitutional law than I ever expect to, have said that the bill is in such shape that it removes those objections, I can see no reason why this body cannot take that chance on that recommendation, pass this bill in this House and let it go to the Governor's desk.

Mr. BROWN. Mr. Speaker and members of the House, in answer to the gentleman from Allegheny I think there is a clear distinction between the conferring of power upon a judge to sit and hear certain cases and the conferring of power upon a judge to sit as another judge in another court, but if the gentleman from Allegheny, Mr. Weiss, is fully aware of the fact and feels that the bill is Constitutional as drawn, I want to ask every member to vote for it, although I think it is clearly unconstitutional.

Mr. TURNER. Mr. Speaker, I have listened very attentively to the argument, and I agree with the gentleman from Allegheny, Mr. Weiss, that Mr. Brown is very honest in his opinions and is very conscientiously differing in his opinion. I think in this instance he is wrong, and that the gentleman from Allegheny, Mr. Weiss, is right and the bill should be passed.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2141 (Senate Bill No. 515), entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine,	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,

Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1416 (Senate Bill No. 177), entitled:

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors

On the question,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, last line of title, by inserting after the word: "liquors" the following: "and prohibiting minors from purchasing or attempting to purchase the same".

Amend bill, page 2, by inserting between lines 19 and 20 the following new section: "Section 2. It shall be unlawful for any minor by himself or herself or by or through any other person or persons to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any spirituous, vinous or brewed or malt liquors from any Pennsylvania liquor store or from any person, partnership, association or corporation whether or not licensed to sell or dispense the same within this Commonwealth.

Any minor violating any of the provisions of this section shall, upon summary conviction thereof, be sentenced to pay a fine of not more than fifty dollars ($50) or to undergo imprisonment for not more than fifteen days or both: Provided, That all complaints against minors subject to the jurisdiction of the juvenile courts shall be referred to such court and shall be disposed of in accordance with the laws relating to such courts."

Amend section 2, page 2, line 20, by striking out the figure: "2" and inserting in lieu thereof: "3".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 1651, entitled:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James M.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boies,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,

Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

SENATE MESSAGES

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 586.

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class.

SENATE BILL No. 587.

An Act to further amend section five and to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123) entitled "An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof" by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class.

SENATE BILL No. 588.

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes

SENATE BILL No. 590.

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1128.

An Act requiring unemployment relief orders issued by the State Veterans' Commission to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation to such commission for unemployment relief purposes.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1131.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

HOUSE BILL No. 1134.

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

HOUSE BILL No. 1137.

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

HOUSE BILL No. 1139.

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employers' Retirement System with respect to State employes receiving compensation from the Fish Fund.

HOUSE BILL No. 1140.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

HOUSE BILL No. 1142.

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund.

HOUSE BILL No. 1143.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

HOUSE BILL No. 1150.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement

Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

HOUSE BILL No. 1273.

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs.

HOUSE BILL No. 1302.

An Act to amend sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1041) entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties" by excepting from its provisions in certain cases the need for securing a license.

HOUSE BILL No. 1625.

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts.

HOUSE BILL No. 1685.

An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies.

HOUSE BILL No. 2067.

An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers.

With the information that the Senate has passed the same without amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 586.

An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class

SENATE BILL No. 587.

An Act to further amend section five, and to partly repeal sections one, two, three and four of the act, approved the twenty-third day of June, one thousand nine hundred and eleven (P. L. 1123), entitled "An act establishing in each county a board of viewers; prescribing their duties; providing for their appointment as viewers, road juries, juries of view and commissioners to view land; and providing for the charges upon the respective counties in the matter of salaries, costs, and expenses thereof," by providing for the appointment of boards of view from the board of revision of taxes, and abolishing the board of viewers in counties of the first class.

SENATE BILL No. 588.

An Act to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes

SENATE BILL No. 590.

An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of revision of taxes and its agents and employes and repealing general local and special laws

HOUSE BILL No. 1131.

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund

HOUSE BILL No. 1134.

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund

HOUSE BILL No. 1137.

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund

HOUSE BILL No. 1139.

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund

HOUSE BILL No. 1140.

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth

HOUSE BILL No. 1142.

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund

HOUSE BILL No. 1143.

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Em-

ployes' Retirement System with respect to State employes receiving compensation from the State Stores Fund

HOUSE BILL No. 1150.

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund

HOUSE BILL No. 1273.

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs

HOUSE BILL No. 1302.

An Act to amend sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1041) entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties" by excepting from its provisions in certain cases the need for securing a license

HOUSE BILL No. 1625.

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class boroughs towns townships school districts and poor districts

HOUSE BILL No. 1685.

An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies

HOUSE BILL No. 2067.

An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" prohibiting auditors from becoming surety for certain officers

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 555.

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation enlarging the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out in line 11 the word "enlarging" and inserting in lieu thereof the words "providing for"; also on page 2 of the title by inserting in line 3 after the word "officers" the words "directors and committee members."

Amend section 1, page 3, by striking out in lines 13 to 16 inclusive the following: "whether of occupation association or residence [,] or place of business within a well defined neighborhood community or rural district"; also on page 7, by striking out in lines 3 to 5 inclusive the following: "membership in the same fraternal labor or religious organization or [to groups] residence or place of business"; also on page 9, by striking out at the beginning of line 12 the word "cent" and inserting in lieu thereof the word "centum"; also on page 10, by striking out all of lines 10 to 13 inclusive as follows: "Where deemed necessary by the credit committee an investigation fee of one per centum (1%) of the amount of any loan of one hundred dollars ($100.00) or more may be charged"; also same page by striking out in line 20 the heavy-faced bracket before the word "and"; also same page by striking out at the end of line 27 the heavy-faced bracket after the figures "(50c)"; also on page 11, by striking out at the beginning of line 8 the word "or" and inserting in lieu thereof the word "plus"; also at the end of same line by striking out the word "or" and inserting in lieu thereof the word "of"; also same page by striking out at the beginning of line 9 the word "indorser" and inserting in lieu thereof the following: "endorser on the obligation of such director officer or member of any committee."

On the question,

Will the House concur in the amendments made in the Senate?

Mr. BLANK. Mr. Speaker and members of the House, the bill before us is House Bill No. 555 relating to certain amendments in the Credit Union Act of 1933. The amendments on the whole were submitted by the Banking Department and are proper amendments and to a great extent bring the State Credit Unions, that is credit unions incorporated under the law of the Commonwealth of Pennsylvania, in line with credit unions who have Federal charters. The Committee on Banking in the House inserted several amendments in the bill as presented by the Department. Those amendments received rather harsh treatment at the hands of the Senate Banking Committee,

and as we find this bill on our desks today it would seem to me that the Credit Unions Act in Pennsylvania has been to a large extent emasculated. I do not know whether or not the majority of the members of this House are familiar with credit unions because they usually are not a subject of common knowledge, but for those who are not familiar I would like to state that a credit union is an organization which is based principally upon mutual saving and mutual borrowing. It is a cooperative organization where a member may save his money and where he can make loans based on his membership in that group. As the act was originally drawn, Mr. Speaker and members of the House, a credit union was limited in membership to those who had an association by reason of occupation, membership in the same fraternal, labor or religious organization or to groups by residence or place of business within a well defined neighborhood community or rural district. In my opinion that act as originally drawn was proper. It was in conformity with the majority of the credit union acts now in force throughout the remaining states of the country. Instead of permitting that provision to remain, the Committee on Banking in the Senate struck out the entire portion of that section which permits the incorporation of various groups and restricts them to those having a common bond of occupation in a well defined neighborhood community or rural district. In other words, we were asked today to enact a law excluding anything in the nature of a lodge or in the nature of a fraternal organization. Under the provisions of this act that would no longer be permitted and only those who work in a certain place could form a credit union. I believe that if this provision were properly called to the attention of the Senate Banking Committee and to the attention of the members of the Senate they would agree that the striking out of that provision is harmful rather than helpful. In addition to that when the bill left the House there was a provision against compulsory rebate of interest where loans were repaid by members before their actual due dates. The reason for that was because we feel that any amount that may be made by a credit union should rather be returned to its shareholders in the form of a little better dividend than to give it to the borrower, who under this act is restricted to a six per cent interest charge.

I therefore desire to express my opinion on this measure in asking the membership of this House to vote against concurring in amendments of the Senate.

Mr. DUBBS. Mr. Speaker and members of the House, the bill that is before you this afternoon, as Mr. Blank has very well said, is one which seeks to enable the citizens of this Commonwealth to gather together and mutually be of assistance in placing their money in one bank and enabling them to lend it out to various members of the association.

The amendments that he has spoken of, if I have followed him correctly, have to do with the portion of the act where the Senate took from the act the words "religious and fraternal organizations."

As I understand the credit union it was intended that the people in a credit union should be intimate, that they should know each other well, so that they would be able to judge of the credit of any person who made application for a loan. Religious organizations are wide-spread and so are fraternal organizations, so that if those words were left there without any modification, it is very possible that credit unions might be formed which would be almost national in scope. However desirable that might be, it is not the purpose of this act to create such a credit union.

In regard to a rebate on the interest, that is a provision which has been put in by the Senate especially for the benefit of the bar. The only question is whether or not a credit union can operate in Pennsylvania profitably with such a provision. Undoubtely a man who borrows from a credit union would be benefited if when he returned the money ahead of time, he could take advantage of this particular clause which would give him a rebate on the interest which he had paid by way of discount when the loan was made. To that extent it would be an advantage to him and it would also be an advantage to the association, because it would encourage the members of the association to return the money to the treasury as soon as possible and in that way more loans would be capable of being made by the association.

I admit that this is a controverial subject, and, as had been pointed out by Mr. Blank, this House by its committee amended the bill and cut out the rebate feature. The rebate feature has been introduced in the bill again, and I think it is a very narrow question, but so far as the religious and the fraternal organizations are concerned I think there can be no doubt that the Senate amendment is proper. As far as the rebate question is concerned, I feel that it is a matter of practice entirely and in that I am forced to depend upon the Banking Committee for the statistics they have given me or at least the result of their statistics, that in Pennsylvania these unions have operated and there is only one in the State that does not have the provision put forth by the Senate amendment.

I must, therefore, ask you to adopt the amendments of the Senate.

Mr. FLINCHBAUGH. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blank.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BLANK. I will, Mr. Speaker.

Mr. FLINCHBAUGH. Mr. Speaker, I understand the provisions that were stricken out by the Senate apply to the compulsory return of unearned interest. Does not the gentleman from Philadelphia think that the borrower is entitled to the return of unearned interest if he repays his loan before the due date?

Mr. BLANK. I do not, Mr. Speaker, and I would like to answer the gentleman from Philadelphia by an illustration. In the majority of credit unions the amount of the loan is small, and under the provisions of the Senate amendments that credit union would be forced to rebate the precise amount that would be due a borrower. If a borrower repays his loan on the sixteenth day of the month it would probably take the Secretary of the organization from fifteen minutes to half an hour to figure out the exact amount of that rebate. Some member may say it is proper to repay a small amount of interest that may be due. I feel that it is not for the reason that the amount of money that is retained in the credit union is repaid in the shape of dividends to members who are saving, and I think it should be the policy of this Legislature to encourage the saving in small credit unions rather than to encourage the borrowing, and I feel if we put a premium

on saving, by giving the saver a little higher return on his money, we will be encouraging the saving of money in credit unions, which in my opinion is a most desirable thing.

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—46

Allmond,	Holstrom,	Mooney,	Robinson,
Baker, J. J.,	Hontz,	Murrin,	Rush,
Bohn,	Horting,	Nagel,	Siegel,
Brigerman,	Imbrie,	O'Connor,	Simon,
Brown,	Keenan,	Ominsky,	Smith, John A.,
Brownfield,	LaRue,	Patterson, C. S.,	Valibus,
Cohen, H. B.,	McCullough,	Peale,	Wagner,
Dubbs,	McDermott,	Piole,	Welsh,
Finnerty,	McElroy,	Powers,	Westrick,
Haberlen,	Melchiorre,	Preston,	Whalen,
Hagerty,	Merrell,	Richter,	Furman,
Holland,	Mihm,		

NAYS—60

Alexander,	Hamilton, F. P.,	Readinger,	Turner,
Baker, F. T.,	Hays,	Rothenberger,	VanAllsburg,
Balthaser,	Hering,	Schor,	Vogt,
Blank,	Hess,	Schrock,	Wall,
Boltz,	Hetrick,	Serrill,	Wampole,
Cadwalader,	Hirsch,	Shepard,	Watkins,
Cohen, R. E.,	Kline,	Shugarts,	Weidemann,
Corrigan,	Leisey,	Skale,	Weiss, S. A.,
Costanzo,	Levy,	Sproul,	Whitenight,
Davies,	Lewis,	Stewart,	Wilson,
Decker,	Long,	Stockham,	Winner,
DeNote,	Longaker,	Thomas,	Wood,
Dickinson,	Matthews, J. F.,	Thompson,	Yanoshat,
Flannery,	McDevitt,	Trout,	Yeakel,
Gerard,	O'Brien,	Tumelty,	Yourishin,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGES

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1304.

An Act to amend section eight of the act, approved the the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

With the information that the Senate has passed the same with amendment, in whcih the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment:

The Clerk read the amendment as follows:

Amend section 1, page 4, by striking out in lines 3 and 4 the words "of the property owners requesting a temporary improvement or paving" and inserting in lieu thereof the words "as aforesaid of a majority of property owners in interest and number abutting the line of a proposed temporary improvement or paving."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, that the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1635.

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 10, by inserting after line 13 the following new paragraph: "In case any malt or brewed beverages upon which stamps or crowns have been placed by a manufacturer have been destroyed by him under the supervision of the Treasury Department of the United States of America he shall be entitled to a refund of the actual amount of tax paid by him upon condition that he shall make affidavit that such malt or brewed beverages were so destroyed and shall also furnish the Department with a certificate executed by the representative of the Treasury Department of the United States of America who witnessed the destruction of such malt or brewed beverages to the effect that the said destruction has taken place and shall also furnish such other proof as the Department shall require whereupon the Department shall with the approval of the Board of Finance and Revenue issue to the manufacturer stamps or crowns of sufficient value to cover the refund"

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flannery,	McKinney,	Simon,
Alexander,	Flinchbaugh,	McShane,	Simpson,
Allen,	Ganser,	Melchiorre,	Skale,
Allmond,	Gerard,	Mellott,	Sloan,
Arnold,	Gillette,	Merrell,	Smith, James A.,
Atkins,	Gorski,	Mihm,	Smith, John A.,
Aukerman,	Habbyshaw,	Moomaw,	Snyder,
Baine	Haberlen,	Mooney,	Sollenberger,
Baker, F. T.,	Hagerty,	Moran,	Spengler,
Baker, J. J.,	Hall,	Moul,	Sproul,
Balthaser,	Hamilton, F. P.,	Muir,	Stackpole,
Bierly,	Hamilton, R. S.,	Munley,	Stank,
Blank,	Harkins,	Murrin,	Stewart,
Bohn,	Harmuth,	Nagel,	Stockham,
Boles,	Hays,	O'Brien,	Strode,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Thomas,
Boyer,	Hetrick,	Ominsky,	Thompson,
Bradley,	Hindman,	O'Neill,	Toole,
Brigerman,	Hirsch,	Ostroff,	Tronzo,
Broad,	Holland,	Patterson, C. S.,	Trout,
Brown,	Holmes,	Patterson, J. W.,	Tumelty,
Brownfield,	Holstrom,	Peale,	Turner,
Burrows,	Hontz,	Pearson,	Valibus,
Cadwalader,	Horting,	Perry,	VanAllsburg,
Caesar,	Huntley,	Pershing,	VanSickle,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Jirolanio,	Powers,	Wagner,
Coakley,	Keenan,	Preston,	Wall,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Whitenight,
Dougherty,	Lovett,	Schor,	Wilson,
Downey,	Lyons,	Schrock,	Winner,
Dubbs,	Marino,	Schrope,	Wood,
Dyson,	Matthews, J. F.,	Schumacher,	Woodside,
Eckels,	McArdle,	Serrill,	Wright,
Elpern,	McCullough,	Shaw,	Yanoshat,
Falkenstein,	McDermott,	Shea,	Yeakel,
Finnerty,	McDevitt,	Shepard,	Yourishin,
Fiss,	McElroy,	Shoemaker,	Zappala,
Fitch,	McFall,	Shugarts,	Furman,
Flanagan,	McGee,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 104. (HOUSE BILL No. 2198).

An Act authorizing boroughs that have been relying on invalid bond issues authorized by the electors entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed to provide for the payment of the reasonable value of such performance to contract for completion and to increase their indebtedness therefor and validating ordinances agreements increases of indebtedness and bonds heretofore adopted entered into issued or to be issued to accomplish such purposes.

Referred to the Committee on Labor.

SENATE BILL No. 359. (HOUSE BILL No. 2199).

An Act authorizing any street railway company or any motor power company of this Commonwealth owning all of the capital stock of any company having power to transport persons in common carriage by trackless trolley car incorporated under the law of this Commonwealth to acquire the corporate powers franchises property rights and credits of such company.

Referred to the Committee on Railroads and Railways.

SENATE BILL No. 425. (HOUSE BILL No. 2200).

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers; providing for wage boards, and defining the powers and duties of such boards and of the Department of Labor and Industry; imposing duties on employers: providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders; and providing penalties.

Referred to the Committee on Labor.

SENATE BILL No. 560. (HOUSE BILL No. 2201).

An Act providing for the acquisition of the Daniel Boone Homestead by the Department of Property and Supplies and for its management and development by the Pennsylvania Historical Commission and making an appropriation.

Referred to the Committee on Appropriations.

SENATE BILL No. 654. (HOUSE BILL No. 2202).

An Act fixing the salary of the stenographer to the President of the Senate and the clerk to the President Pro Tempore of the Senate.

Referred to the Committee on State Government.

SENATE BILL No. 682. (HOUSE BILL No. 2203).

An Act making an appropriation for the expenses of the joint legislative commission created by Senate Concurrent Resolution Serial Number one hundred six approved March sixteenth one thousand nine hundred and thirty-seven.

Referred to the Committee on Appropriations.

SENATE BILL No. 811. (HOUSE BILL No. 2204).

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change under certain conditions the locations of the sewers and sewer system by amending ordinances and providing that abutting property owners shall be liable in such cases.

Referred to the Committee on Boroughs.

SENATE BILL No. 894. (HOUSE BILL No. 2205).

An Act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania and commissioners designated by the Governor of the State of Ohio relative to the development use and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing hunting recreational and park purposes.

Referred to the Committee on Forestry.

RESOLUTION INTRODUCED AND REFERRED

By Mr. BOHN. (Concurrent) RESOLUTION No. 69.

In the House of Representatives, April 20, 1937.

Whereas, Intimations have appeared in the press and allegations have been made by others that a powerful and wealthy lobby has been endeavouring to influence members of the General Assembly with reference to House Bill No. 500, the bill proposing to establish a centralized system for the collection of taxes, and

Whereas, The members of the General Assembly and the public are entitled to know the truth or falsity of these statements, therefore be it

Resolved, That the Committee on Municipal Corporations of the House of Representatives is hereby directed to cause an inquiry to be made into the intimations and allegations referred to in the preamble hereof and in connection therewith to ascertain the various organizations and groups interested for and against said measure, their financial contributors, the amount of money expended by them and the salaries, fees and moneys paid to persons employed and others, and make report thereof to this House as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Rules.

REPORTS FROM COMMITTEES

Mr. ROBINSON, from the Committee on Municipal Corporations, reported as amended, House Bill No. 2055, entitled:

An Act authorizing any county and city, in any county in which the county seat is within the limits of such city, to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city; and providing for the appointment of a board of managers, and for professional staffs and employes, and for the apportionment of costs and expenses.

Mr. READINGER, from the Committee on Judiciary General, reported as amended, House Bill No. 666, entitled:

An Act to authorize boroughs, incorporated towns and townships to sue out writs of scire facias on certain tax or municipal claims, or where writs of scire facias have been issued and judgment not entered within five years and from the date of issuance, to proceed to judgments in certain cases, or to revive judgments on such claims where more than five years have elapsed since said claims were filed or such judgments were entered or revived, and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments; and the liens thereof.

Mr. PERRY, from the Committee on Municipal Corporations, re-reported as amended, House Bill No. 732, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities boroughs towns and townships creating a county civil service commission in each county the members thereof to receive salaries to be payable by the counties defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

Mr. LOPRESTI, from the Committee on Forestry, re-reported as amended, House Bill No. 752, entitled:

An Act regulating the removal of sand, gravel and coal from the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of this Commonwealth and providing for the imposition, collection and lien of charges for such materials taken, removed or dredged from such waters title to which is in whole or in part in the Commonwealth, requiring persons, associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue; providing for appeals and providing penalties and refunds.

Mr. POWERS, from the Committee on Forestry, reported as committed, House Resolution No. 61.

ANNOUNCEMENTS

The Committee on Counties will meet immediately after this session in Room 324.

A public hearing tomorrow at 10 a. m. on Senate Bills 639 and 640 before the Committee on Labor in the House Caucus Room.

A public hearing next Tuesday April 27 at 4 p. m. on House Bill No. 1330 before the Committee on Judiciary General in the House Caucus Room.

Committee meetings for tomorrow:
Education at 10 a. m. in Room 323.
Game at 11 a. m. in Room 546.
Insurance at 12 noon in Room 324.
Judiciary General at 11 a. m. in Room 325.
Motor Vehicles at 10 a. m. in Room 301.

Public Utilities meeting scheduled for tomorrow is cancelled.

A meeting of the Committee on State Boards immediately after the session in Room 101.

A meeting of the Committee on State Government scheduled for tomorrow is cancelled.

A meeting of the Committee on Agriculture at 9 a. m. in Room 521.

ADJOURNMENT

Mr. CORRIGAN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 5:18 p. m.) the House adjourned until Wednesday, April 21, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, APRIL 21, 1937. No. 46.

SENATE

WEDNESDAY, APRIL 21, 1937

The Senate met at twelve o'clock noon.

The PRESIDENT PRO TEMPORE, (Mr. Harvey Huffman) in the Chair.

The Chaplain, Rev. George Walker Buckner, L.L.D., offered the following prayer.

PRAYER

Our Lord and our God, we would enter into Thy gates with thanksgiving, and into Thy courts with praise; for Thou art good—Thy mercy is everlasting, Thy truth endureth forever.

When weary, we flee to Thee, as to the shadow of a great rock. In storm, we seek shelter in its clefted side.

Often, we are willing to stand still, and see the salvation of the Lord; yet slow to go forward at Thy Command.

Teach us so to budget our days, that we may apply our hearts unto wisdom. Make us sensitive to things sacred to Thine own heart; alert to Thy challenge of fellowship with Thee. In the name that is above every name. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding sesion, when, on motion of Mr. PYTKO, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

REQUEST FOR A TUBERCULOSIS HOSPITAL AT FAYETTE COUNTY

Mr. RICE presented resolution from numerous citizens of Fayette County, urging the State Department of Health to locate this tuberculosis hospital in Fayette County.

Which is referred to the Committee on Public Health.

The Chair cleared its table and laid before the Senate the following communications:

URGING THE PROHIBITION OF THE SALE OF INTOXICATING BEVERAGES IN CLUBS ON SUNDAY

Petition from J. S. Morrison, Secretary of the Federated Civic Movement of Westmoreland County, Pa., urging the enactment of legislation that will prohibit the sale of intoxicating beverages in clubs on Sunday.

Which is referred to the Committee on State Boards.

FAVORING THE ENACTMENT OF THE McGINNIS BILL (SENATE BILL NO. 341) AND OPPOSING THE PASSAGE OF SENATE BILL NO. 343

Petitions from numerous citizens from New Brighton, Pa., and Freedom, Pa., favoring the enactment of the McGinnis Bill (Senate Bill No. 341) which is to amend the liquor laws; and opposing the McGinis Bill (Senate Bill No. 343) which is to amend the fermented liquor law.

Which is referred to the Committee on State Boards.

OPPOSING HOUSE BILLS NO. 639, NO. 657, NO. 1189, AND NO. 1200 ENDORSING HOUSE BILL NO. 896, SENATE BILL NO. 402

Petitions received from the following:
Catawissa Township Supervisors;
Spring Township Supervisors;
Spring Township Supervisors; opposing House Bills No. 639, No. 657, No. 1189 and No. 1200 and endorsing House Bill No. 896, and Senate Bill No. 402.

Which is referred to the Committee on Highways.

FAVORING THE PASSAGE OF THE CHAIN STORE BILL

Petitions from numerous citizens of the Commonwealth of Pennsylvania favoring the passage of the Chain Store Tax Bill, which will tax the chain store according to the number of stores they operate in the Commonwealth of Pennsylvania.

Which is referred to the Committee on Finance.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BUCKS COUNTY

Mrs. M. R. Tell, Doylestown.

CHESTER COUNTY

A. M. McQuiston, Easttown Twp., Berwyn.

ERIE COUNTY

Fred S. McDonald, Erie.

LEBANON COUNTY

Henry W. Hamilton, Lebanon.

McKEAN COUNTY

Mrs. Marie Fessenden, Kane.
Henry N. Harvender, Bradford.

MONTGOMERY COUNTY

Miss Dorothy Hertzog, Pottstown.
Mrs. Kathryn L. Magowan, Conshohocken.

PHILADELPHIA COUNTY

Mrs. Sadie Fine, 1000 Bankers Securities Bldg., Philadelphia.
Thos. V. Houlihan, 5839 Germantown Ave., Philadelphia.
William J. Paul, 2918 E. St., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 21, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Elizabeth D. Mollenkof, of Broad and Sansom Streets, Philadelphia, Philadelphia County, for re-appointment as a notary public for the term of four years to compute from April 30, 1937.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. BUCKMAN, from the Committee on Insurance reported as amended, Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties and repealing existing laws," by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

Mr. JASPAN, from the Committee on Public Health, reported as committed, Senate Bill No. 797, (House Bill No. 1560), entitled:

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

Also from the Commitee on Education, reported as committed, Senate Bill No. 660, (House Bill No. 793), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

Mr. RODGERS, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 733, (House Bill No. 1366), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

Mr. WOLFENDEN, from the Committee on Insurance, reported as committed, Senate Bill No. 729, (House Bill No. 1320), entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners, for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 730, (House Bill No. 1321), entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts and eliminating certain general regulations in the making of insurance contracts by townships.

Also from the Committee on Insurance, reported as amended, Senate Bill No. 749, entitled:

An Act to Amend Sections Four Hundred Ten and Four Hundred Eleven of the Act approved the Seventeenth Day of May, One Thousand Nine Hundred and Twenty-One, (Pamphlet Laws Six Hundred Eighty-two), entitled "An Act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds asociations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance; prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

Mr. FREY, from the Committee on Insurance, reported as committed, Senate Bill No. 790, entitled:

An Act creating and appropriating a fund for the purpose of rebuilding, restoring and replacing real and personal property of the Commonwealth damaged or destroyed by fire or other casualty, and for insuring the Commonwealth against losses of public moneys due to embezzlement or theft thereof by, or malfesance of, State officers and employes; providing for the investment of the moneys in such fund; prohibiting (with certain exceptions) the purchase of insurance or surety bonds for the above purposes; and making a repeal.

Mr. OWLETT, from the Committee on Insurance, reported as amended, Senate Bill No. 745, entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

Mr. JASPAN, from the Committee on Welfare, reported as committed, Senate Bill No. 876, entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws.

With the recommendation that it be recommitted to the Committee on Welfare after second reading.

ALSO, from the Committee on Welfare, reported as committed, Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age benefits, and the State Emergency Relief Board.

With the recommendation that it be recommitted to the Committee on Welfare after second reading.

Mr. HALUSKA, from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 413, entitled:

An Act to amend section six as amended in part, and section ten of the act approved the thirty-first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled, An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foremen, and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

ALSO from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 414, entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; providing for the safe periodic removal of dust accumulations from dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; and providing penalties.

ALSO, from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 415, entitled:

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines; and providing penalties.

ALSO, from the Committee on Mines and Mining, re-reported as committed, Senate Bill No. 416, entitled:

An Act providing for the examination and certification of, and regulating the employment of mine electricians in bituminous coal mines; imposing duties upon the mine foremen's examining board and the Secretary of Mines; and providing penalties.

ALSO, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 612, (House Bill No. 107), entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases in partially or temporarily abandoned mines by requiring the remedying or elimination of such conditions by or imposing the cost thereof on the owners, operators or lessees of such mines, conferring powers and imposing duties on the Department of Mines and prescribing penalties.

ALSO, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 289, (House Bill No. 150), entitled.

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

ALSO, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 793, (House Bill No. 132), entitled:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines.

ALSO, from the Committee on Mines and Mining, reported as committed, Senate Bill No. 632, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

Mr. DIETRICK, from the Committee on Education, reported as committed, Senate Bill No. 834, (House Bill No. 114), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superindendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superindendents of schools and imposing certain expenses on counties

Mr. DANDO, from the Committee on Constitutional changes, reported as committed, Senate Bill No. 295, entitled:

An Act proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. RICE, from the Committee on Education, reported as committed, Senate Bill No. 464, (House Bill No. 565), entitled:

An Act prohibiting the use of the designation of "College" by any institution not conforming to the standards of a college, prescribed by the State Council of Education and providing for injunctions and penalties.

With the recommendation that it be recommitted to the Committee on Education after second reading.

ALSO, from the Committee on Education, reported as committed, Senate Bill No. 885, entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training re-training instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

With the recommendation that it be recommitted to the Committee on Appropriations after second reading.

Mr. SONES, from the Committee on Banking, reported as committed, Senate Bill No. 835, (House Bill No. 196), entitled:

An Act to amend sections one and two of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays, and for the payment, acceptance and protesting of bills, notes, drafts, checks, and other negotiable paper on such days," as amended, declaring Flag Day, the fourteenth day of June, a legal holiday.

Mr. KILGALLEN, from the Committee on Insurance reported as amended Senate Bill No. 747, (House Bill No), entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

Mr. MUNDY, from the Committee on Education, reported as amended, Senate Bill No. 144, (House Bill No), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to estabilsh a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the powers and duties of district superintendents, supervising principals and county superintendents; changing the qualifications of county, district, assistant and associate superintendents and supervising principals; increasing the terms of county and district superintendents; and conferring powers and imposing duties on the State Council of Education.

ALSO, from the Committee on Education, reported as amended, Senate Bill No. 826, entitled:

An Act to further amend sections one thousand five hundred one and one thousand five hundred five of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith;" by requiring school districts of the first, second and third class to provide medical inspection of all pupils of elementary and secondary private schools.

ALSO, from the Committee on Municipal Government, reported, as amended, Senate Bill No. 566, entitled:

An Act relating to the collection of taxes in boroughs, towns and townships; providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies; imposing the cost of collecting delinquent taxes on delinquent taxables; and requiring taxing districts to allow credit for uncollectible per capita, poll and occupation taxes.

ALSO, from the Committee on Education, reported as committed, Senate Bill No. 923, (House Bill No. 1125) entitled:

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (P. L. 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" by providing educational recreational and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education.

Mr. SIPE, from the Committee on Education, reported as committed, Senate Bill No. 900, (House Bill No. 1766), entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tuition.

Mr. RANKIN, from the Committee on Welfare reported as committed, Senate Bill No. 776, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium, wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promulgation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

Mr. LANIUS, from the Committee on Public Health, reported as committed, Senate Bill No. 787, entitled:

An Act to amend paragraph (a) of section eight of the act approved the second day of July, one thousand nine hundred and thirty-five (P. L. 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

ALSO, from the Committee on Welfare, reported as committed, Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act approved the twenty-fifth day of June, one thousand nine hundred thirty-six (P. L. 28), entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mother's assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

Mr. WOODWARD, from the Committee on Welfare, reported as committed, Senate Bill No. 877, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

ALSO, from the Committee on Welfare, reported as committed, Senate Bill No. 411, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments, county officers, poor directors and courts of common pleas ; creating county assistance boards and prescribing their powers and duties and prescribing penalties.

Mr. HEYBURN, from the Committee on Insurance, reported, as amended Senate Bill No. 756, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789), entitled "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by providing penalties for any insurance company, association or exchange which exceeds the powers granted under a certificate of authority.

Mr. STIEFEL, from the Committee on Insurance, reported, as amended, Senate Bill No. 746, entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," as amended, by extending the purposes for which companies may be incorporated to include insurance glass against all risk; insuring any goods or premises against any and all loss caused by water; and insuring moneys and securities against all risk.

Mr. WOLFENDEN, from the Committee on Welfare, reported as committed, Senate Bill No. 878, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

With the understanding that it be recommitted to the Committee on Welfare after second reading, for further study.

Mr. RUPP, from the Committee on Insurance, reported as amended, Senate Bill No. 868, (House Bill No. 1779), entitled:

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania

HOUSE MESSAGES

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL No. 555

The Clerk of the House of Representatives being introduced informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 555, entitled:

An Act to amend sections two, four, five, eight, thirteen, sixteen, seventeen, and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three, (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

MOTION TO APPOINT COMMITTEE OF CONFERENCE

Mr. SONES. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the fore-going bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Sones, Shapiro and Wolfenden be said committee on the part of the Senate and that the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 1304

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1304, entitled:

An Act to amend section eight of the act, approved the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement of paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

HOUSE CONCURS IN SENATE AMENDMENTS TO HOUSE BILL No. 1635

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1635, entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (P. L. 284), entitled as amended "Beverage Tax Law," as amended and re-enacted, by imposing an additional reciprocal tax; by providing for the assessment and revision of, and appeal from, additional taxes; and by making further provision with regard to refunds, evidence of payment of the tax, and penalties.

HOUSE CONCURS IN SENATE BILL No. 177

He also returned to the Senate, Senate Bill No. 177, entitled:

An Act prohibiting persons and officers from hiring, requesting and inducing minors to purchase spirituous, vinous or brewed and malt liquors

with the information that the House has passed the same with amendment, in which concurrence of the Senate is requested

HOUSE CONCURS IN SENATE BILL No. 515

He also returned to the Senate, Senate Bill No. 515, entitled:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county money to the poor district; and providing for the expenditure of the moneys so transferred for poor district purposes.

with the information that the House has passed the same with amendment, in which concurrence of the Senate is requested.

HOUSE CONCURS IN SENATE BILL No. 626

He also returned to the Senate, Senate Bill No. 626, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

with the information that the House has passed the same without amendment,

HOUSE CONCURS IN SENATE BILL No. 573

He also returned to the Senate, Senate Bill No. 573, entitled:

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons, who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended, extending the time during which application may be filed for veterans' compensation.

with the information that the House has passed the same without amendment.

House Bill No. 563, (Senate Bill No. 1026), entitled:

An Act to amend the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (P. L. 912), entitled "An act to protect the public health; defining and providing for the licensing of bakeries, and regulating the inspection, maintenance, and operation of bakeries and premises, stores and shops connected therewith; defining and regulating the manufacture, sale and offering for sale of bakery products; conferring powers on the Department of Agriculture; and providing penalties;" requiring licenses for all bakeries; further regulating bakeries and the importation of bakery products; providing for injunctions in certain cases; and changing the penalties prescribed.

Which was committed to the Committee on Agriculture.

House Bill No. 872, (Senate Bill No. 1027), entitled:

An Act providing that officials charged with the duty of assessing real estate for taxation, may at any time split or separate the assessment on any tract of real estate in order to permit the payment of taxes due on a portion of such tract; requiring tax collectors to accept payment of such taxes and validating all such split or separated assessments heretofore made.

Which was committed to the Committee on City Government.

House Bill No. 1028, (Senate Bill No. 1028), entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "The Dental Law" by limiting the scope of practice as a dental hygienist; providing additional causes for the revocation and suspension of licenses and registration; making appeals from actions of the board a supersedeas in the discretion of the court; making additional penal provisions and further regulating the practice of dentistry and as dental hygienists.

Which was committed to the Committee on Public Health.

House Bill No. 1113, (Senate Bill No. 1029), entitled:

An Act to enable tax collectors and receivers of taxes to make return of unpaid taxes assessed on seated lands for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, and one thousand nine hundred and thirty-five, and validating the liens of such taxes.

Which was committed to the Committee on Municipal Government.

House Bill No. 1216, (Senate Bill No. 1030), entitled.

An Act providing that investment in shares of Federal Savings and Loan Associations or shares of other institutions, insured under the Federal Savings and Loan Insurance Corporation, shall be legal investments for certain corporations and certain funds.

Which was committed to the Committee on Banking.

House Bill No. 1477, (Senate Bill No. 1031), entitled.

An Act authorizing the authorities in any city of the first class to stipulate, certain methods for the payment of local assessments.

Which was committed to the Committee on City Government.

House Bill No. 1567, (Senate Bill No. 1032), entitled:

An Act to amend section two, and section nine as amended, of the act, approved the fifth day of January, one thousand nine hundred and thirty-four (P. L. 223, 1933-34), entitled "Veterans Compensation Act" further regulating the making of payments to representatives of persons who cannot personally receive compensation.

Which was committed to the committee on Military Affairs.

He also presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1651, (Senate Bill No. 1033), entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "State Employers' Retirement Law," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirement rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; and providing for contributions by members.

Which was committed to the Committee on State Government.

House Bill No. 1712, (Senate Bill No. 1034), entitled:

A supplement to the act, approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

Which was committed to the Committee on County Government.

House Bill No. 1921, (Senate Bill No. 1035), entitled:

An Act to amend sections four and five of the act, approved the twenty-sixth day of April, one thousand nine hundred and thirty-five (P. L. 90), entitled 'An act to promote uniformity in the assessment and taxation of properties and persons within the territorial limits of cities of the second class A by providing that city and school taxes within such territorial limits shall be assessed, levied, and collected upon the basis of the assessments for taxation for county purposes; and requiring the furnishing of tax duplicates by the county taxing authorities to such cities and to school districts coterminous therewith; abolihing the department of assessors in cities of the second class A; consolidating tax statements covering city, school, county and poor taxes therein, and making uniform the time for levy and collection of said taxes respectively, and regulating the discounts therefrom and penalties thereon," providing for uniform discount and uniform penalties, making mandatory the issuance of a single tax statement by the tax collector on or before a fixed date giving the taxpayers option of payment of taxes in quarterly installments.

Which was committed to the Committee on County Government.

House Bill No. 1977, (Senate Bill No. 1036), entitled:

An Act supplementing the Act of July 28, 1936, (P. L. 79) sections four and twenty-eight, sections fourteen, thirty-four and thirty-eight as amended, sections eighteen and six-one as amended, sections fifty-four and fifty-seven as amended and to repeal section nineteen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled "Pennsylvania National Guard Act," by providing for the reorganization of the divison, changing the designation Staff Corps and Departments to State Staff and Detachment defining the powers of the division commander, providing for the vacation of commissions upon transfer to the Inactive National Guard, making the period of enlistment and qualifications confrom to the National Guard Bureau, requirements, defining the duties of the Adjutant General, providing for the elimination of officers or warrant officers by courts of inquiry changing the basic annual allowance for mounted troops and increasing the minimum allowance, providing expenses of headquarters for more than one division and eliminating the allowance for headquarters of trains, providing a term of office for staff and warrant officers and eleminating an obsolete reference to five year terms, providing that any sheriff or constable may receive and confine military offenders, providing that any division commander may appoint a general court-martial, providing for the collection of court-martial fines and execution of sentences of court-martial and rescinding obsolete provisions referring to staff officers.

Which was committed to the Committee on Military Affairs.

PRESENTATION OF WATCH TO HONORABLE JOHN W. FERTIG

Mr. WOODWARD. Mr. President, under the heading of 'Communications', I spent no money on myself, but on this watch, which is to be presented to the Honorable John H. Fertig, with the following inscription on it:

"To Honorable John H. Fertig from his friends and admirers in the Pennsylvania Legislature, April 1937."

Anybody who is interested can come to my desk and see the watch, and they may be interested to receive this information, that there were fifty subscriptions of $1.00 each made in the Senate and fifty-five subscriptions in the House, or a total of 105 subscriptions.

The PRESIDENT. I am sure that the Senators will be

pleased to visit the Senator's desk and look at the watch and see if their money's worth has been purchased.

JOINT SESSION

The Clerk of the House of Representatives being introduced, presented the following resolution, which was twice read considered and agreed to:

In the House of Representatives, April 21, 1937.

Whereas, The Honorable James Hamilton Lewis, United States Senator from the State of Illinois, has expressed to His Excellency, the Governor of the Commonwealth, willingness to address a joint session of the Senate and House of Representatives on such date as might in the near future be found convenient; therefore be it

Resolved, (if the Senate concur), That the Honorable James Hamilton Lewis be invited to address a joint session of the Senate and House of Representatives of Pennsylvania in the Hall of the House on April 21, 1937 today, at 2:30 o'clock, p. m.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. RUPP read in his place and presented to the Chair, Senate Bill No. 1037, entitled:

An Act to amend the title and section one as amended, of the act, aproved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

Which was committed to the Committee on Law and Order.

Also read in his place and presented to the Chair, Senate Bill 1038, entitled:

An Act limiting the liability of public officials of political subdivisions in the event of failure of depositories of public moneys, and repealing existing laws.

Which was committed to the Committee on Judiciary General.

Also read in his place and presented to the Chair, Senate Bill No. 1039, entitled:

An Act relating to local taxation and the collection of local taxes and providing for the discharge from liability of collectors of local taxes and their sureties in certain cases; and repealing existing laws.

Which was committed to the Committee on County Government.

Mr. EROE read in his place and presented to the Chair, Senate Bill No. 1040, entitled:

An Act to amend sections one, two and three of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 694), entitled "An act imposing a tax on gross receipts as an excise on the use of the public highways by certain owners or operators of motor vehicles transporting passengers and property for hire," by limiting the act to owners and operators of motor vehicles registered in this Commonwealth.

Which was committed to the Committee on Highways.

Messrs. LAW and WOLFENDEN read in their place and presented to the Chair, Senate Bill No. 1041, entitled:

An Act to amend section one thousand two hundred and two of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," requiring teachers to be citizens, except in certain cases.

Which was committed to the Committee on Education.

Mr. RICE read in his place and presented to the Chair, Senate Bill No. 1042, entitled:

An Act to amend section one thousand five hundred four of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provisions relating to advances out of appropriations.

Which was commited to the Committee on Appropriations.

Also read in his place and presented to the Chair, Senate Bill No. 1043, entitled:

A Joint Resolution proposing an amendment to section four, Article nine of the Constitution of the Commonwealth of Pensylvania.

Which was committed to the Committee on Constitutional Changes.

Mr. GILSON read in his place and presented to the Chair, Senate Bill No. 1044, entitled:

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act.

Which was committed to the Committee on Judiciary General.

Mr. KAHLE read in his place and presented to the Chair, Senate Bill No. 1045, entitled:

An Act to amend the title and sections one, two, three, four and five of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1349), entitled "An act providing for the purchase and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools ;conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department of Property and Suplies, school districts, teachers, and medical inspectors of schools; and making an appropriation;" extending the provisions of said act to children under twelve years of age.

Which was committed to the Committee on Public Health.

Mr. SHAPIRO read in his place and presented to the Chair, Senate Bill No. 1046, entitled:

An Act imposing upon the city treasurer in cities of the first class the duty of reading water meters; authorizing the employment by the city treasurer of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts.

Which was committed to the Committee on City Government.

Mr. STIEFEL read in his place and presented to the Chair, Senate Bill No. 1047, entitled:

An Act to amend the act approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An Act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised, the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and also, generally dealing with the jurisdiction powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents." as amended, by further modifying the terms, qualifications, and other conditions under which the investment of trust funds may be made by fiduciaries; by further providing for additional investments of trust funds by fiduciaries; and by further providing with respect to the retention or sale of certain investments in the hands of fiduciaries.

Which was committed to the Committee on Judiciary Special.

Mr. MUNDY read in his place and presented to the Chair, Senate Bill No. 1048, entitled:

An Act making an appropriation to the Department of Health for use in research work dealing with human nutrition for children.

Which was committed to the Committee on Public Health.

Mr. WOLFENDEN read in his place and presented to the Chair, Senate Bill No. 1049, entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May, one thousand nine hundred eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pensylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, prohibiting seditious teaching in public and private schools.

Which was committed to the Committee on Education.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 4, as follows:

An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of April one thousand nine hundred and thirty-eight no person shall be employed or engaged as a miner in any bituminous coal mine in this Commonwealth except as hereinafter provided for without first having obtained a certificate of competency and qualification from a miners' examining board appointed under this act Provided however That any miner holding such certificate may have one person working with him and under his direction as an apprentice for the purpose of learning the business of mining For the purposes of this act the term "miner" shall mean all underground workers in bituminous coal mines except as hereinafter provided

Section 2 The Secretary of Mines with the approval of the Governor shall appoint as many miners' examining boards as may be deemed necessary but not exceeding five in number each board to be composed of three practical and experienced bituminous miners who shall have had at least ten years experience in the bituminous mines of this Commonwealth and who shall be at least thirty years of age Each member of an examining board shall hold office at the pleasure of the appointing authority

The boards first appointed shall have authority to issue to their respective members the certificates of competency required by this act without examination

The boards first appointed shall be so located by the Secretary of Mines as to meet the needs of the various regions in which bituminous coal is mined

Each miners' examining board shall organize by the selection of one of its members as chairman and one as secretary All records reports books and papers of a board shall be kept by the Secretary who shall also be furnished with a seal by the Department of Mines

Each member of a miners' examining board shall be entitled to compensation at the rate of ten dollars for each day of seven hours necessarily employed and all necessary and legitimate expense incurred in the discharge of

his duties which compensation and expenses shall be paid from appropriations made for such purposes

The number of miners' examining boards may be reduced at the pleasure of the Secretary of Mines after the first day of March one thousand nine hundred and thirty-eight

Section 3 The several miners' examining boards shall hold examinations at such times and places prior to the thirty-first day of March one thousand nine hundred and thirty-eight as the Secretary of Mines may designate and thereafter shall meet at least once every three months in each mine inspection district at such places as the Secretary of Mines may designate so that all persons in the State who wish to engage in coal mining may be examined as to their competency and qualifications Public notice of the time and place of examinations shall be given through the press or otherwise by the board not less than seven days in advance of the date set for the examination

Each board shall keep an accurate record of its proceedings and meetings and in said record shall show a correct detailed account of the examination of each applicant with questions asked and their answers Such records shall be open to public inspection

Section 4 Each applicant for examination shall pay to the miners' examining board a fee of two dollars All fees collected by a miners' examining board shall be promptly transmitted to the Department of Mines and by it paid into the State Treasury through the Department of Revenue

Section 5 All examinations held by miners' examining boards shall be conducted in the English language and shall be of a practical nature so as to determine the competency and qualifications of the applicant to engage in the mining of bituminous coal The board or boards shall examine under oath all applicants as to their previous experience in mines Each member of the examining board or boards shall have power to administer oaths and any false statement wilfully made by an applicant under oath shall be deemed perjury All persons who shall be actually engaged as miners in a bituminous mine in this State at the time of the passage of this act and who shall have reached the age of twenty-one years and have had at least two years practical experience as mine workers shall be entitled to a certificate without examination upon the payment of a fee of one dollar and after producing satisfactory proof that they have been employed in a bituminous mine in this Commonwealth but no certificates of service shall be issued after the first day of April one thousand nine hundred and thirty-eight The form and manner of issuing such certificates shall be designated by the Secretary of Mines Certificates granted by a board shall entitle the holder thereof to be employed as and to do the work of a miner in the bituminous mines of the Commonwealth

All persons possessing certificates of qualification issued by the Commonwealth of Pennsylvania entitling them to act as mine foreman assistant mine foreman or fire boss shall be eligible to engage at any time as miners in bituminous mines of this State Supervisory and technically trained employes of the operator whose work contributes only indirectly to mine operations shall not be required to possess a miner's certificate

No person shall be qualified to take the examination unless he produces evidence of having had not less than two years' practical experience in the bituminous coal mines of this Commonwealth as a miner or who has served as a miner's apprentice for a period of two years A certificate shall not be granted unless the applicant appears in person before the board and answers orally intelligently and correctly at least eight practical questions propounded to him

A certificate granted by a board shall not be transferable and a transfer shall be deemed a violation of this act

Certificates shall be issued only at meeting of the board and shall be signed by at least three members of the board and sealed with the seal of the board

Section 6 No person shall after the first day of April one thousand nine hundred and thirty-eight engage as a miner other than as an apprentice in any bituminous coal mine in this Commonwealth without first having obtained a certificate of competency and qualification as provided for in this act except as hereinbefore stated nor shall any person firm or corporation or his or its agent employ as a miner other than as an apprentice any person who does not hold such certificate except as aforesaid Any person firm or corporation violating any of the provisions of this act shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and costs nor more than one hundred dollars and costs and in default of the payment of such fine and costs be imprisoned in the county jail for a period of ten days

Section 7 The sum of seventy thousand dollars ($70,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Mines for the purpose of carrying out the provisions of this act

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Mallery,	Rodgers,
Deitrick,	Homsher,	McCreesh,	Rupp,
DiSilvestro,	Jacobs,	McGinnis,	Shapiro,
Ealy,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Owlett,	Sones,
Frey,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska,	Lanius,	Reed,	Wolfenden,
Henney,	Law,	Rice,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 305, as follows:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding at the end thereof a new subdivision and section to read as follows

(1) Proceedings before Public Utility Commission

Section 495 Counties of the Second Class May Assist Municipalities Upon the request of any political subdivision or subdivisions within the county any county of the second class may assist such political subdivision in any negotiations or contest with any public service company and for such purpose may employ or place at the disposal of such political subdivision the legal engineering accounting or clerical service of the county The county commissioners of any such county may also enter their appearance as interveners or otherwise in any proceedings before the Public Utility Commision or before any court in any proceeding involving any controversy between any

political subdivision in the county and a public service company

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Cavalcante,	Homsher,	McGinnis,	Ruth,
Deitrick,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Rodgers,	Woodward,
Henney,	Mallery,	Rupp,	Huffman,
Heyburn,	McCreesh,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 589, as follows:

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the board of revision of taxes in counties of the first class shall after the first day of May one thousand nine hundred and thirty-seven consist of seven members who shall be appointed for terms of six years as provided by law

Section 2 The respective members of the board shall have the following qualifications

Two of such members shall be attorneys-at-law and members of the bar of the Supreme Court of Pennsylvania and of the county and shall have practiced law in the county for the last five years immediately preceding their appointment

One of such members shall be a construction engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment

One of such members shall be a civil engineer licensed as a professional engineer under the laws of this Commonwealth and shall have had at least five years' practical experience immediately preceding his appointment

One of such members shall be a real estate appraiser and shall have had at least five years' practical experience

One of such members shall be a real estate broker licensed as such under the laws of this Commonwealth and shall have had at least five years' practical experience

One of such members shall be a business man or an accountant with at least five years' practical experience or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed as with sufficient experience qualifying a person for membership on the board

Section 3 No person shall be appointed a member of the board of revision of taxes unless he shall have filed with the appointing authority a written application for such appointment setting forth in detail sufficient information to show that the applicant possesses the qualifications required of him by this act All such facts shall be sworn to or affirmed by the applicant All such applications shall remain on file in the office of the appointing authority as a public record

Section 4 The board shall organize each year by electing a chairman and a secretary from among its members In the absence of the chairman a member designated by him shall act as chairman

The chairman of the board shall receive a salary of twelve thousand five hundred dollars ($12,500) per annum Each of the other members shall receive salaries of ten thousand dollars ($10,000) per annum None of the members shall receive any other compensation for any service required of them by law

Each member of the board shall give bond in such amount and with such surety or sureties as the tax levying body of the county shall approve conditioned upon the faithful performance of all of their duties as members of the board They shall not be required to give any other bond for any purpose

The members of the board shall not during their terms of office engage in any other employment hold any other public office or other public employment

Section 5 The board shall appoint a chief appraiser who shall receive a salary of eight thousand five hundred dollars ($8,500) per annum Such chief appraiser shall at the time of his appointment have had not less than ten years' practical experience in making real estate appraisals It shall be his duty to supervise and assist in the setting up and maintaining of a scientific and modern system of appraisement and records thereof and to supervise the making of assessments and the keeping of the records of the board in accordance with the directions rules and regulations of the board

Section 6 The board shall appoint two deputy appraisers whose salaries shall be five thousand dollars ($5,000) per annum each and two personal property appraisers and as many senior assistants as it deems necessary but not more than twenty whose salaries shall be four thousand dollars per annum Each of such deputy appraisers and assistant appraisers shall have not less than five years' practical experience as a draftsman or a real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade Each of the personal property appraisers shall have had not less than five years' practical experience in valuing securities and other personal property subject to taxation

The board shall appoint as many junior assistant appraisers as it deems necessary but not more than ten whose salaries shall be fixed by the board subject to the approval of the tax levying body of the county and shall range in amount from one thousand eight hundred dollars ($1,800) to two thousand seven hundred and fifty dollars ($2,750) Each of such junior assistant appraisers shall have had not less than three years' practical experience as a draftsman or real estate broker or agent or in the appraising and purchasing of real property or in any branch of the building or construction trade or shall be a graduate of or a teacher in a recognized college or university specializing in any of the subjects hereinbefore prescribed

The board shall also appoint such number of clerks stenographers and other employes and at such compensation as shall be allowed and fixed by the tax levying body of the county

All salaries and compensation shall be paid out of the county treasury

Section 7 The board of revision of taxes may by general rules and regulations prescribe additional qualifications not inconsistent with the provisions of this act to be possessed by the chief appraiser deputy appraisers personal property appraisers senior assistant appraisers

junior assistant appraisers and other employes of the board

No person shall be employed by the board in any position except pursuant to written application under oath or affirmation setting forth in detail his qualifications for the office or position which he seeks which applications shall be preserved among the records of the board All appointments shall be made pursuant to competitive examinations conducted by the board which shall be open to all persons possessing the requisite experience and qualifications Appointments shall as far as possible be made by advancement from among the employes of the board

Section 8 The terms of the members of the board of revision of taxes now in office in counties of the first class are hereby terminated as of the effective date of this act The several assessors and personal property assessors heretofore provided for by law in counties of the first class are hereby abolished and the terms or employment of the present assessors are hereby terminated

Section 9 The following acts and their amendments are hereby repealed

The act approved the twenty-fourth day of March one thousand nine hundred and three (P. L. 51) entitled "An act providing for the manner of appointment of assessors for the purpose of valuation of property in counties containing a population of one million two hundred fifty thousand or over"

The act approved the thirty-first of May one thousand nine hundred and seven (P. L. 329) entitled "An act fixing the salary of real estate assessors in counties having a population of one million or over" and

The act approved the seventh day of April one thousand nine hundred and twenty-seven (P. L. 149) entitled "An act providing for the appointment of assessors of personal property in counties of the first class defining their duties and fixing their salaries"

The act approved the eighteenth day of February one thousand nine hundred and thirty-seven (Act Number 3) entitled "An act providing for the appointment of assessors and clerks by boards of revision of taxes in cities of the first class fixing their salaries and repealing inconsistent acts"

All acts and parts of acts general local and special inconsistent herewith are hereby repealed

Section 10 The provisions of this act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—35

Cavalcante,	Jacobs,	McGinnis,	Shapiro,
Dando,	Jaspan,	Mundy,	Sipe,
DiSilvestro,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Woodward,
Haluska,	Law,	Rodgers,	Wolfenden,
Henney,	Mallery,	Rupp,	Huffman,
Heyburn,	McCreesh,	Ruth,	

NAYS—5

Buckman,	Ealy,	Homsher,	Owlett,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to House of Representatives for concurrence.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 574, (House Bill No. 1183), as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Cobbs Creek Parkway thence southerly over Cobbs Creek Parkway to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with Cobbs Creek Parkway thence northerly over Cobbs Creek Parkway to an intersection with Chestnut Street beginning again at the intersection of Cobbs Creek Parkway and Walnut Street thence southerly over Cobb's Creek Parkway to an intersection with Sixty-third Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon

Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence south-easterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue Beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue a distance of about 6.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Tinicum Avenue thence northeasterly over Tinicum Avenue to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill Avenue thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Tinicum Avenue thence northeasterly on Tinicum Avenue to the intersection of Tinicum Avenue and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue thence northeasterly on Mt. Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue beginning again at the intersection of Rising Sun Avenue and Adams Avenue thence over Adams Avenue to an intersection with the Roosevelt Boulevard a distance of about 8.76 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with West College Avenue thence southerly on West College Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersec-

tion of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive a distance of about 11.00 miles

Beginning at a point on the Philadelphia City-Rockledge Borough Line on Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Seventy-first Street thence northerly over Seventy-first Street to an intersection with Lansdown Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street a distance of about 9.00 miles

Beginning at the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Avenue thence southeasterly on Island Avenue to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue a distance of about 6.25 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now open which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January one thousand nine hundred thirty-eight subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any right under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or main-

tenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over under the provisions of this act or any section thereof but such changes as may be approved or recommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by low such damages to be as certained and paid in accordance with the laws applicable thereto.

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subpect to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening from the Department of Highways Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assistaing in the improving constructing reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of January one thousand nine hundred thirty-eight

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, if the members of the Senate will turn to page 13 of this bill, Printer's No. 574, they will find that the amendments are intended to be covered by the amendments of the House, so as to change the effective date of this act from September, 1937, to its original effective date, 1938.

In making these amendments, apparently the printer did not place a bracket before the word "September," so that it leaves the matter in an indefinite state. I, therefore, ask unanimous consent at this time to offer an amendment to place a bracket before the word "September" on page 13, line 1.

The PRESIDENT. Is there objection?

Mr. GELDER. Mr. President, can the Senate take any action other than concurring in the amendments of the House, or the appointment of a conference committee?

Mr. SHAPIRO. Mr. President, the question which is raised by the Senator from Susquehanna has been taken up with the parliamentarian and the Director of the Legislative Bureau. It was the thought of most all of the members of this Senate, and we were given to understand that when this bill came before the Senate for concurrence, in order to avoid a Conference Committee, which would result in our failure to concur, we can bring an amendment and correct the matter in this manner. It has been the view of many of the Senators that we cannot do that, but I think we can be guided by the decision of the Parliamentarian and the Legislative Bureau, who know more about it.

The PRESIDENT. The Chair feels that an amendment made in the House can be properly amended in the Senate. The only question in the Senate is whether unanimous consent should be given immediately for consideration, and the Chair hears no objection.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL POSTPONED

Mr. PYTKO. Mr. President, I move that further con-

sideration of Senate Bill No. 579, (House Bill No. 1161), on third reading, entitled:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of money erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

be postponed for the present.

Mr. SHAPIRO. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. REED. Mr. President, I move that Senate Bill No. 725, (House Bill No. 1284), on final passage, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County; providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission; authorizing the issuance of turnpike revenue bonds of the Commonwealth, payable solely from tolls, to pay the cost of such turnpike; providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act: providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike; making such bonds exempt from taxation; constituting such bonds legal investments in certain instances; prescribing conditions upon which such turnpike shall become free; providing for condemnation; and authorizing the issuance of turnpike revenue refunding bonds.

be recommitted to the Committee on Highways.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 9, on third reading, entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN. Mr. President, I ask unanimous consent that Senate Bill No. 388, on third reading, entitled:

An Act to further amend sections two, three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word 'drug'; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 670, entitled:

An Act to further amend section 4 of the act approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 106) entitled, "An act relating to flood control; prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance, aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements, conferring the power of eminent domain imposing certain charges upon the Commonwealth, providing for appeals and conferring certain powers on municipalities, counties and townships, the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken, damaged or destroyed.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Heyburn,	Mallery,	Rupp,
Dando,	Jacobs,	McCreesh,	Ruth,
Deitrick,	Jaspan,	McGinnis,	Shapiro,
DiSilvestro,	Kahle,	Mundy,	Sipe,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Henney,	Law,	Rodgers,	Huffman,

NAYS—4

Ealy,	Gelder,	Homsher,	Owlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 671, entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed; prescribing certain regulations and restrictions concerning places where persons are employed, and the equipment, apparatus, devices and machinery used therein; prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act; and fixing penalties.

And said bill having been read at length the third time,
On the question,

Mr. FREY. Mr. President, I ask unanimous consent to amend Sec. 2, page 2, line 14, by striking out the word "for" and inserting in lieu thereof "from"; amend Sec. 12, page 6, line 8, by striking out the words "rules and regulations" and inserting in lieu thereof "provisions"; amend Sec. 13, page 6, line 16, by inserting after the word "instructions" the following: "to the superintendent, manager or responsible agent of the employer"; amend Sec. 15, page 6, line 26, by inserting after the word "department" the following: "as herein prvoided for."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended.

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 713 (House Bill No. 904) on third reading, entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 720, (House Bill No. 1130), entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section one hundred ninety-one, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "An act relating to fish and amending, revising, consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish; changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; and regulating closed seasons on boundary lakes.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Cavalcante,	Henney,	Mallery,	Rodgers,
Dando,	Heyburn,	McCreesh,	Rupp,
Deitrick,	Homsher,	McGinnis,	Ruth,
DiSilvestro,	Jacobs,	Mundy,	Shapiro,
Ealy,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kunkel,	Rankin,	Thompson,
Gelder,	Kilgallen,	Reed,	Wolfenden,
Gilson,	Lanius,	Rice,	Huffman,
Haluska,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to third reading and consideration of Senate Bill No. 740, entitled:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

And said bill having been read at length the third time,
On the question,
Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I rise to point out a feature in this bill that I think we should consider at this time. On page 3, section 2, this bill reads as follows: "all cars filled by miners and their laborers shall be uniform in capacity".

Mr. President, that word "uniform capacity" will ruin hundreds upon hundreds of small coal operators. I would like to ask the Senator from Fayette to explain just what he means by "uniform capacity".

The PRESIDENT. Will the Senator from Fayette, Mr. Cavalcante, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I will.

Mr. HALUSKA. Mr. President, will the Senator from Fayette state for the information of the Senate his explanation of the meaning of "uniform capacity"?

Mr. CAVALCANTE. Mr. President, it is not so much the explanation of these words that is vital here, but it is the situation that the bill is intended to cover, and the

only way that these words can be properly explained and understood by anybody is to have at least a general knowledge of the system of mining coal and of paying the miners who mine and load that coal. Now, yesterday, when the bill was on second reading, I was asked to give an explanation and I did. The situation in a coal mine differs, that is, it is different in different mines—they have different ways of ascertaining the wages of the coal miner who loads the coal. Some employers have scales installed and the miners are paid on a tonnage basis, and at this mine it makes no difference whether the car contains 40, 50 or 100 bushels, because the coal is weighed and the miner is protected; he is paid for the tonnage he has loaded. Then we have quite a number of other mines in the State where the coal miner is paid by measurement; what we mean by that is so much a wagon load. Now, with that in mind, if the wagons are not of uniform capacity, if they have a capacity of 45, 50 or 60 bushels, he pays the miner not according to the contents, but so much a wagon load. The miner who loads a 40-bushel car will get the same wage for the car that a man who loads a 60-bushel car receives. Now, then, that is defrauding the man who loads the 60-bushel car, and this bill is intended to cover that situation so that the cars are uniform and the miners who load these cars are paid a uniform wage.

Now, I will say in explanation of the words referred to by the Senator from Cambria in the bill as it now stands on the calendar, in section 2, the words that the Senator complains of are the exact words that have been on the statute books since the very beginning, in 1893, or over forty years, that section has been worded like that and there has been no complaint from anybody. The only complaint as I can see it, is from the operators who want to defraud their miners by having cars of different capacities and paying their men so much per car, that is, they set their wage rate at 40 bushels per car. A car will hold, say, 40 bushels and they pay the miner on that basis, but yet they have in that mine cars of 55 or 60-bushel capacities and thereby defraud the miner of the excess tonnage of coal that he has mined. Now, this bill guards the coal miners against that fraud, against that cheating, and I say there has been no complaint from anyone up until this very time about the wording of this bill, the same wording has been on the statute books in the same language for over forty years, and I do not think much can be gained by questioning it now, when the courts have already passed upon this and found no fault with the wording of the bill.

Mr. HALUSKA. Mr. President, if this has been the wording for over forty years, it is about time we have that wording changed. The Act is very inconsistent in this feature, The uniformity of the cars in a coal mine is almost impossible. I do believe that cars should be branded, and that if a coal miner should load a car of coal that might hold 40, or 70 or 80 bushels, that he should be paid for the amount of coal that he produces, and by branding these cars, stating the amount of bushels that they will hold, the coal miner is going to get his honest wage, but picture a small coal operator with fifteen or sixteen different kinds of cars of different capacities, and it states very specifically in this bill that if the cars are not uniform in capacity, for each and every day that the operator permits such car or cars to enter the mine he shall be fined for such violation. Where are we going to? What is going to happen to both the small and large operators? Why this is the most vicious piece of legislation that I have ever had before me. I cannot see how any man can vote for a measure of this kind. Now, I repeat if this has been the law, let us repeal that law. There are some good features about this bill and I hate to see the bill destroyed, and I would like to ask the Senator from Fayette to postpone action on this bill until it is possible for us to get together and take out the wording "uniform capacity'.

Mr. CAVALCANTE. Mr. President, I still have an answer to make, because I think the complaints made by the Senator from Cambria do not come in good faith. I do object until I have completed my answer to the Senator. Now, I would like to call his attention to section 9 of the Act. It covers the complaint that the Senator from Cambria makes. It is impossible by a general Act to cover the particular complaints of the Senator. You cannot pass an act to cover every little thing that you might be personally interested in, but the act must be in general terms and then you may have exceptions to it. Now, section 9 covers that situation. If you have any mine where the capacity of the cars are not uniform, the men and the operator may agree with each other as to that particular feature and be paid accordingly. Section 9 states: "Nothing contained in this act shall be construed to prohibit or prevent the operator and the miners collectively at any time from contracting for any method of measuring or weighing coal." and if they have a mine where they want to use cars that are not of uniform capacity, the employer may get together with the employe and tell him, "now, you load a 40-bushel car, or a 50-bushel car or a 60-bushel car, and we will pay you for 40 bushels, 50 bushels or 60 bushels." I think we should not take this out of the act and permit the coal operator to have two or three sizes of cars and pay the miner the same wages for loading a 40-bushel car as he does for loading a 50- or a 60-bushel car. The cars ought to be uniform and the miners ought to be paid uniformly, and section 9 covers the complaints of the Senator from Cambria. If the operator is honest, he should pay his miner for the coal he puts in the car.

Mr. HALUSKA. Mr. President, I disagree with the Senator from Fayette, because by branding these cars the operator will pay the miner for the amount of coal that car contains. He is inconsistent in his argument. By branding these cars that contain 40, 50, 60 or 70 bushels, the miner will be paid for loading the car to its capacity. The Senator from Fayette comes back to section 9 and states that the operator and miners can agree on so much pay per car. That is true, but in the event that the coal miner has another complaint to make about the coal mine, he can get four or five of his colleagues together and have the operator arrested and make him pay one dollar each for having such cars on the premises. Any complaint that might arise about coal mining can be referred right back to the arrest of the coal operator, because his cars are not of uniform capacity.

BILL OVER IN ORDER REQUESTED

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 720 (House Bill No. 1130), on third reading, entitled:

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 762 (House Bill No. 1156) on third reading, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

go over in its order.

The PRESIDENT. Is there objection?

Mr. LAW. Mr. President, I object.

The PRESIDENT. The Chair hears objection.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 762 (House Bill No. 1156), entitled:

An Act to provide for the permanent personal registraiton of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the third time, and agreed to.

On the question,

Shall the bill pass finally?

Mr. WOLFENDEN. Mr. President, I would like to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator from Mercer if there is any particular reason why the effective date of this bill should be now rather than next year?

Mr. LAW. Mr. President, there is.

Mr. WOLFENDEN. Mr. President, will the Senator tell us what the reason is?

Mr. LAW. Mr. President, there are several reasons, and I might say that this bill provides for personal registration in the various polling places. If the effective date were extended to 1938, the individual citizens will have to go to the polling places during the winter when it is twice as hard to get out, and it will greatly increase the difficulties in registering the voters, where if it goes into effect now, they will have until the middle of August to complete their registration.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator from Mercer if he has talked with any of the officials in any of the counties that will be financially affected by this legislation, whether or not it will upset their budgets.

Mr. LAW. Mr. President, I would say frankly that all parties were represented at a public hearing last week. While many of them had complaints to make, after they saw the figures showing what the cost was going to be, they were reasonably well satisfied with the figures and raised no particular objections in the hearing.

And said bill having been read at length the third time, and agreed to,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Jacobs,	McGinnis,	Ruth,
Deitrick,	Jaspan,	Mundy,	Shapiro,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gilson,	Law,	Rice,	Woodward,
Haluska,	Mallery,	Rodgers,	Huffman,
Henney,	McCreesh,	Rupp,	

NAYS—7

Dando,	Gelder,	Homsher,	Owlett,
Ealy,	Hevburn,	Lanius,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 771, on third reading, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing co-operative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments. commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON. Mr. President, I ask unanimous consent that Senate Bill No. 796, (House Bill No. 917), on third reading, entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal miner or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RANKIN. Mr. President, I ask unanimous consent that Senate Bill No. 895, on third reading, entiled:

An Act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings monuments and bridges.
go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 961, (House Bill No. 108), entitled:

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment election and salaries of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court and the municipal court of Philadelphia and other courts and for the transfer of certain actions pending in said courts and repealing existing laws.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—28

Cavalcante,	Jacobs,	McCreesh,	Rupp,
Daudo,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Stiefel,
Gilson,	Lanius,	Rice,	Thompson,
Kenney,	Law,	Rodgers,	Huffman,

NAYS—11

Deitrick,	Haluska,	Mallery,	Wolfenden,
Ealy,	Heyburn,	Owlett,	Woodward,
Gelder,	Homsher,	Reed,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

COMMITTEE TO ESCORT THE GOVERNOR TO THE HALL OF THE HOUSE

The PRESIDENT. The Chair appoints as the Committee on the part of the Senate to escort the Governor to the Hall of the House, the Senator from Susquehanna, Mr. Gelder, the Senator from Delaware, Mr. Heyburn, and the Senator from Mercer, Mr. Law.

SENATE PROCEEDS TO THE HOUSE TO HEAR THE MESSAGE OF THE HONORABLE JAMES HAMILTON LEWIS, UNITED STATES SENATOR FROM THE STATE OF ILLINOIS

The hour of 2:30 p. m. having arrived, Messrs. Gerard and Cadwalader, a Committee from the House of Representatives, being introduced, informed the Senate that the House of Representatives was ready for the reception of the President and the members of the Senate for the purpose of listening to an address by the Honorable James Hamilton Lewis, United States Senator from the State of Illinois.

Whereupon,

The President and members of the Senate proceeded to the Hall of the House of Representatives.

SENATE RETURNS FROM HOUSE

After some time, the President and members of the Senate returned to the Senate Chamber.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 20, as follows:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverage and providing penalties and for the revocation of licenses and permits

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwmealth of Pennsylvania

in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be unlawful for any person copartnership association or corporation to display post or paint on or to attach to any billboard sign building or other structure any advertisement of any intoxicating liquor or intoxicating beverage of any kind or character for any purpose whatever or to erect any sign billboard or structure for such purposes Outdoor advertising erected or displayed prior to the effective date of this act shall be removed or destroyed within such time after the effective date of this act as shall be prescribed by the Pennsylvania Liquor Control Board by rule and regulation which said board is hereby given power to adopt It shall be unlawful to continue to maintain and display such existing outdoor advertising after the date specified in such rule and regulation

Nothing contained in this section shall be deemed to apply to advertising in connection with any state liquor store operated by the Pennsylvania Liquor Control Board nor to advertisements in any newspaper or other printed periodical

Any person copartnership association or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or such person or the members or agents of such copartnership or association or the agents officers or directors of such corporation responsible for the violation of this act may be sentenced to imprisonment for a term of six months or both in the discretion of the court

In addition to the penalties hereinbefore provided the license or permit granted to any such person copartnership association or corporation for the manufacture or sale of intoxicating liquors shall upon proof of the violation of this act be revoked by the authority empowered by law to revoke such licenses or permits

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 572, as follows:

An Act creating the Brandywine Battlefield Park Commission as a departmental administrative commission in the Department of Forests and Waters defining its powers and duties and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor of the Commonwealth is hereby authorized to appoint a commission of seven citizens to be known as the Brandywine Battlefield Park Commission Said commission shall be a departmental administrative commission in the Department of Agriculture and shall have and possess the powers and perform the duties generally vested in and imposed upon departmental administrative commissions by the Administrative Code of 1929 and its amendments The commission shall elect a chairman and a secretary Four members of the commission shall constitute a quorum

Section 2 It shall be the duty of said commission to mark the area and boundaries of the Brandwine Battlefield and to acquire by gift or purchase in the name of the Commonwealth important and historic lands and particularly buildings which existed at the time of said battle in order that the same may be preserved for the benefit and enjoyment of the people and be incorporated into the Brandywine Battlefield Park when the same is developed into a State park

The commission shall have power to secure options on lands lying within the area of said battlefield and shall make report to the General Assembly of the amount of appropriation required to acquire all of the lands within the area of said battlefield and for the development of the same in order that it may be preserved as a park of major historical importance

Section 3 The sum of ten thousand dollars ($10,000) is hereby specifically appropriated to the Brandywine Battlefield Park Commission created by this act for the payment of the expenses incurred by the members thereof in the performance of their duties for costs and expenses incurred in surveying and marking the area of the Brandywine Battlefield and for the payment of the purchase price of any property acquired for the Commonwealth and title searches in connection therewith

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 643, as follows:

An Act regulating and prescribing the computation and running of sentences for criminal offenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act all sentences for criminal offenses of persons who at the time sentence is imposed are held in custody in default of bail or otherwise shall begin to run and be computed from the date of commitment for the offense for which said sentence shall be imposed unless the person sentenced shall then be undergoing imprisonment under a sentence imposed for any other offense or offenses in which case the said sentence shall begin to run and be computed either from the date of imposition thereof or from the expiration of such other sentence or sentences as the court shall in its discretion direct

Section 2 The date of commitment referred to in section one of this act shall be the date of the last commitment for the offense for which the sentence is imposed

Section 3 If the sentence imposed shall be to any penitentiary or prison other than that in which the person sentenced shall have held in custody it shall be the duty of the court to state in the sentence the date of the commitment of such person

Section 4 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 716 (House Bill No. 1038), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 731 (House Bill No. 1322), entitled:

An Act to repeal sections two thousand ninety two thousand ninety-one two thousand ninety-two two thousand ninety-three two thousand ninety-four two thousand ninety-five and two thousand ninety-six of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening making amending and repairing the public highways and bridges of townships by petition and contract.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 893, as follows:

An Act to amend the act approved the eighth day of June one thousnad nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the eighth day of June one thousand nine hundredseven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulkheads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as supplemented by the act approved the ninth day of May one thousand nine hundred thirteen (Pamphlet Laws one hundred eighty-five) and the act approved the eighth day of July one thousand nine hundred nineteen (Pamphlet Laws seven hundred thirty-seven) as amended is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That there [shall be established a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries to consist] is hereby created a departmental administrative commission in the Department of Forests and Waters to be known as the Navigation Commission for the Delaware River and its navigable tributaries consisting of five members to be appointed by the Governor [one of whom shall be the Director of the Department of Wharves Docks and Ferries for the city of Philadelphia who shall be the President thereof two of whom shall be appointed by the mayor of said cities from such commercial bodies as the councils of said cities may designate one of whom shall be elected by the council of the city of Chester and one of whom shall be elected by the burgess and council of the borough of Bristol Their principal office shall be at the office of the President] Three of the said commissioners shall be appointed from among the residents of the City of Philadelphia one from among the residents of the City of Chester and one from among the residents of the City of Bristol The Governor shall designate one of the commissioners to be the president of the said commission The principal office of the commission shall be in the City of Philadelphia

Section 2 That section two of the said act as supplemented is hereby amended to read as follows

Section 2 The [Board of Commissioners of Navigation] members of the Navigation Commission for the [river] Delaware River and its navigable tributaries hereinafter referred to as the Commissioners shall hold office for a term of four years and until their successors are appointed and qualified and may be re-eligible to office They shall serve without compensation but shall be reimbursed for necessary expenses A majority of said Commissioners shall constitute a quorum for the transaction of business

Section 3 That section seven of the said act as supplemented and as amended by the act approved the fourth day of April one thousand nine hundred twenty-five (Pamphlet Laws one hundred thirty-eight) is hereby further amended to read as follows

Section 7 Whenever any person or persons shall desire to construct extend or alter any wharf or pier or to erect extend alter or improve any bridge or other harbor structure wholly within the State into or on the aforesaid river and its navigable tributaries such person or persons shall make application to the president of the commissioners stating in writing the nature and extent of such intended wharf pier or other harbor structure or building in the nature of a wharf or harbor structure aforesaid and file in the office of the president of the commissioners the plans and specifications showing fully the proposed erection construction extension alteration or improvement and produce their deed or deeds or other evidence of title to the property to be so occupied altered or improved [whereupon] Every such application shall be accompanied by a filing fee of five dollars ($5.00) to be paid into the State Treasury through the Department of Revenue Upon receipt of any such application the president of the commissioners shall give notice of the time and place of hearing such application to all parties interested by advertising twice a week for two successive weeks in two newspapers of general circulation published within the county in which such work is to be done and by posting such notice upon the premises referred to in such application and if the commissioners upon said hearing shall approve the plans and specifications offered in such application they shall give their assent and issue a license for the erection construction extension alteration or improvement for which application shall have been made and cause the same to be recorded in the office of the president of the commissioners in a book to be kept by the said president of the commissioners for that purpose and such license shall not be unreasonably withheld Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class All such

licenses hereafter granted shall contain a condition imposing upon the licensee the duty of keeping slips or docks free and clear of silt and other deposits or refuse so as to maintain a navigable depth therein to the extent fixed in the license Said license shall also contain a condition requiring the licensee to apply for and obtain a permit from the Water and Power Resources Board and to pay such encroachment charges as said board may fix according to law No license hereafter granted shall be valid until a permit is granted by the Water and Power Resources Board

Section 4 That section ten of the said act as supplemented is hereby amended to read as follows

Section 10 The [Board of Commissioners] Navigation Commission after a hearing of the parties in interest is authorized to regulate the services and to fix the maximum rates for wharfage cranage and dockage Provided That for the purposes of this section the commissioners shall not have jurisdiction within any city of the first class

Section 5 (a) The Board of Commissioners of Navigation for the river Delaware and its navigable tributaries is heerby abolished as of the effective date of this act and the terms of the members of such board now holding office shall expire and terminate upon that date

(b) All the vessels boats launches books records maps and other property and equipment whatsoever in the possession of the said Board of Commissioners of Navigation or of any commissioner officer or employe of said commission shall upon the effective date of this act be delivered or turned over to the Navigation Commission for the Delaware River and its navigable tributaries

(c) All employes of said Board of Commissioners of Navigation on the effective date of this act shall become employes of the said Navigation Commission and shall continue to perform their usual duties upon the same terms and conditions as heretofore until removed or appointed to other positions by the commission Persons who upon the effective date of this act are employes of said Board of Commissioners of Navigation shall retain all retirement rights that shall have accrued or would thereafter accrue to them and their services shall be deemed to have been continuous as if the Board of Commissioners of Navigation had not been abolished

(d) All petitions hearings and other proceedings pending before the said Board of Commissioners of Navigation and all investigations begun by such commission or any member or officer thereof and not completed upon the effective date of this act shall continue and remain in full force and effect as if the said commission had not been abolished and may be completed before or by the said Navigation Commission

(e) All licenses orders rules and regulations made or issued by the said Board of Commissioners of Navigation prior to and in force upon the effective date of this act shall remain in full force and effect until revoked or modified by the said Navigation Commission

(f) Whenever the term "Board of Commissioners of Navigation" occurs in any law supplementing the act amended by this act or otherwise contract or document or whenever in any law supplementing the act amended by this act or otherwise contract or document reference is made to such board such term or reference shall be deemed to refer to and include the Navigation Commission for the Delaware River created by this act it being hereby declared to be the legislative intent that all the powers and duties which under existing law were vested in or directed to be performed by the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries or by the Board of Wardens for the Port of Philadelphia prior to the abolition of said board shall after the effective date of this act be performed by the Navigation Commission for the Delaware River and its navigable tributaries

(g) The unexpended balance existing on the effective date of this act in any appropriation whatsoever made to the said Board of Commissioners of Navigation is hereby transferred and appropriated to the said Navigation Commission for the Delaware River for the same purposes as expressed in any act making such an appropriation and any such unexpended balance also is hereby appropriated to the said Navigation Commission for the payment of any bills or encumbrances incurred by the said Board of Commissioners of Navigation prior to and remaining unpaid on the effective date of this act

Section 6 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 903 (House Bill No. 1043), entitled:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

On the question,

Will the Senate agree to the section?

Mr. OWLETT. Mr. President, I move to amend Sec. 1 (Sec. 3), page 5, line 14 by inserting after the words "hereinafter enumerated" the following: "on which interest or a dividend was paid within one year from the listing date as provided for in this act"; Amend Sec. 1 (Sec. 3), page 7, line 13 by striking out the words: "and the principal value of"; Amend Sec. 1 (Sec. 3), page 7,

line 13 by striking out with light-faced brackets the words: "all annuities" which follow the words "and the principal value of"; Amend Sec. 1 (Sec. 3), page 10, by inserting between lines 12 and 13, after the words "educational purposes" indented as for a paragraph, the following: "The value of the classes of personal property so made taxable shall be determined by multiplying the income received therefrom during the year immediately preceding the listing date by twenty."; Amend Sec. 1 (Sec. 4), page 11, line 1, by striking out with light-faced brackets the word: "aggregate" which follows "(1) The"; Amend Sec. 1 (Sec. 4), page 11, line 3, by inserting after the words "section of this act" in the third line of clause (1), the following: "computed as provided in said section"; Amend Sec. 1 (Sec. 4), page 11, line 14, by inserting after the word "property]" in the second line of clause (3), the following: "such property"; Amend Sec. 1 (Sec. 4), page 11, lines 14, 15, 16 & 17 by striking out the words: "each of the different classes of property whether or not taxable enumerated in the third section of this act owned, held or in any manner possessed by such resident", in clause (3) of said section.

Mr. GELDER. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. SHAPIRO. Mr. President, I understand that these amendments meet with the approval of the Department of Revenue?

Mr. OWLETT. Mr. President, I have not taken it up with the Department of Revenue.

Mr. SHAPIRO. Mr. President, I object to these amendments.

Mr. OWLETT. Mr. President, I think everyone in this Senate recognizes the many inequalities that exist by reason of this perfectly rotten tax act. I do not think that anything can be done to make it a satisfactory act. These amendments I have offered make merely two changes. In the first place, they classify personal property, the subject of this personal property tax, into two classifications, one property that produces income and the other property that does not produce any income, and it exempts from taxation non-income producing personal property. The income producing personalty, this act provides shall be valued at a figure equal twenty times the earnings of that property, the dividends received during the previous calendar year. In other words, if a bond pays 4%, it will be taxed on the value of $800.00, or twenty times $40.00.

There have come to my attention numerous gross inequalities, as I know it has to everyone here, in the administration of this act. I have in mind the case of a retired school teacher who depends on an income from stock which she has, I think, in a Texas corporation, which last year paid $1.00 a share. On January 1st of this year that stock had a market value of $53.50 a share, with the result that this tax amounted to 46% of her income. Mr. President, if this amendment is adopted, it will wipe out those inequalities in the administration of this law, it will exempt people who have non-income interest securities and the payment of any tax on it. If they produce income, if it is 5% income, it will be par, if it is under that, they will pay on the real value, they will not be required to pay 40%, 50% or 60% of their income by this tax.

Mr. SHAPIRO. Mr. President, when this bill was first passed, in the last session of 1935, the subject that has been discussed here by the Senator from Tioga, was discussed thoroughly, and the bill was finally passed in its present form, except that the amendments were suggested at this session by the Revenue Department. On Monday we had a meeting on this bill and the Senator from Tioga was present. The bill was reported out for the purpose of giving the members an opportunity to read the bill and to suggest such amendments to the bill as they might see fit, if there was any situation in the Act of 1935 that needed minor correcting. These amendments offered today strike at the root of the bill. The whole controversy has always been in the personal property tax, whether or not the tax should be based on the value of the bond, or whether the tax should be based on an income-producing bond, and under those circumstances it should seem to me that every member of this Senate is committed to the bill in the form presented by the Revenue Department, otherwise the budget, which was based upon this bill, would be entirely upset. I ask the members of the Senate to vote down this amendment.

Mr. OWLETT. Mr. President, I merely want to say that when this bill came before the Committee on Finance, I expressed very strenuously the desire to have these amendments considered, and suggested that if the bill was reported out, we would be permitted to have it go over for second reading and passed on Monday night. Some of the members of the Committee objected to that and said that if we had any amendments to offer, we were to have them ready today. We were not to take any time to consider it. So for that reason I worked last evening and prepared the amendments. I agree with the Senator from Philadelphia that they are important amendments. I disagree, however, with him that the effect of these amendments was considered before; the amendments were never considered before by this Committee. I do not think that these amendments will materially decrease the revenue from this bill, but I think they will very materially wipe out some of the gross inequalities in the effect of this eight-mill tax law. I certainly do not think that this Senate can brush these amendments aside without considering them; I will be very glad to withdraw them and have this bill go over in its order and submit copies of the amendments to my friends on the other side, or do anything they say with respect to these amendments, but I do want them considered. I think it is a serious situation in this Commonwealth, the inequalities brought about by this eight-mill tax law, and if we can do anything to relieve the hardships that have come about, it is certainly up to us to do it.

Mr. SHAPIRO. Mr. President, I object for this reason: When the bill was discussed in Committee, a representative of the Department of Revenue told us in answering the request made by the Senator from Tioga, that this bill go over for reading on Monday night, that the time was too short and that this bill must be passed before the 1st day of May in order to allow the Revenue Department to prepare for the budgetary plans. The Senator

from Tioga did not mention this question at all in the Committee meeting. We do not want to change the basic law of 1935, but we did say that if there was anything in the amendments to which objections could be taken, we should have it called to our attention before the bill passed finally, and under these circumstances, the Revenue Department said that we could wait, but we ought to pass this bill on second reading.

The PRESIDENT. Is there any objection to the bill going over in order?

BILL OVER IN ORDER

Mr. RANKIN. Mr. President, as Chairman of the Committee on Finance, I would like to have the Senator from Tioga withdraw these amendments and have the bill go over in its order.

Mr. OWLETT. Mr. President, I would be very glad to do that.

The PRESIDENT. Is there objection to the bill going over in order? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 911, as follows:

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits debts and interest on debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint-stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revnue providing for refunds of such moneys and property and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Legislative Determination and Declaration of Policy It is hereby declared as a matter of legislative determination that the moneys and property hereinafter enumerated in this act are now and have heretofore been subject to escheat both under the common law and under the provisions and requirements of existing acts of Assembly

That it is both necessary and desirable to provide specific appropriate methods for the recovery of such money and property by the Commonwealth and the payment thereof into the State Treasury subject to being refunded to the persons legally entitled thereto without the necessity of instituting and prosecuting the proceedings for a formal decree of escheat thereof by the court having jurisdiction of said moneys and property

Therefore it is hereby declared to be the policy of the Legislature to provide and it is the purpose and intent of this act so to provide for the payment of such moneys and property hereinafter described into the State Treasury without escheat according to the provisions of this act and subject to being refunded to the persons legally entitled to the same

Section 2 Definitions The following words terms and phrases when used in this act shall have the meaning ascribed to them in this section except where the context clearly indicates a different meaning

"Company" The word company shall include limited partnerships and unincorporated associations joint-stock associations public utility corporations insurance associations or corporations and any company or corporation incorporated and doing business under the laws of this Commonwealth except mutual savings fund societies and building and loan associations and except banks national banks bank and trust companies trust companies and other corporations associations partnerships limited partnerships and partnership associations engaged in the business of receiving money on deposit or securities or other property for safe-keeping

"Creditor" The word creditor shall include any person who has made deposits or advances of money or to whom dividends or profits have been declared or to whom debts and interest on debts have been owed or to whom the proceeds of any policy of insurance are due and payable

"Department" The Department of Revenue of this Commonwealth

"Person" Any natural person association or corporation

"Property" The word property shall include property and the profits accretions and any interest or rights accrued or declared thereon

The singular shall include the plural and the masculine shall include the feminine and neuter Section headings shall not be deemed or construed to limit the text of the sections of this act

Section 3 Reports (a) In the month of January of each year reports shall be made to the department as follows

(1) Every company shall make a report of all dividends or profits declared by it to any stockholder or member and not paid for three or more successive years next preceding the first day of said month and of all debts and interest on debts due by it to any creditor and not paid for three or more successive years next preceding the first day of said month

(2) Every company shall make a report of any and all customers advances tolls or deposits held by it and under the terms of the deposit agreement due and owing to the person or company depositing the same and unclaimed by said person or company for three (3) or more successive years next preceding the first day of said month

(3) Every company shall make a report of the proceeds of any policy of life or fire insurance awaiting due proof for payment or the surrender values of policies or the portions of premiums held to the credit of any policyholder and any profits dividends or accretions thereon which have been held and are owing by any company as hereinabove defined and have been unclaimed by and unpaid to the lawful owner thereof or to the person or persons legally entitled thereto for seven or more successive years next preceding the first day of said month

(4) Every company shall make a report of any and all stock or certificates of beneficial interest of whatsoever nature issued by or authorized to be issued by such company which have been demandable and have been and remain unclaimed by the person legally entitled thereto for three or more successive years next preceding the first day of said month

(b) The said period of three or seven years as the case may be shall be computed from the date when the moneys or property required to be reported under the provisions of this act first became due and payable to or became demandable by the person legally entitled thereto and said period shall not be affected terminated renewed or extended in any way by a transfer or delivery of possession of such moneys or property or an assignment of title or interest to such moneys or property by any company to any other company whatsoever

(c) Every report required by this section shall show the names and addresses of said stockholders members or creditors and the names and addresses of the depositors of said moneys or property or the names and addresses of the persons entitled to demand the said stock or the proceeds surrender values or premiums of said policies of insurance so far as known and if any such facts be not

known it shall be so stated and such facts or particulars as are known shall be stated Such reports shall contain such other information as is required by the department and shall be verified by affidavit of the persons making the same and in the case of a corporation or other person not a natural person shall be made and verified by affidavit of the treasurer or chief fiscal officer thereof said affidavit to declare that the report is true and contains all facts required by law to be reported

Section 4 Inquisitorial Power to the Department (a) Every company liable to make such report shall permit the department acting through any deputy clerk accountant or attorney designated by it for that purpose to inspect the records books and papers of such company relating to the subject matter of such report and when required by the department by subpoena signed by the Secretary thereof designating a certain time and place any company or officer or employe thereof whether liable to make such report or not shall attend as a witness before any deputy clerk accountant or attorney designated by the department for that purpose with such records books and papers as the department may require and shall answer fully such questions as may then be put to him concerning the subject matter of this section and permit full inspection of such records books and papers

(b) No company or any officer or employe shall be excused from answering or from attending and testifying or from producing books papers and records in any proceeding criminal or otherwise relating to the subject matter thereof for the reason that the answer or testimoney or evidence documentary or otherwise required of him may tend to criminate him or subject him to a penalty or forfeiture but no company shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he may answer or testify or produce evidence documentary or otherwise in any such proceedings Provided That no officer or employe of such company shall be exempt from prosecution and punishment for perjury committed in so testifying

(c) If any company or any officer or employe thereof shall fail to comply with any summons of the department for the attendance of persons or for the production of books accounts documents or papers or shall refuse to be sworn as a witness or refuse to testify fully as such or if any person or corporation shall refuse to permit any person designated by the department to inspect books accounts documents or papers as required by this section the Attorney General acting for the department may apply by petition in the name of the Commonwealth to the court of common pleas having jurisdiction and the court shall make such order on reasonable notice to such company or the officers thereof as shall compel compliance with the law and the violation of such order shall be a contempt of such court and punishable as such The remedy herein provided shall be in addition to other remedies and penalties provided by law

Section 5 Notice to Owners of Dividends Etc (a) When any particular dividend profit debt or interest on debt customers deposits stock or proceeds of any policy of insurance shall be first reported to the department the department shall notify the persons entitled thereto of such fact by mail so far as possible and shall publish once a week for two weeks during the month of July in each year in one or more general newspapers having the largest circulation published in the city or county in which such company may be located a true and accurate statement containing the names addresses and amounts of moneys or character of property belonging or owing to such person or for whose benefit the same is held

(b) The department if it deems it to the best interests of the Commonwealth may make such publication in a legal periodical designated by rules of court for the publication of legal notices in addition to publication in a general newspaper

(c) It shall not be obligatory upon the department to publish any item of the above described moneys or property where the amount involved is less than ten dollars ($10) but publication of any such item may be made if the department thinks such publication is to the best interests of the Commonwealth

(d) The publications required by this section shall not be considered a condition precedent to the bringing of any action in the courts of the Commonwealth for the recovery or payment of such moneys or property into the State Treasury without escheat

Section 6 Index The department shall prepare and keep an alphabetical index for the names of all persons which shall appear upon the reports made to it under the provisions of this act which index shall contain a reference to the reports from which said names are derived and the department shall open said index and reports to public inspection and shall furnish a search of said index when requested upon payment of a fee of twenty-five cents (25c) and ten cents (10c) additional for each item shown by the search for the use of the Commonwealth

Section 7 Jurisdiction Whenever any moneys or property are required to be reported by any company under the provisions of this act the court of common pleas of the county in which the principal office of such company is located shall have jurisdiction of any and all proceedings or actions instituted by the Commonwealth for the recovery of such moneys or property or the payment thereof into the State Treasury without escheat

Section 8 Procedure for the Escheat of Moneys or Property Subject to Escheat The escheat of any moneys or property heretofore subject to escheat and required to be reported to the department under the provisions of this act may at the suggestion of the department be determined and enforced by an action in the nature of a bill in equity filed by and in the name of the Attorney General against the company and all of its stockholders creditors depositors policyholders or other persons for whom the company holds moneys or property required to be reported under the provisions of this act in the said court of common pleas Any such escheat proceedings may be so prosecuted whether such moneys or property shall have been reported to the department as required by the provisions of this act or have not been so reported Any number of items of such moneys or property may be joined in one action against one company though due and owing to or held and possessed for different persons

If service of the bill cannot be had on any persons legally entitled to the moneys or property required to be reported to the department service shall be made by publication for two successive weeks in a newspaper of general circulation published in the county in which such person resides or in the case of a corporation in which it has its principal office and also when practicable for the same period in such a newspaper published in the county within or without the Commonwealth where when last heard from by the company the person or corporation legally entitled to such property had its residence or place of business Publication may be made in such form as the court shall direct and need not contain any order or other paper in full If the person legally entitled to such property or his legal representatives shall appear within the time limited by the court and establish his right to recover said moneys or property from the company but for the provisions of this act and if this right shall not be barred by the statute of limitations or presumption of payment a decree shall be made for the payment of said moneys or other property to said person after paying his proportionate part of the costs of the cause and of said advertising Provided That such person legally entitled to such moneys or property may have any issue of fact determined by a jury and if he shall not so appear and establish such right a decree shall be made that said moneys or property has escheated and shall be paid by the company into the State Treasury through the department for the use of the Commonwealth The amount of such decree shall bear interest at the rate of twelve per centum per annum sixty days after the same is made and such decree shall be effectual to bar persons or companies legally entitled to said moneys or property from claiming the same from the company An appeal may be taken by either or any party to such action to the Supreme Court at any time within thirty days after the date of the decree issued therein A receipt of the department for any moneys or property paid over to the

State Treasury in accordance with the provisions of such decree shall be a full and sufficient discharge to the said company from any further liability with respect to such moneys or property to any person or company legally entitled thereto

Section 9 Alternative Procedure for Payment into State Treasury without Escheat Whenever any company shall hold or be possessed of any items of money or property required to be reported under the provisions of this act the department may after such items have been reported to or otherwise ascertained by it and after notice and advertisement of such items shall have been given and made as required by this act if the number and nature of the items so held or possessed are in the opinion of the department such as to make such action desirable suggest to the Attorney General that instead of proceeding to secure a decree for the escheat of such items in the manner hereinabove prescribed the Attorney General apply by petition to said court for an order upon said company holding or possessed of such items of money or property directing the payment of the same without escheat into the State Treasury through the department to the credit of the Commonwealth together with interest thereon actually accrued if any to the date of the issue of said order or if the property consists of shares of stock or other securities that the same be sold in such manner as the court shall direct and the proceeds thereof be similarly paid into the State Treasury all amounts and proceeds so paid to be subject to being refunded by petition to the Board of Finance and Revenue as herinafter provided

A receipt of the department for any moneys or property paid over to the State Treasury in accordance with the provisions of such order of court shall be a full and sufficient discharge to the said company from any further liability with respect to such moneys or property to any person or company legally entitled thereto

Section 10 Refunds (a) Any person legally entitled to any moneys which shall have been paid into the State Treasury under the provisions of an order of court entered upon petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat (or the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a refund of the same and upon his making proof of his ownership or right of possession to the satisfaction of the board such moneys shall be paid to such person on the requisition of the board and the warrant of the Auditor General drawn on the State Treasurer in conformity therewith out of any moneys in the State Treasury appropriated for the purpose with interest thereon at the rate of two per centum per annum from the date when said moneys were paid into the State Treasury to the date of the refund thereof Any moneys which shall have been voluntarily paid into the State Treasury or which shall have been paid in under the provisions of an order of court entered upon the petition of the Attorney General asking for the payment of such moneys into the State Treasury without escheat shall be refunded in the same manner and under the conditions herein above prescribed

(b) Any person legally entitled to any shares of certificates of stock or other securities which shall have been transmitted or delivered to the State Treasury through the Department under the provisions of an order of court entered upon petition of the Attorney General directing the transfer of such property to the State Treasury without escheat (of the legal representatives thereof) may at any time apply to the Board of Finance and Revenue for a return of said property and upon his making proof of his ownership or right of possession the Board of Finance and Revenue shall order the return of such property to the person legally entitled thereto In such event if the State Treasurer shall have converted such property into money authority to do so being hereby conferred the board shall order the refund of the proceeds thereof to the person legally entitled thereto together with interest at the rate of two per centum per annum from the date such property was so converted to the date of refund thereof

(c) Any claimant for any such refund of money or for the return of property may appeal by petition to the court of common pleas of Dauphin County from an adverse decision of the Board of Finance and Revenue which court shall thereupon hear such testimony as may be offered in support of the claim and determine whether or not the claimant is entitled to any refund of money or return of property and if so the amount thereof or the nature or character thereof If the court finds that he is so entitled it shall report its findings to the board and order the making of a refund of the proper amount of money or the return of the said property Thereupon the refund shall be made or the return of the property shall be made in the manner hereinbefore provided No such appeal shall be entertained however unless the claimant shall file with his petition an affidavit that all proof which he proposes to offer in support of the claim had been presented to the Board of Finance and Revenue before that board acted adversely upon his claim

Section 11 Penalties Failure to Make Reports False Oath in Report Refusal to Testify (a) If it shall appear that any company failed at any time to make any report required under the provisions of this act such company shall be liable to pay to the Commonwealth interest at the rate of twelve per centum per annum from the time such report should first have been made to be computed upon the value of said reportable items as finally established in any proceedings under the provisions of this act and to be recovered in such proceedings

(b) The making of a wilful false oath in any report required under the provisions of this act shall be perjury and punishable as such according to law If any officer or employe of any company required to make a report under the provisions of this act shall fail to make such report when and as required by this act he shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding ten thousand dollars ($10,000.00) or imprisonment not exceeding one year either or both in the discretion of the court

(c) Any officer or employe of any company required to make a report under this act who shall neglect or refuse to attend or testify or to answer any lawful question or to produce or permit inspection of any books papers and records if in his power to do so in obedience to a subpoena issued under any section of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding ten thousand dollars ($10,000.00) or imprisonment not exceeding one year either or both in the discretion of the court

Section 12 Constitutional Construction It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part or section thereof the remaining provisions of the act shall be given full force or effect as completely as if the part held unconstitutional had not been included therein

Section 13 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 927 on second reading, entitled:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

Go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and con-

sideration of Senate Bill No. 928 (House Bill No. 2118), entitled:

An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" by clarifying the provisions relating to appeals

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1004, as follows:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any fiduciary insurance company state bank trust company bank and trust company and any departmental administrative board and commission or other agency of the Commonwealth shall have power to invest funds and moneys in his or its possession and control in bonds issued by the General State Authority in which the full faith and credit of the Authority is pledged and such bonds shall be deemed legal investments for all such purposes

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

HOUSE MESSAGES

AMENDMENT TO HOUSE BILL NO. 1190 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced, presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1190, entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "General County Law," as amended, increasing the amount of the contracts for which advertising is required.

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

AMENDMENT TO HOUSE BILL NO. 1051 RECALLED FROM THE GOVERNOR

He also presented for concurrence bill of the House of Representatives, as follows:

House Bill No. 1051, entitled:

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers to the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof' defining water obstructions and enlarging the powers of the Water and Power Resources Board

Said bill having been recalled from the Governor for amendment, the votes had on final passage and third reading were reconsidered in the House and the bill amended, in which amendments the concurrence of the Senate is requested.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the folloing bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 4, entitled:

An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board; providing for the appointment of such boards and defining their powers and duties; providing penalties, and making an apropriation.

Senate Bill No. 305, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

Senate Bill No. 589, entitled:

An Act fixing the number, qualifications, terms, manner of appointment, organization, and salaries of members of the board of revision of taxes in counties of the first class; providing for the appointment and compensation of a chief appraiser, assistant appraisers and other employes of the board; terminating the terms of the present members of the board of revision of taxes; abolishing the present assessors; and repealing general, local and special laws.

Senate Bill No. 573, entitled:

An Act to amend section seven of the act, approved the fifth day of January, one thousand nine hundred and thirty-three (P. L. 223, 1933-34), entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War, the war between the United States and Spain, the China Relief Expedition, or in the Philippines or Guam; providing the method of making payment to representatives of persons, who, because of death or incapacity, cannot personally receive compensation; imposing certain duties on the Adjutant General; making an appropriation; and repealing inconsistent legislation; and providing penalties," as amended. extending the time during which application may be filed for veterans' compensation.

Senate Bill No. 626, entitled:

An Act to amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

House Bill No. 1128, entitled:

An Act requiring unemployment relief orders to be presented for payment within a certain period, otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation for unemployment relief purposes.

House Bill No. 1150, entitled:

An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund.

House Bill No. 1131, entitled:

An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacturing Fund.

House Bill No. 1134, entitled:

An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligation of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund.

House Bill No. 1137, entitled:

An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Empolyes' Retirement System with respect to State employes receiving compensation from the Motor License Fund.

House Bill No. 1139, entitled:

An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund.

House Bill No. 1140, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwealth.

House Bill No. 1142, entitled:

An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to the State employes receiving compensation from the Game Fund.

House Bill No. 1143, entitled:

An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund.

House Bill No. 1273, entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof"; making further regulations for the election of justices of the peace in such consolidated boroughs.

House Bill No. 1302, entitled:

An Act to amend sections two and three, paragraph (c) of section seven and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (P. L. 1041), entitled "Garbage Disposal in Second Class Counties Law," by excepting from its provisions in certain cases the need for securing a license.

House Bill No. 1625, entitled:

An Act providing for and regulating joint purchases by counties (other than counties of the first and second classes) cities of the third class, boroughs, towns, townships, school distrcits and poor districts.

House Bill No. 1185, entitled:

An Act making an appropriation to the Stetson Hospital, Philadelphia, Pennsylvania.

House Bill No. 2067, entitled:

An Act to amend section five hundred and two of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," prohibiting auditors from becoming surety for certain officers.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Hufman) in the presence of the Senate signed the same.

RECESS

Mr. FREY. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

RECONSIDERATION OF SENATE BILL No. 1004

Mr. THOMPSON. Mr. President, I move to reconsider the vote by which Senate Bill No. 1004, entitled:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys

passed second reading.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1004, entitled:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any fiduciary insurance company state bank trust company bank and trust company and any departmental administrative board and commission or other agency of the Commonwealth shall have power to invest funds and moneys in his or its possession and control in bonds issued by the General State Author-

ity in which the full faith and credit of the Authority is pledged and such bonds shall be deemed legal investments for all such purposes

Section 2 This act shall become effective immediately upon final enactment

On the question,

Will the Senate agree to the section?

Mr. THOMPSON. Mr. President, I move to amend Section 1, page 1, line 10, by striking out after the word by and before the word "General" the word "the" and insert in lieu thereof the word: "The"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows:

An Act declaring bonds issued by the General State Authority legal investments for the investment of certain funds and moneys

On the question,

Will the Senate agree to the title?

Mr. THOMPSON. Mr. President, I move to amend Senate Bill No. 1004, Printer's No. 290, by striking out in the title of the bill after the word "by" and before the word "General" the word "the" and insert in lieu thereof the word: "The"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Judiciary Special, reported as amended, Senate Bill No. 905, entitled:

An Act to authorize boroughs, incorporated towns, townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Judicial Special, reported as committed, Senate Bill No. 906, entitled:

An Act regulating procedure in actions of assumpsit and trespass.

Mr. JACOBS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS from the Committee on Law and Order reported as amended, Senate Bill No. 492 (House Bill No. 390), entitled:

An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue; and prescribing penalties.

Re-referred to the Committee on Labor and Industry.

Mr. WOLFENDEN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOLFENDEN from the Committee on Education reported as committed, Senate Bill No. 901 (House Bill No. 1793), entitled:

An Act to amend section four of the act approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286) entitled "An act to provide for the health safety and welfare of minors By forbidding their employment or work in certain establishments and occupations and under certain specified ages by restricting their hours of labor and regulating certain conditions of their employment by requiring employment certificates for certain minors and prescribing the kinds thereof and the rules for the issuance reissuance filing return and recording of the same by providing that the industrial Board shall under certain conditions determine and declare whether certain occupations are within the prohibitions of this act requiring that certain minors shall during the period of their employment attend certain schools to be established as therein provided and to be approved by the State Superintendent of Public Instruction and regulating the conditions of such attendance authorizing the State Board of Education in certain cases to appoint attendance officers to aid in enforcing the provisions of this act and creating the salary and expenses of such officers a charge against the school district wherein they are employed requiring certain abstracts and notices to be posted providing for the enforcement of this act by the Commissioner of Labor and Industry the attendance officers of school districts and police officers and defining the procedure in prosecutions thereunder and establishing certain presumptions in relation thereto providing penalties for the violation of the provisions therewith" as amended further limiting the days and hours during which minors under eighteen years of age may be employed.

With the recommendation that it be returned to the Committee on Labor and Industry.

The PRESIDENT. The bill is referred to the Committee on Labor and Industry.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE from the Committee on Public Health reported as committed, Senate Bill No. 1028 (House Bill No. 1028), entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled, "An act relating to

dentistry, defining and providing for the licensing and registration of dentists and dental hygientists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement, defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws," by limiting the scope of practice as a dental hygientist, providing additional causes for the revocation and suspension of licenses and registrations, making appeals from actions of the board a supersedeas in the discretion of the court, making additional penal provisions and further regulating the practice of dentistry and as dental hygienists.

Also from the Committee on Judiciary Special reported as committed, Senate Bill No. 907, entitled:

An Act to repeal certain parts of acts relating to struck juries.

Also from the Committee on Judiciary Special reported as committed, Senate Bill No. 908, entitled:

An Act to amend section six of the act approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred three) entitled, "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Mr. EROE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE from the Committee on Labor and Industry reported as amended, Senate Bill No. 672, entitled:

An Act to amend sections one, two, twelve and twenty-four of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred sixty) entitled, "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing, registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," defining employers and employes, providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers; further regulating registers of employment agencies; and prescribing penalties.

Mr. REED. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED from the Committee on Labor and Industry reported as amended, Senate Bill No. 975 (House Bill No. 1572), entitled:

An Act to amend sections one, eight, eleven and thirteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry, providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act," extending the provisions of said act to unfired pressure vessels.

Mr. SONES. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SONES from the Committee on Labor and Industry reported as committed, Senate Bill No. 759, entitled:

An Act to amend sections one, two, seven and nineteen of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom, and repealing existing laws.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Judiciary General re-reported as committed, Senate Bill No. 69, entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO from the Committee on Insurance reported as amended, Senate Bill No. 814, entitled:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled, "An act defining fraternal benefit societies and their status, authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision, regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the Insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner; and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies, and requiring such societies to furnish the Insurance Commissioner with any information he may desire; providing penalties.

Mr. SHAPIRO. Mr. President, I desire to say that Senate Bill No. 69 is to be printed for the information of the Senate and then be recommitted to the Committee on the Judiciary General for final action.

Mr. McCREESH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH from the Committee on Agriculture re-

ported as committed, Senate Bill No. 897 (House Bill No. 1561), entitled:

An Act to amend sections two, three, four, five and six of the act approved the thirteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws one hundred twenty-nine) entitled, "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter, defining butter and prescribing the penalty for the violation thereof," further defining butter and the adulteration of butter, conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties.

Mr. KAHLE. Mr. President, I ask unanimous consent to make reports from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KAHLE from the Committee on Judiciary Special reported as committed, Senate Bill No. 904, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income, and repealing inconsistent legislation.

The PRESIDENT is there objection? The Chair hears none.

Mr. KAHLE from the Committee on Judiciary Special reported as committed, Senate Bill No. 957, entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County; providing for trial without jury and for the filing of agreements therefor; providing for the payment of jury fees.

BILLS INTRODUCED

Mr. JACOBS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS, read in place and presented to the Chair Senate Bill No. 1050, entitled:

An Act to amend the act approved the twenty-ninth day of May, one thousand nine hundred thirty-five (P. L. 261), entitled "An act authorizing the Secretary of Property and Supplies of the Commonwealth of Pennsylvania, with the approval of the Governor, to convey a certain part of a tract of land acquired in the name of the Commonwealth as a site for the Cumberland Valley State Institution for Mental Defectives, and to acquire in exchange a certain tract therefor," by substituting Owen J. Zimmerman, or his successor in title, for Samuel Zimmerman.

Which was committed to the Committee on Welfare.

Mr. RODGERS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 1051, entitled:

An Act declaring forfeitures of Commonwealth grants of public works, canals, rights and privileges, where the conditions, covenants or terms of such grants have been, or shall hereafter be, breached by disuse or otherwise by the owners or holders thereof; authorizing the Attorney General to institute appropriate actions to enforce the provisions of this act; and ratifying any and all such pending proceedings.

Which was committed to the Committee on Judiciary General.

Mr. RICE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 1052, entitled:

An Act transferring money from the Manufacturing Fund to the General Fund.

Which was committed to the Committee on Appropriations.

Mr. PYTKO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1053, entitled:

A Joint Resolution authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy, wisdom and practicability of the laws of the Commonwealth relating to automobile insurance, and the laws in effect in other states relating to automobile insurance, for the purpose of ascertaining the advisability of enacting in this Commonwealth a compulsory motor vehicle insurance law, or an automobile accident compensation law, or both; requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as to such legislation as may be necessary or desirable; and conferring upon the Insurance Commissioner and the Secretary of Revenue power to issue subpoenas, and the courts power to punish those refusing to obey the same.

Which as referred to the Committee on Insurance.

Mr. McCREESH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH read in his place and presented to Chair Senate Bill No. 1054, entitled:

An Act regulating the hours of service of drivers and operators of motor vehicles for hire and providing penalties.

Which is referred to the Committee on Highways.

Mr. MUNDY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The President. Is there objection? The Chair hears none.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 1055, entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades, and occupations in the Department of Public Instruction.

Which was committed to the Committee on Judiciary General.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 108

The Clerk of the House of Representatives being introduced presented communication from the House of Reprentatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 108, entitled:

An Act creating a court for the County of Philadelphia to be known as the Family Court; defining, prescribing and regulating the jurisdiction and powers of said court and of the judges thereof, and prescribing the procedure therein; providing for the costs thereof; providing for the transfer to said court of certain actions pending in other courts; and repealing existing laws.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1361

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1361, entitled:

An Act to amend section five hundred and fifty-three of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred and three), entitled "The Second Class Township Law," extending the time within which appeals from auditors' reports may be taken.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1359

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1359, entitled:

An Act to amend section one thousand and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred and six), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1130

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section nine hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "Fish Law of 1925," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; regulating closed seasons in boundary lakes; and conferring additional police powers on fish wardens.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 108, entitled:

An Act creating a court for the County of Philadelphia to be known as the Family Court; defining, prescribing and regulating the jurisdiction and powers of said court and of the judges thereof, and prescribing the procedure therein; providing for the costs thereof; providing for the transfer to said court of certain actions pending in other courts; and repealing existing laws.

House Bill No. 1359, entitled:

An Act to amend section one thousand and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred and six), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section nine hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty-six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "Fish Law of 1925," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and providing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; regulating closed seasons in boundary lakes; and conferring additional police powers on fish wardens.

House Bill No. 1304, entitled:

An Act to amend section eight of the act, approved the sixteenth day of May, one thousand eight hundred and ninety-one (P. L. 75), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving, the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

House Bill No. 1361, entitled:

An Act to amend section five hundred and fifty-three of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred and three), entitled "The Second Class Township Law,"

extending the time within which appeals from auditors' reports may be taken.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

RESOLUTION RECALLING FROM THE HOUSE OF REPRESENTATIVES SENATE BILL No. 762 (HOUSE BILL No. 1156)

Mr. LAW. Mr. President I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW, offered the following resolution which was twice read considered and agreed to:

Ordered, That the Clerk inform the House of Representatives accordingly.

In the Senate, April 21, 1937.

By Glen R. Law.

Resolved That Senate Bill No. 762 (House Bill No .1156), be recalled from the House of Representatives for re-consideration and for further amendment.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 69, entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof by prohibiting for certain periods the foreclosure sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 144, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the powers and duties of district superintendents, supervising principals and county superintendents; changing the qualifications of county, district, assistant and associate superintendents and supervising principals; increasing the terms of county and district superintendents; and conferring powers and imposing duties on the State Council of Education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 289 (House Bill No. 150), entitled:

An Act to amend section three of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 831), entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth; prescribing the qualifications, defining the powers and duties, and fixing the compensation of such examiners; providing for the appointment and removal of inspectors of anthracite mines; prescribing their qualifications, and regulating their salaries and term of office; and abolishing the terms of office of the present mine inspectors of the anthracite mines," by defining the term "coal miners."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 295, entitled:

An Act proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 411, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments, county officers, poor directors and courts of common pleas; creating county assistance boards and prescribing their powers and duties and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 464 (House Bill No. 565), entitled:

An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a college, prescribed by the State Council of Education and providing for injunctions and penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 492 (House Bill No. 390), entitled,

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial home-work imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Deparement of Labor and Industry and the Department of Revenue and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 566, entitled:

An Act relating to the collection of taxes in boroughs, town and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers, providing for the employment and compensation of deputies, imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 612 (House Bill No. 107), entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases, in partially or temporarily abandoned mines; by requiring the remedying or elimination of such conditions by, or imposing the cost thereof on, the owners, operators or lessees of such mines; conferring powers and imposing duties on the Department of Mines; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 632, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 660 (House Bill No. 793), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general, special or local, or any parts thereof that are or may be inconsistent therewith," by changing the requirements for free transportation of pupils, removing certain exemptions from the compulsory attendance act, providing for standards for vehicles used, requiring public liability insurance coverage and authorizing the withholding of reimbursement in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 672, entitled:

An Act to amend sections one two, twelve and twenty-four of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing; registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties,' "defining employers and employees" providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers ;further regulating registers of employment agencies; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 729 (House Bill No. 1320), entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206, entitled "An act concerning townships consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 730 (House Bill No. 1321), entitled:

An Act to amend section one thousand eight hundred and two of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled, "An act concerning townships of the first class, amending, revising, consolidating, and changing the law relating thereto," as amended by abolishing the right of taxpayers to prevent the letting of certain contracts and eliminating certain general regulations in the making of insurance contracts by townships.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 733, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 745, entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled, "An act relating to insurance, amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance

exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner; defining non-cancellable health and accident insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 746, entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one, (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties and repealing existing laws," as amended, by extending the purposes for which companies may be incorporated to include insuring glass against all risk; insuring any goods or premises against any and all loss caused by water; and insuring monies and securities against all risk.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 747, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing the manner in which dividends on contributory group insurance policies are to be apportioned.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 749, entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund; providing penalties and repealing existing laws," requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance; prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, seven hundred eighty-nine) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and interinsurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the servcie of legal process upon foreign insurance companies, associations or exchanges; providing penalties and repealing existing laws," by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 756, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," by providing penalties for any insurance company, association or exchange which exceeds the powers granted under a certificate of authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 759, entitled:

An Act to amend sections one, two, seven and nineteen of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand five hundred thirteen) entitled, "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom, and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 776, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promogulation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 787, entitled:

An Act to amend paragraph (a) of section eight of the act approved the second day of July, one thousand nine hundred and thirty-five (Pamphlet Laws five hundred eighty-nine), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties," by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 790, entitled:

An Act creating and appropriating a fund for the purpose of rebuilding, restoring, and replacing real and personal property of the Commonwealth damaged or destroyed by fire or other casualty, and for insuring the Commonwealth against losses of public moneys due to embezzlement or theft thereof by, or malfeasance of, State officers and employes; providing for the investment of the moneys in such fund; prohibiting (with certain exceptions) the purchase of insurance or surety bonds for the above purposes; and making a repeal.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 793 (House Bill No. 132), entitled:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 797 (House Bill No. 1560), entitled:

An Act for the protection of the public health, and the prevention of fraud and deception; requiring clean, sanitary establishments for the manufacture, preparation or bottling of non-alcoholic drinks and liquid foods, including clean, sanitary ingredients and containers; regulating the maintenance and operation of such establishments and the use of containers; prescribing penalties; and providing for injunctions in certain cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 814, entitled:

An Act to amend the act, approved the seventeenth day of July, one thousand nine hundred and thirty-five (P. L. 1092), entitled "An act defining fraternal benefit societies and their status; authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected, and regulating such benefits and collections; providing for the organization and incorporation of such societies and for their supervision regulation, and examination by the Insurance Commissioner, and for the admission of foreign societies; designating tables of mortality as a basis for rates of contribution; requiring all societies to make annual and other reports; and appointing the insurance Commissioner as attorney for service of process; providing penalties for any violations of the act; exempting such societies from taxation and certain other societies from its provisions; and requiring beneficial associations other than fraternal benefit societies, to report to and be supervised by the Insurance Commissioner, and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies, and requiring such societies to furnish the Insurance Commissioner with any information he may desire; providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 826, entitled:

An Act to further amend sections one thousand five hundred one and one thousand five hundred five of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring school districts of the first, second and third class to provide medical inspection of all pupils of elementary and secondary private schools.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 834 (House Bill No. 114), entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged; creating a county board of school directors for school districts under the direction of a county superintendent; defining its powers and duties; further regulating the affairs of certain school districts; conferring powers and imposing duties on the Department of Public Instruction, the State Council of Education and County Superintendents of schools; and imposing certain expenses on counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 835 (House Bill No. 196), entitled:

An Act to amend sections one and two of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (P. L. 188) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 868, entitled:

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) ,entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties nad repealing existing laws," to include contracts pertaining to pure endowments and annuities, policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 878, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons, providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 883, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance;

pensions for the blind, old age benefits, and the State Emergency Relief Board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 885, entitled:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and reemployment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 877, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State Board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 882, entitled:

An Act to amend section seventeen of the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-six (Pamphlet Laws, twenty-eight) entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mothers' assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 876, entitled:

An Act creating in each county (except of the first class) as a separate corporation, and in each city of the first and second class as a part of the city government, an institution district for the care and maintenance of certain indigent persons; prescribing the powers and duties of county commissioners, county treasurers, city departments of public welfare, the State Department of Welfare and the State Department of Public Assistance in respect thereto; abolishing certain poor districts and terminating the terms of directors, overseers, guardians and managers of the poor and poor district auditors, and providing for the temporary employment of certain of them; providing for the transfer, vesting, sale and disposition of the property of poor districts and the payment of their obligations; revising, amending, changing and consolidating the law relating to the care of the poor; and repealing existing laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 897, (House Bill No. 1561), entitled:

An Act to amend sections two, three, four, five and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws one hundred twenty-nine) entitled, "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter, defining butter and prescribing the penalty for the violation thereof," further defining butter and the adulteration of butter, conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order.

The Senate proceeded to the first reading and consideration of Senate Bill No. 900, (House Bill No. 1766), entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," by further defining costs of tuition.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 901 (House Bill No. 1793), entitled:

An Act to amend section four of the act, approved the thirteenth day of May one thousand nine hundred and fifteen (P. L. 286), entitled "An act to provide for the health, safety, and welfare of minors; by forbidding their employment or work in certain establishments and occupations, and under certain specified ages; by restricting their hours of labor, and regulating certain conditions of their employment; by requiring employment certificates for certain minors, and prescribing the kinds thereof, and the rules for the issuance, reissuance, filing, return, and recording of the same; by providing that the Industrial Board shall, under certain conditions, determine and declare whether certain occupations are within the prohibitions of this act; requiring that certain minors shall, during the period of their employment, attend certain schools, to be established as therein provided, and to be approved by the State Superintendent of Public Instruction, and regulating the conditions of such attendance; authorizing the State Board of Education, in certain cases, to appoint attendance officers to aid in enforcing the provisions of this act, and creating the salary and expenses of such officers a charge against the school district wherein they are employed; requiring certain abstracts and notices to be posted; providing for the enforcement of this act by the Commissioner of Labor and Industry, the attendance officers of school districts, and police officers; and defining the procedure in prosecutions thereunder, and establishing certain presumptions in relation thereto; providing penalties for the violation of the provisions thereof; and repealing all acts or parts of acts inconsistent therewith," as amended, further limiting the days and hours during which minors under eighteen years of age may be employed.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 904, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 905, entitled:

An Act to authorize boroughs, incorporated towns, townships and school districts to file suggestions on nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost; and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 906, entitled:

An Act regulating procedure in actions of assumpsit and trespass.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 907, entitled:

An Act to repeal certain parts of acts relating to struck injuries.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 908, ,entitled:

An Act to amend section six of the Act approved the twelfth day of May, one thousand nine hundred and twenty-five (P. L. six hundred three), entitled "An act concerning conditional sales and to make uniform the law relating thereto," by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,,

The Senate proceeded to the first reading and consideration of Senate Bill No. 923 (House Bill No. 1125), entitled:

An Act to amend sections one, two and six of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," by providing educational, recreational and social opportunities for out-of-school youth who are not employed; by reducing the number of petitioners required for applications for extension classes; and by requiring certain qualifications for teachers and leaders in extension education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 957, entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County; provid;ing for trial without jury and for the filing of agreements therefor; providing for the payment of jury fees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 975, entitled:

An Act to amend sections one, eight, eleven and thirteen of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled, "An act regualting the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry, providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act," extending the provisions of said act to unfired pressure vessels.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1028 (House Bill No. 1028), entitled:

An Act to amend the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled, "An act relating to denistry, defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation an suspension of such licenses and registrations subject to appeal and for their reinstatement, defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws," by limiting the scope of practice as a dental hygienist, providing additional causes for the revocation and suspension of licenses and registrations, making appeals from actions of the board a supersedeas in the discretion of the court, making additional penal provisions and further regulating the practice of denistry and as dental hygienists.

An said bill having been read at length first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following Committees will meet:

The Committee on Corporations in Room 265 on Monday April 26, at 5:00 p. m.

The Committee on Municipal Government in Room 265 on Tuesday, April 27, at 11:00 a. m.

The Committee on Game and Fisheries in Room 200 on Wednesday, April 28, at 10:00 a. m.

The Committee on City Government in Room 402 on Monday, April 26, at 5:45 p. m.

THE SIZZLING SKILLET DINNER

The Newspaper Correspondents of the Legislature wish to remind the Senators that the Newspaper men have cooked up something for them at the Penn-Harris Hotel for 10:00 p. m. The Affair is known as the Sizzling Skillet.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 4:59 p. m., until nine o'clock EST., Monday evening, April 26, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 21, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRAIM Z. GALLAHER offered the following prayer:

Our gracious Lord, we pause to talk with Thee. May we have Thy ear, O Lord, as we voice our appreciation for those who are of vital importance in the daily life of this Assembly and yet may have reason to feel are overlooked, if not forgotten. We call to mind those who serve as press agents, with endurance, diligence, patience and courtesy. Thy blessing, we pray, upon them and upon the publications they serve. May the freedom of the press, freedom of speech and religious freedom ever be our much cherished palladium. In Christ's name, we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. FINNERTY the further reading was dispensed with and the Journal approved.

COMMUNICATION

The SPEAKER Laid before the House the following communication which was read by the Clerk as follows:

TAX COLLECTORS

A telegram from the Allegheny County Real Estate Owners and Taxpayers League favoring passage of Moomaw-Moran Bill without amendment.

Referred to the Committee on Municipal Corporations.

LEAVES OF ABSENCE

Mr. McFall asked and obtained leave of absence for Mr. JIROLANIO for today's session.

Mr. McFall asked and obtained leave of absence for Mr. VAN SICKLE for today's session.

Mr. FRANCIS T. BAKER asked and obtained leave of absence for the remainder of the week after today's session.

Mr. ROBINSON asked and obtained leave of absence for the remainder of the week after today's session.

Mr. MIHM asked and obtained leave of absence for the remainder of the week after today's session.

Mr. SIEGEL asked and obtained leave of absence for the remainder of the week after today's session.

Mr. HETRICK asked and obtained leave of absence for the remainder of the week after today's session.

Mr. Schor asked and obtained leave of absence for Mr. REUBEN E. COHEN for today's session.

Mr. SKALE asked and obtained leave of absence for the remainder of the week after today's session.

Mr. BRIGERMAN asked and obtained leave of absence for the remainder of the week after today's session.

Mr. Falkenstein asked and obtained leave of absence for Miss BRANCATO due to illness in the family.

Mr. Rothenberger asked and obtained leave of absence for Mr. BALTHASER on account of attending a funeral.

Mr. SHEA asked and obtained leave of absence for the remainder of the week after today's session.

Mr. YEAKEL asked and obtained leave of absence for the remainder of the week after today's session.

Mr. STOCKHAM asked and obtained leave of absence for the remainder of the week after today's session.

Mr. SERRILL asked and obtained leave of absence for the remainder of the week after today's session.

Mr. WALL asked and obtained leave of absence for the remainder of the week after today's session.

Mr. MUIR asked and obtained leave of absence for the remainder of the week after today's session.

Mr. Perry asked and obtained leave of absence for Mr.

KANE for the remainder of the week after today's session.

Mr. WILSON asked and obtained leave of absence for the remainder of the week after today's session.

Mr. ECKELS asked and obtained leave of absence for the remainder of the week after today's session.

Mr. SOLLENGERGER asked and obtained leave of absence for the remainder of the week after today's session.

Mr. STACKPOLE asked and obtained leave of absence for the remainder of the week after today's session.

Mr. SCHUMACHER asked and obtained leave of absence for the remainder of the week after today's session.

Mr. GILLETTE asked and obtained leave of absence for the remainder of the week after today's session.

Mr. Sproul asked and obtained leave of absence for Mr. WEIDEMANN for the remainder of the week after today's session.

Mr. TUMELTY asked and obtained leave of absence for the remainder of the week after today's session, because of other Legislative duties.

Mr. ALLMOND asked and obtained leave of absence for the remainder of the week after today's session.

Mr. HESS asked and obtained leave of absence for the remainder of the week after today's session.

Mr. SIMON asked and obtained leave of absence for the remainder of the week after today's session.

Mr. ACHTERMAN in the Chair.

REPORTS FROM COMMITTEES

Mr. COAKLEY, from the Committee on Education, reported as committed, House Bill No. 1504, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," by further defining and establishing the scope of vocational education, and enlarging the provisions for State subsidies.

Mr. OMINSKY, from the Committee on Judiciary General, reported as committed, House Bill No. 1222, entitled:

An Act to amend section three of the act, approved the third day of May, one thousand eight hundred fifty (Pamphlet Laws, six hundred fifty-four), entitled "An act providing for the election of district attorneys", by changing the power of appointment in cases of vacancies in the office of district attorney.

Mr. TRONZO, from the Committee on Judiciary General, reported as committed, House Bill No. 1759, entitled:

An Act to provide for the settlement, registration, transfer and assurance of titles to land, for the appointment and duties of recorders and registrars of title, regulating the proceedings concerning the registration and adjudication of title, and establishing an assurance fund.

Mr. TRONZO, from the Committee on Judiciary General, reported as amended, House Bill No. 1305, entitled:

An Act to amend sections twenty-nine and thirty-one of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effort of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim, and providing for the management and disposition of said property after said sale.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1474, entitled:

An Act to amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what event, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes theretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias.

Mr. READINGER, from the Committee on Judiciary General, reported as committed, House Bill No. 1357, entitled:

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict.

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 1476, entitled:

An Act to amend section one of the act, approved the sixth day of May, one thousand eight hundred and seventy-four (P. L. 125), entitled "An act regulating State tax on certain county officers," as amended, regulating the payment over to the county of excess earnings of county officers.

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 1475, entitled:

An Act to amend section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions;" providing that the defendant in a counter-claim may ask for an account in certain cases.

Mr. DUBBS, from the Committee on Judiciary General, reported as committed, House Bill No. 1343, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one

thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the filing of claims in more than one county in certain cases.

Mr. HOLLAND, from the Committee on Labor, reported as committed House Bill No. 2200, (Senate Bill No. 425), entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry orders on employers and the publication of the names of employers who do not comply with such orders and providing penalties.

Mr. CHERVENAK, from the Committee on Judiciary General, reported as committed, House Bill No. 880, entitled:

An Act to prohibit the admission, in criminal cases, of evidence illegally secured or acquired.

Mr. PERRY, from the Committee on Judiciary General, reported as committed, House Bill No. 120, entitled:

An Act providing that when judgment is recovered against any insurance company for money due and owing under the terms of a policy issued by such insurance company, an attorney's fee for the plaintiff shall be included in the costs of suit and paid in the same manner as other costs.

Mr. SKALE, from the Committee on Judiciary General, reported as amended, House Bill No. 875, (Senate Bill No. 6), entitled:

An Act to limit the jurisdiction of court in equity in issuing restraining orders or temporary or permanent injunctions in certain cases.

Mr. LEVY, from the Committee on Counties, reported as committed, House Bill No. 2178, (Senate Bill No. 827), entitled:

An Act to further amend section five of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 944) entitled "An act relating to salaries compensation bonds offices and supplies of certain county officers their deputies and clerks in counties of the sixth class" by fixing the time for annual meetings and requiring other meetings of the salary board.

Mr. BOLTZ, from the Committee on Insurance, re-reported as amended, House Bill No. 1568, entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," by adding thereto sections four hundred and twenty B (420B), four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

Mr. VALIBUS, from the Committee on Labor, re-reported as amended, House Bill No. 1246, entitled:

An Act to prohibit the recruiting of the securing of offering to secure employment for and the transportation to places of employment of persons to take the places of employes involved in industrial disputes.

Mr. SPROUL, from the Committee on Insurance, re-reported as amended, House Bill No. 1774, entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance.

RESOLUTION

JOINT SESSION

Mr. BROWNFIELD offered the following resolution and asked and obtained unanimous consent for its immediate consideration.

The resolution was twice read, considered and adopted:

In the House of Representatives, April 21, 1937.

Whereas, The Honorable James Hamilton Lewis, ,United States Senator from the State of Illinois, has expressed to His Execellency, the Governor of the Commonwealth, willingness to address a joint session of the Senate and House of Representatives on such date as might in the near future be found convenient; therefore be it

Resolved, (if the Senate concur), That the Honorable James Lewis be invited to address a joint session of the Senate and House of Representatives of Pennsylvania in the House on April 21, 1937, today, 2:30 o'clock, p. m.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2039, entitled:

An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred ninety-nine) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" further providing when referendums may be held and making persons filing petitions liable for the cost of printing ballots

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,,
The House proceeded to the first reading and consideration of House Bill No. 1039, entitled:

An Act licensing and regulating private detectives private police and private guards prescribing penalties and repealing inconsistent acts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1462, entitled:

An Act providing for and extending the time during which taxes on seated lands for tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of intervening purchasers mortages lien holders and other encumbrance holders

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,,
The House proceeded to the first reading and consideration of House Bill No. 905, entitled:

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,,
The House proceeded to the first reading and consideration of House Bill No. 1074, entitled:

An Act to amend clause (a) of section one thousand eight hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended limiting the amount which may be expended by the Department of Forests and Waters to acquire interior holdings and farms and marginal farms

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1221, entitled:

An Act providing that any court order or judgment against a husband for the support and maintenance of his wife or children or both or against a son for the support and maintenance of his parent or parents shall include an order to execute an assignment of his salary and wages providing for the collection of the periodical payments due under such order or judgment from the employer of such husband or son relieving such employer from liability therefor and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,,
The House proceeded to the first reading and consideration of House Bill No. 1317, (Senate Bill No. 245), entitled:

An Act to amend part of section one of the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 504), entitled, "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same," by reducing the fee charged for filing municipal or tax liens.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,,
The House proceeded to the first reading and consideration of House Bill No. 2055 entitled:

An Act authorizing any county and city in any county in which the county-seat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city and providing for the appointment of board of managers and for professional staffs and employes and for the apportionment of costs and expenses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order, ,
The House proceeded to the first reading and consideration of House Bill No. 666, entitled:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or judgements thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1575, as follows:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1738) is hereby further amended to read as follows

Section 18 The right of a person to an employe's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accrued or accuring to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and exempt from levy and sale garnishment attachment or any other process whatsoever and shall be unassignable except as in this act specifically otherwise provided and except that the assignment of any or all rights as security for a loan not in excess of three hundred dollars ($300) the interest on which loan shall not exceed six per centum (6%) made by a member with an organization or credit union whose officers are certified teachers shall be valid

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 812, entitled:

An Act relating to cities of the first class authorizing the issuance of non-debt revenue bonds to finance sewer improvements

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works any city of the first class may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the city but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any city of the first class to create indebtedness in accordance with existing laws

On the question,

Will the House agree to the section?

Mr. DUBBS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1, page 1, line 5, by inserting after the word "constructing" the following: "reconstructing, extending, improving."

Amend sec. 1, page 2, by inserting after line 1 the following paragraph: "Whenever any city has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of interest and sinking fund charges on such non-debt revenue bonds, it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accuring thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Amend sec. 1, page 2, line 2, by striking out the word: "section" and inserting in lieu thereof: "act."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Whenever any city of the first class shall issue such non-debt revenue bonds the authorities thereof shall sell the same to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the city No bid for such bonds at less than par value shall be accepted When bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for the city to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and shall bear interest at a rate not exceeding six centum per annum

On the question,

Will the House agree to the section?

Mr. DUBBS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec 2, page 2, line 8, by striking out the following: "shall sell the same" and inserting in lieu thereof:

"may sell the same or any portion thereof at private sale to the United States of America or any agency, instrumentality or corporation thereof, or to the sinking fund of the city. Any bonds not so sold shall be sold."

Amend sec. 2, page 2, line 19, by striking out the word: "equal".

Amend sec. 2, page 2, line 19, by inserting after the word "installments" the following: "as may be determined by the city".

Amend sec. 2, page 2, by inserting after line 21 the following:

"Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Any city may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the city may authorize, including (but without limitation) provisions as to (1) the construction, improvement, operation, maintenance and repair of any sewer system or sewage treatment works and the duties of the city with reference thereto; (2) the application of funds and the safe-guarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders); and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same."

Amend bill, page 2, by adding at the end thereof the following:

"Section 3. The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions, or ordinance or ordinances, providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued. In the event that the city shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the city shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may, and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid), in principal amount of the bonds then outstanding, shall, in his or its own name:

(a) By mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the bondholders including the right to require the city to collect rates, rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works, and to require the city to carry out any other agreements with, or for the benefit of, the bondholders, and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By action or suit in equity, require the city to account as if it were the trustee of an express trust for the bondholders;

(d) By action or suit in equity, enjoin and acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the city, declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee, whether appointed as aforesaid or acting under a deed of trust indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the city, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver if any, and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act relating to cities of the first class authorizing the issuance of non-debt revenue bonds to finance sewer improvements.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2143, (Senate Bill No. 607), entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in any of the counties of the second class of this Commonwealth where a salary board exists by law the salaries and compensation of all officers clerks stenographers and employes appointed by the judges of any courts of such counties and who are paid from the county treasury shall be fixed by the salary board of such counties as in the case of all other county employes

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. SAMUEL A. WEISS. Mr. Speaker, I move that this bill be recommitted to the Committee on Counties.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1459, as follows:

An Act relating to employers and employes prohibiting the requirement of certain payments for medical services or insurance by employes as a condition to employment or continuance in employment and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter it shall be unlawful for any employer or prospective employer to require any employe or prospective employe as a condition precedent to his employment or to the continuance of his employment to make periodic payments directly indirectly or by pay deductions for medical services for himself or his family by any doctor of medicine or for any life or accident insurance policy All such conditions in any contract shall be null and void but any such contract shall be otherwise valid and enforceable as provided by law

Section 2 Nothing in this act shall be construed to prevent restrict or make unlawful any agreement voluntarily entered into by an employe with his employer for any such payments Provided however That such voluntary agreement may not be made a condition precedent to employment by any employer

Section 3 Any employer violating any of the provisions of this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) and the costs of prosecution and in default of such fine and costs be sentenced to undergo imprisonment not exceeding thirty (30) days

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2112. as follows:

An Act relating to political subdivisions requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter every political subdivision against which a civil suit is brought for any cause of action on which an owner or occupant of real property is primarily liable shall give notice of such action personally or by registered mail to such owner or occupant with sixty days after it knows through its solicitor or any member of its governing body that such owner or occupant is primarily liable on such cause of action

Any political subdivision failing or neglecting to give the notice required by this act shall be thereafter stopped from asserting any right to be indemnified by such owner or occupant or maintaining any action therefor

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1574, entitled:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and order and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Article I was read and agreed to as follows:

ARTICLE I

Purpose Short Title Definitions

Section 101 Legislative Purpose In the exercise of the police power of the Commonwealth it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared that this act shall be and is hereby enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the public health and welfare and for the prevention of fraud

Section 102 Short Title This act shall be known and may be cited as the "Milk Control Law"

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer who purchases milk for consumption or use

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or

storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk Dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

"Subdealer" means any milk dealer handling milk within the Commonwealth who sells all such milk to consumers or stores in the same containers as those in which he puchased it from other milk dealers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

Article II was read as follows:

ARTICLE II

Organization of the Commission

Section 201 Appointment and Terms of Members Quorum There is hereby created an independent administrative commission to be known as the Milk Control Commission The commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate for terms of six (6) years each and until their successors shall have been appointed and qualified except that the terms of the members first taking office shall expire May first one thousand nine hundred thirty-nine May first one thousand nine hundred forty-one and May first one thousand nine hundred forty-three respectively as designated by the Governor at the time of appointed and qualified

The Governor shall designate one of the members of the commission as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside

Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

The Governor by and with the consent of the State may remove any commissioner for inefficiency neglect of duty or misconduct in office Provided That he is given a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice and that the Governor file with the Department of State a complete statement of all charges made against such commissioner together with a complete record of the proceedings and his findings thereon

Section 202 Qualifications and Salaries Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States

No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The chairman of the commission shall receive a salary of six thousand five hundred dollars ($6,500) per annum The other members of the commission shall receive salaries at the rate of six thousand dollars ($6,000) per annum

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

On the question,

Will the House agree to the article?

Mr. WESTRICK. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Article II, sec. 201, page 12, lines 17 to 26, both inclusive, by striking out: "all of said lines."

Amend sec. 202, page 13, line 5, by striking out the words and figures: "five hundred dollars ($6,500)" and inserting in lieu thereof: "dollars ($6,000)"

Amend Article II, sec. 202, page 13, line 7, by striking out the words and figures: "six thousand dollars ($6,000)" and inserting in lieu thereof: "five thousand five hundred dollars ($5,000)"

Amend Article II, sec. 203, page 13, by inserting after line 27, a new paragraph to read as follows:

"No person employed in the work of the commission as a Deputy Attorney General or as an attorney, shall for a period of two years after leaving the service of the commission, be eligible to appear before the commission as an attorney representing any person interested in any proceeding pending before the commission."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the article as amended?

It was agreed to.

Article III was read as follows:

ARTICLE III

General Powers of the Commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transpor-

tation disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 302 Specific Powers not Impairment of General Powers The operation and effect of any provisions of this act conferring a general power upon the commission shall not be impaired or qualified by the granting to the commission by this act of a specific power or powers

Section 303 Official Seal Evidence The commission may for the authentication of its records process and proceedings adopt keep and use a common seal of which seal judicial notice shall be taken in all courts of this Commonwealth and any process. writ notice or other document which the commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the commission and all reports and documents filed with the commission may be proved in any court of this Commonwealth by a copy thereof certified to by the chairman or secretary of the commission with the seal of the commission attached

Section 304 Hearings Witness Fees The commission or any member thereof may hold such hearings at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act Each witness required to attend before the commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All hearings of the commission shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act The commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 306 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the commission to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his lass known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 309 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission to the effect that a general rule regulation or order was duly posted and publicized as provided in this act shall be prima facie evidence of such posting and publicity

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations to exchange information hold joint hearings and issue join complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

Section 312 Marketing Area Committees The commission may from time to time authorize the establishment of marketing area committees Each such committee shall consist of five persons chosen for such terms and in such manner as the commission may determine or ap-

prove for each area including two milk producers chosen by producers two milk dealers chosen by dealers and a fifth person appointed by the commission The committees shall perform such duties and shall be subject to such rules and regulations as the commision may prescribe Producers and dealers may provide payment for the compensation and expenses of such committees subject to the approval of the commission

On the question,

Will the House agree to the article?

Mr. WESTRICK. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Article III, sec. 312, page 19, lines 20 to 29, both inclusive, by striking out all of said lines.

Amend Article III, 312, page 20, lines 1 to 3, both inclusive, by striking out all of said lines, and inserting in lieu thereof:

"Section 312. Marketing Area Committee.—(a) The commission, upon petition of at least twenty-five per centum of the producers in any milk maketing area, shall establish a marketing area committee in such area. Each such committee shall consist of five producers, all of whom shall serve for one year. The members of such committees shall be chosen by producers in such manner and in accordance with such procedure as may be provided by rules and regulations adopted by the commission.

(b) Such marketing area committees when constituted shall serve as bargaining agents for producers with dealers, and shall have power to adopt tentative agreements fixing the price to be paid for milk to producers in the marketing area, and such other relevant matters as are deemed proper, and to submit such agreements to the commission for approval. Such committees shall have power to negotiate production agreements seeking to control milk surpluses in order to stabilize milk production and thus to assure an adequate future supply of pure wholesome milk. Every marketing area committee shall aid the commission in the enforcement of this act, and may report to the commission and violations of this act in the area in order that proper steps may be taken by the commission to secure compliance with this act.

(c) When sixty per centum of the producers in any marketing area shall agree to finance any such marketing area committee, said agreement to be obtained under such procedure as may be provided in rules and regulations to be adopted by the commission, the commission shall impose on producers within such area a charge of not more than one cent per hundred pounds of milk sold by producers to dealers in said area. The amount to be paid by producers shall be deducted by the dealers from the price paid to producers, which deductions shall be paid to the treasuer of the marketing area committee to pay the expenses of the members of the committee and any person or persons employed by it. An annual financial statement of receipts and expenditures of any such marketing area committee shall be furnished to each producer in the area, and filed with the commission."

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the article as amended?

It was agreed to.

Article IV was read and agreed to as follows:

ARTICLE IV

Licenses of Milk Dealers

Section 401 Milk Dealers Required to be Licensed Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

Section 403 Applications An application for a license to operate as a milk dealer shall be completed and filed by the dealer with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer after determination by the commission that the dealer

(1) Has rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) Has without reasonable cause failed to account and make payment for any milk purchased from a producer

(3) Has committed any act injurious to the public health or public welfare or to trade or commence in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of dealing of such nature as to satisfy the commission of an intent of the milk dealer to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period unless the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 406 Cancellation Where the commission declines to grant a license to an applicant or revokes a license and the dealer appeals therefrom obtaining a supersedeas the reason assigned for declining to grant or for revoking the license shall not be a reason for declining to grant the same dealer a license for a subsequent license period However in the event that the appeal from the order of the commission is dismissed or otherwise terminated favorably to the commission any license issued for such subsequent period shall be automatically cancelled five days after the termination of the appeal unless the commission otherwise orders

Section 407 Transfer Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the commission to such transfer is obtained but a receiver an executor or administrator who succeeds to the business of a licensee may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the commission Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license Applications for such transfers shall be filed with the commission at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 408 License Fees Generally The commission shall charge and collect license fees from milk dealers on a yearly basis as follows Where a milk dealer received produced or brought within the Commonwealth during the calendar year preceding the period for which the license is issued a daily average total quantity of milk

(1) Not exceeding twenty (20) pounds a license fee of one dollar ($1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a license fee of three dollars ($3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars ($10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars ($15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars ($30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars ($40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars ($50.00)

(8) Exceeding four thousand (4,000) pounds but not exceeding five thousand (5,000) pounds a license fee of seventy-five dollars ($75.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars ($75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars ($100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars ($150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars ($200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars ($300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars ($500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars ($1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars ($1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds

but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars ($2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000) pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars ($3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars ($5,000.00)

The commission shall charge and collect license fees from subdealers on a yearly basis of fifteen dollars ($15.-00) for each route owned or operated at the commencement of the licenses period

Except as otherwise expressly provided by this act the license fee fixed by this section shall be paid before any license fee or any renewal thereof is issued Where a license is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

Section 409 License Fees of Certain Milk Dealers Milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the annual fee as follows

(1) For a license issued on or after August first but prior to November first three-fourth of the annual fee

(2) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month preceding calendar year shall submit with their application a license fee in the sum of one dollar ($1.00) and in addition thereto at such time or times as the commision may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated

Section 410 Computation of License Fees Milk sold and distributed out side of this Commonwealth in any state which charges milk dealers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commision shall prescribe Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer from another milk dealer subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer and not sold by him to stores or consumers Applicant milk dealers other than sub-dealers receiving their entire supply from milk dealers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 411 Classification of Licenses The commission may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon January second one thousand nine hundred and thirty-four

Section 412 Other Licenses The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

Article V was read as follows:

ARTICLE V

Bonds of Milk Dealers

Section 501 Milk Dealers Required to File Bonds It shall be unlawful for a milk dealer to purchase milk from producers unless the milk dealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the highest aggregate amount due in any month according to lawful prices for milk purchased by the dealers from producers during the preceding calendar year but in any event not exceeding one hundred thousand dollars ($100,-000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer of all amounts due including amounts due under this act and the orders of the commission for milk sold by such producers to the milk dealer during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer who pays producers in full each week for milk purchased by him from such producers the bond shall be in a sum equal to fifty per centum of the highest aggregate amount due in any one month according to lawful prices for milk purchased by the dealer from producers during the preceding calendar year but in any event not exceeding fifty thousand dollars ($50,000)

Section 502 Computation of Amount of Certain Bonds Milk purchased by milk dealer from producers outside the Commonwealth and sold by such dealers as fluid milk within Commonwealth shall be included in computing the amount of such bond except where such dealer has filed a bond for the protection of such producers with the state wherein the milk is purchased or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer purchasing or intending to purchase milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a resonable sum to be fixed by the commission and within the time for filing his application such dealer shall request the commission to fix such sum

Section 503 Time of Filing The bond herein required shall be filed with the dealer's application for a license and shall be filed within the time for filing such application

Section 504 Requisites of Bonds Substitution A corporate surety bond shall be executed to the Commonwealth by the milk dealer as principal and by a corporate surety company authorized to do business in this Commonwealth as surety An individual surety bond shall be executed to the Commonwealth by the milk dealer as principal and by one or more individuals as surety or sureties who shall have sole title to real estate the assessed valuation of which free and clear or in excess of all encumbrances shall be at least equal to the amount of the bond A collateral bond shall be executed to the Commonwealth by the milk dealer as principal shall set forth therein the collateral posted with said bond and shall have attached thereto the collateral properly assigned and transfered to the Commonwealth of Pennsylvania The collateral posted with such bond shall be cash in an amount equal to the amount of the bond or such bond shall be secured by an actual deposit with the commission or with a bank bank and trust company or national bank within the Commonwealth of money to full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved bythe commission The security or securities deposited therewith shall constitute a trust fund for producers from whom the dealer purchases milk

The commission may likewise grant to any milk dealer the authority to substitute for any bond surety or any collateral another bond surety or other collateral provided that such other bond surety or collateral meets all the requirements of this act

Section 505 Financial Statement A milk dealer shall from time to time when required by the commission make

and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased the amount due to the producers and any other relevant facts required by the commision pertinent to the dealer or the dealer's surety or sureties

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling milk to such milk dealers does not adequately protect such producers the commission may require such milk dealer to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which shall not exceed more than fifty per centum of the highest aggregate amount due in any one month according to the applicable prices for milk purchased by the dealer from producers during the preceding or current year and in any event not exceeding fifty thousand dollars ($50,000.00) In the case of a milk dealer who pays producers in full each week for milk purchased by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such amount and in any event shall not exceed twenty-five thousand dollars ($25,000)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk purchases of the milk dealer or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling milk to such milk dealer

Section 507 Duty of State Treasurer All bonds together with any moneys or securities given as collateral therefor received by the commission from milk dealers pursuant to the provisions of this section shall be transmitted by the commission to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the commission

Section 508 Interest or Dividends upon Securities The milk dealer shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer with the commission and transmitted by the commission to the State Treasurer for safe-keeping in accordance with the provisions of this act Provided however That the milk dealer not shall be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer based on milk sold by such producer to the milk dealer

Section 509 Suit by Commission The commission shall have the power in its discretion to sue on the bond on behalf of producers Suit may be brought in the name of the Commonwealth upon relation of the commission or of the Attorney General in such manner as debts are now by law recoverable

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer to be indebted thereunder such order shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission may prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers based on sales of milk by them to a milk dealer who has posted a bond or collateral Provided however That if the proceeds of a bond which has been posted by a milk dealer shall be insufficient to pay in full the amounts due to producers who have sold milk to such milk dealer the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' Bonds It shall be unlawful for a subdealer to buy milk from a milk dealer who purchases milk from producers unless the subdealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer and shall be conditioned for the payment by the subdealer of all amounts due under this act and the orders of the commission for milk purchased from milk dealer or dealers during the license period subject however to the further condition that if at time of default such milk dealer or dealers are indebted to producers the proceeds thereof shall be held on the account of such dealer or dealers for th benefi of such producers Such bond shall be filed annually with the subdealer's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as provided in the other sections of this article for the bonds of other milk dealers and for suits thereon except where the protection of such milk dealers selling to the subdealer or of producers selling to such milk dealers requires the substitution of such dealers and producers in applying such terms and conditions to the bonds of subdealers

On the question,

Will the House agree to the article?

Mr. WESTRICK. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Article V, sec. 501, page 31, line 19, by inserting after the word "commission" the following: "if the milk dealer is delinquent in the payment to producers for milk purchased".

Amend Article V, sec. 501, page 32, line 3, by inserting after the word "dealer" the following: "required to file a bond".

Amend Article V, sec. 520, page 32, line 21, by inserting after the word "dealer" the following: "required to file a bond".

Amend Article V, sec. 502, page 32, lines 24, 25 and 26, by striking out the words: "and within the" in line 24, and all of lines 25 and 26.

Amend Article V, sec. 503, page 32, line 27, by striking out the words: "The bond" and inserting in lieu thereof: "A bond when".

Amend Article V, sec. 503, page 32, line 28, by striking out the word: "with" and inserting in lieu thereof: "by".

Amend Article V, sec. 503, page 32, line 26, by striking out the words: "dealer's application for a license".

Amend Article V, sec. 503, page 33, lines 1 and 2, by striking out: all of said lines, and inserting in lieu thereof: "dealer on order of the commission".

Amend Article V, sec. 504, page 33, line 6, by inserting after the word "company" the following: "The commission shall have no power to reject any corporate surety bond which is so executed by a corporate surety company".

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the article as amended?

It was agreed to.

Articles VI and VII were separately read and agreed to as follows:

ARTICLS VI

Weighing and Testing

Section 601 Weighing or Measuring Permits It shall be unlawful for any milk dealer to buy or receive milk from producers at any plant station creamery factory or other place within the Commonwealth where such milk is weighed or measured or to sell or deliver milk to stores or consumers unless the milk dealer holds a permit for each place of weighing or measuring such milk issued by the commission as herein provided

The weighing or measuring permit shall be issued by the commission for each such place upon application therefor by the milk dealer on a form prescribed by the commission furnishing information including that pertaining to the apparatus and methods used and persons engaged in weighing or measuring the milk The application shall be accompanied by a fee of five dollars ($5.00) and shall be filed before commencing to weigh or measure milk and annually thereafter on or before December first

Each weighing or measuring permit shall be issued hereunder for the term of one calendar year and shall be posted and kept in plain view of persons delivering milk at the place for which it is issued

Section 602 Certified Testers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the butterfat test thereof is conducted by a tester certified by the commission

The certified tester shall keep an accurate record of all tests made and copies of such record shall be kept for a period of two (2) years by him and by the milk dealer

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk testing issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to the apparatus and methods used in testing be issued a certificate and be designated therein as a certified tester

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a tester's certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in milk testing reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a tester's certificate as herein prescribed

The application for a tester's certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to test milk and annually thereafter on or before December first

The tester's certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the plant in which the certified tester is employed

Section 603 Certified Weighers and Samplers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the samples taken for testing purposes shall be made by a certified tester or certified weigher and sampler and according to the method prescribed in this act

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk weighing and sampling issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to apparatus and methods used in weighing and sampling be issued a certificate and be designated therein as a certified weigher and sampler

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a weighing and sampling certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in weighing and sampling milk reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a certificate as a certified weigher and sampler The application for such weighing and sampling certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to sample milk and annually thereafter on or before December first

The weighing and sampling certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the room in which the certified weigher and sampler is employed

Section 604 Refusal Suspension and Revocation of Permits and Certificates The commission may decline to grant or may suspend or revoke a weighing or measuring permit a tester's certificate or a weighing and sampling certificate where the applicant therefor or holder thereof has violated any provision of this act for the weighing measuring testing or sampling of milk or has violated any rules regulations or orders of the commission respecting the weighing measuring testing or sampling of milk or has engaged in any practice with respect thereto which causes milk producers to be underpaid for their milk or which causes stores or consumers to overpay for such milk or which otherwise defrauds or tends to defraud milk producers stores or milk consumers

The procedure before the commission and of the commission with respect to the refusal suspension or revocation provided for herein and the procedure governing appeals from such action of the commission shall be as that prescribed in this act with respect to milk dealers' licenses issued hereunder

Licenses permits and certificates heretofore issued by the Pennsylvania Department of Agriculture under acts repealed hereby and which are in force upon the effective date of this act shall be deemed permits and certificates issued by the commission hereunder until the expiration dates thereof and the holders shall be subject to all applicable provisions of this act

Section 605 Transfer The permits and certificates herein provided for may not be assigned or transferred

Section 606 Samples Check Tests Milk dealers buying or receiving milk from producers on the basis of or with reference to the amount or percentage of butterfat contained in such milk as determined by the method commonly known as the "Babcock Test" shall make such test at least once every sixteen (16) days The milk from each producer shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk bought or received from said person and shall cover a period of not more than sixteen (16) days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk from each producer concerned and composite samples of all producers concerned shall cover the same period of time

Any person taking a sample or samples of milk either from the aliquot part of each lot of milk sampled or from the composite lot of milk sampled shall thoroughly stir or mix the contents of each and every container immediately before such sample or samples are taken in such manner that the milk is thoroughly mixed in each container before the sample is taken No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which will prevent such thorough stirring or mixing Each composite sample shall be held in an airtight bottle such bottle being plainly showing the name or number of the producer whose milk the composite sample represents and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples

The commission may require that the composite samples

be tested on the premises where they are taken After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten (10) days after the rendering of a statement to the producer for milk delivered during such period in order to make possible a check test

Every milk dealer affected by the provisions of this act shall within two (2) days after the day on which the test herein provided for has been made notify the producer or his agent of the result of such test stating the period of time during which said composite samples were taken Notice under this section shall be given by posting of the results of said tests continuously for ten (10) days in a conspicuous place in the plant or receiving station or in writing delivered to the producer or his agent Where a daily test is made on milk and the average of these several tests is used as a basis of settlement there shall also be a composite sample taken covering the period of the first half of the month and a composite sample taken covering the period of the last half of the month and such samples shall be held intact on the premises for a period of not less than ten (10) days after the rendering of a statement to the producers for milk delivered during each such period in order to make possible a check test

The commission shall make check tests and other reasonable tests whenever in its judgment such tests are advisable for the public welfare and may also require additional samples or additional composite samples from time to time

Section 607 Violations It shall be unlawful for any milk dealer or other person engaged or employed in the business of buying or receiving milk from producers or selling or delivering milk to stores or consumers on the basis of or with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample or to underread overread or erroneously manipulate the "Babcock Test" used for determining the amount or percentage of butterfat in such milk or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees (135°) to one hundred forty-five degrees (145°) Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

It shall also be unlawful for such milk dealer or other person so engaged or employed to ascertain the "Babcock Test" of the milk by use of any glassware except standard "Babcock Test" glassware and weights which have been previously inspected and approved by the Department of Internal Affairs If the amount or percentage of butterfat is determined by any method other than the "Babcock Test" no utensil or instrument shall be used in such determination until it has been inspected and approved by the commission

Section 608 Payment for Milk Statement Milk dealers shall determine weight measure and butterfat content of milk as provided in this act or in rules regulations or orders of the commission pertaining thereto and consistent with this act Payment for milk shall be made either upon the basis of weight measure or butterfat content or any combination thereof as the rules regulations or orders of the commission may require

Milk dealers buying or receiving milk from producers shall furnish to each producer or his agent a written statement showing the amount of milk delivered daily during the period for which payment is made and unless the commission otherwise provides the average butterfat test of the milk delivered for such period Such statement shall set forth such information as may be required by the commission shall be furnished periodically at the time of payment prescribed by the commission and in no event less often than monthly Provided however That a written statement of weights may be given daily to the producer or his agent in lieu of such periodic statement of the amount of milk delivered unless the commission otherwise provides

It shall be unlawful to use as the basis of payment for milk any amount or percentage of butterfat therein which has been ascertained from a sample containing milk that has been so treated as to cause it to test lower or higher than the milk from which it was taken

It shall be unlawful for any person including any milk dealer to knowingly fraudulently or negligently weigh measure sample or test milk or cause milk to be weighed measured sampled or tested in such manner as to cause stores or milk consumers or to make any false or misleading statement with respect to the weight measurement sampling or testing of milk

ARTICLE VII

Records Reports and Information

Section 701 Records Milk dealers subject to license by the commission shall keep within the Commonwealth the following records

(1) A record of the quantity of all milk received or produced detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test weights prices paid and deductions or charges made

(2) A record of the quantity of all milk sold detailed as to grade use location market outlet and size and style of container with prices and amounts received therefor and the butterfat test thereof

(3) A record of the quantities of all milk transported shipped or hauled including the distances and the amounts paid for the movement of such milk in all cases where the dealer pays on his own account or on the account of producers for the movement thereof

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk and milk products

(7) A record of all other transactions affecting the assets liabilities or net worth of the dealer

(8) Such other records and information as the commission may deem necessary for the proper enforcement of this act

The records herein required shall be kept in the possession of the milk dealer for a period not less than two years unless the commission otherwise provides

Section 702 Reports Each milk dealer shall from time to time as required by rule regulation or order of the commission make and file a verified report on forms prescribed by the commission of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period specified in the order and shall be filed within a time fixed by the commission

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for the sale of milk

Article VIII was read as follows:

ARTICLE VIII

Prices of Milk

Section 801 Requisites of Orders Fixing Price of Milk

The commission shall ascertain after a hearing in which all interested parties shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer and to the milk dealer

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise or amend an official order defining milk marketing areas or prices to be charged or paid for milk Before making revising or amending any order fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable notice thereof to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to such issuance of the order

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 802 Wholesale and Retail Prices The commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices and may fix by official order the maximum wholesale and retail prices to be charge for milk sold within any milk marketing area of the Commonwealth wheresoever produced including milk sold by

(1) Milk dealers to other milk dealers

(2) Milk dealers to consumers

(3) Milk dealers to stores either for consumption on the premises or resale to consumers

(4) Stores to consumers except for consumption on the premise where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers other than stores and ice cream mix shall be discretionary with the commission

Section 830 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers to producers for milk Provided however That the fixing of prices to be paid by milk dealers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adpoted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commision fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers in any reasonable manner which the commission deems advisable and may vary acording to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is sold and may vary in different areas according to varying classes grades and conditions Each such order may classify milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 805 Price Increases It is hereby declared to be the legislative intent that the benefits of any increase of prices received by milk dealers by virture of the minimum price provisions of this article shall be given to producers except in any case where the commission deems a deviation from this policy necessary in order lawfully to maintain proper milk markets and outlets for producers and consumers The commission shall whenever it deems such action necessary issue orders rules or regulations to effectuate this intent

Section 806 Terms and Method of Payment The commission may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk may prescribe the method of computing payment therefor and may prescribe a form of written statement to be sent to producers with each payment

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or producer to sell buy or offer to sell or buy milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at a price computed upon or erroneous weight butterfats test grade or classification or at aprice from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer of milkproduc ed ouside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restirctions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold in this Commonwealth for shipment into and sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Co-operatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed

or construed to prevent any co-operative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductionsanddifferen tials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or agents thereof shall receive from any producer or from such cooperative association or corporation directly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer for milk purchased by or through such cooperative association or corporation

No provision of this act shall be deemed or constructed to affect the contracts of such cooperative argircultural association or corporation with its producers except as hereinafter specificaly provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milg for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centup (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers with sixty (60) days after the effective date of this act

On the question,

Will the House agree to the article?

Mr. WESTRICK. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Article VIII, sec. 801, page 49, line 28, by inserting after the word "areas" the following: "where necessity therefor in the opinion of the commission exists"

Amend Article VIII, sec. 801, page 50, line 6, by inserting after the word "prices" the following: "fixed by it"

Amend Article VIII, sec. 801, page 50, line 15, by striking out the word "or"

Amend Article VIII, sec. 801, page 50, line 15, by inserting after the word 'amend" the following: "or revoke"

Amend Article VIII, sec. 801, page 50, line 16, by inserting a dark-faced bracket after the word "the" "]"

Amend Article VIII, sec. 802, page 51 line 13, by striking out the word "shall" and inserting in lieu thereof: "may"

Amend Article VIII, sec. 802, page 51, lines 13 and 14, by striking out the words: "(except as hereinafter provided in this section)" and inserting in lieu thereof: "where deemed necessary by it"

Amend Article VIII, sec. 802, page 51, line 14, by inserting after the word "prices" the following: "in any milk marketing area"

Amend Article VIII, sec. 802, page 51, line 15, by striking out the word: "may" and inserting in lieu thereof: "also"

Amend Article VIII, sec. 803, page 52, line 6, by striking out the word: "The" and inserting in lieu thereof: "Where the"

Amend Article VIII, sec. 803, page 52, lines 8 and 9, by striking out the words: "Provided however That the fixing of" and inserting in lieu thereof: "it may exclude from or include in its order the"

Amend Article VIII, sec. 803, page 52, lines 10 and 11, by striking out the words: "shall be discretionary with the commission"

Amend Article VIII, sec. 809, page 57, lines 1 to 17, both inclusive, by striking out: "all of said lines.

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the article as amended?

It was agreed to.

Articles IX, X, XI, XII and XIII, the Table of Contents, the Preamble and the Title were separately read and agreed to as follows:

ARTICLE IX

Appeals and Review

Section 901 Appeals from General Orders Any person aggrieved by an order of the Commission fixing revising or amending the price at or the terms upon which milk may be bought or sold or by any other general action rule regulation or order of the commission may within twenty (20) days after the effective date of such action rule regulation or order file an appeal therefrom in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court Refusal by the commission of any application for revision or amendment filed as provided in section eight hundred one shall constitute an appealable action within the meaning of this section

Section 902 Appeals from Special Orders Any person aggrieved by an order of the commission in which the commission refuses to issue reissue or transfer or revokes or suspend a license to operate as a milk dealer or by any other order of the commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after the service of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a non-resident who has no place of business with-

in the Commonwealth in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 903 Supersedeas A special order of court permitting an appeal to act as a supersedeas may be made only after reasonable notice to the commission and shall provide that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court to be necessary for the protection of producers and others during the pendency of the appeal

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission shall file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision

Upon the filing of an answer by the commission the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

Section 905 Certification of Record The commission shall on the return day of such summons or within a reasonable time thereafter certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the commission a copy of all orders made by the commission pertaining to the proceedings and a copy of the order action or decision of the commission which the petition calls upon the court to reverse

Section 906 Scope of Inquiry Mere technical irregularities in the proceduce of the commission shall not be the basis of the decision of the court

In an appeal from an order or decision of the commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

In an appeal from any general order of the commission the case shall be heard by the court and testimony may be taken Provided however That nothing herein shall be construed as relieving the appellant from submitting all essential facts in the first instance to the commission at its hearing held prior to the issuance of such order All or any relevant part of the record certified to the court shall be admitted in evidence by order of the court or upon motion of either party Wherever the petition and answer raise questions of fact the petitioner or appellant shall proceed with evidence in support of the facts alleged in his petition The commission shall then present evidence in support of the answer which evidence may consist of or include the record or any part thereof Any part of the record certified to the court which is not based on technical rules of evidence customary in actions at law shall not be disregarded by the court merely because of the violation of such rules

Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the commission is unreasonable or illegal If the court shall determine that the order is unreasonable or illegal it shall remit the case to the commission with directions to reform the findings or order or to revoke the order in accordance with the court's opinion

Section 907 Costs The court shall have full power to assess the costs upon either party or to divide them between the parties

Section 908 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal from an order of the commission applying only to the particular person or persons named therein an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law From the decision of a court of common pleas upon an appeal from a general rule regulation or order of the commission an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

ARTICLE X

Penalties and Remedies

Section 1001 Summary Offenses Except as otherwies specially provided in this act any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall for each offense upon conviction thereof in a summary proceeding be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) and in default thereof to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days

Section 1002 Misdemeanors For a third or subsequent offense any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1003 Actions to Enforce Compliance The Commission or any person marketing committee or association composed of persons affected by the orders rules or regulations of the commissions may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 1004 Application for Injunction Remedies In addition to any other remedy at law or in equity or under this act the commission may apply to the Court of Common Pleas of Dauphin County for relief by injunction or to the court of common pleas in the county wherein the defendant resides or has his principal place of business to enforce compliance with or restrain violations of any provision of this act or any rule regulation or order of the commission made pursuant thereto The said Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such actions by the commission regardless of where they may arise in the Commonwealth The commission shall not be required to file any bond in any action under this act

The penalties and remedies prescribed in this act shall be deemed concurrent or contemporaneous and the existtence or exercise of any one remedy herein shall not prevent the commission from exercising any other remedy hereunder

Section 1005 Proceedings Before the Commission Appropriate proceedings against any milk dealer violating this act or the rules regulations or orders of the commission may be instituted before the commission by any producer to whom the lawful price of milk has not been paid or to whom such price has not been fully paid and such

proceedings may also be instituted upon the commisssion's own motion

Section 1006 Perjury Any person who shall wilfully and corruptly make a false oath or affirmation before the commission at any investigation or hearing or in any report or statement authorized or required by this act shall be guilty of perjury and on conviction be subject to the penalties prescribed by law for wilfully and corruptly making false oath or affirmation

ARTICLE XI

Moneys and Expenses of Commission

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund

Section 1102 Expenses As much of the money from time to time in the Milk Control Fund as may be necessary is hereby specifically appropriated to the Milk Control Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol building either in or outside of the capital city occupied by the commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the commission

(4) Premiums for surety bonds for such officers or employes of the commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the commission

(6) Furniture stationery materials supplies and all other overhead expenses of the commission

(7) All other expenses of every kind and description necessary for the performance by the commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

Section 1103 Refunds As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approval claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

Section 1104 Approval of Governor Estimates of the amounts to be expended under this act by the Milk Control Commission either or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Milk Control Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time making of any such requisition

Section 1105 Miscellaneous Fees The commission shall charge and collect the following fees for the following services

For copies of papers testimony and records the fee shall be twenty cents (0.20) per page

For certifying a copy of any paper or testimony two dollars ($2.00)

For certifying a copy of a record for proceedings upon appeal five dollars ($5.00) in appeals from special orders and ten dollars ($10.00) in appeals from general orders

Section 1106 Appropriations The unexpended balance existing on the effective date of this act in the Milk Control Fund under the provisions of the act approved the thirtieth day of April one thousand nine hundred thirty-five (P. L. 96) is hereby transferred to the Milk Control Fund created by this act and is hereby appropriated to the Milk Control Commission for the same purposes for which the moneys in such fund are hereinbefore appropriated by this act

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Commission for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-seven and ending on the thirty-first day of May one thousand nine hundred thirty-nine

The unexpended balance existing on the effective date of this act in any appropriation made out of the General Fund to the Milk Control Board of the Commonwealth of Pennsylvania is hereby transfered and appropriated to the Milk Control Commission for the fiscal period ending May thirty-first one thousand nine hundred thirty-seven for the same purposes as expressed in the act making such appropriation and any such unexpended balance also is hereby appropriated to the Milk Control Commission for the payment of any bills or encumbrances incurred by the Milk Control Board of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

ARTICLE XII

Saving Provisions

Section 1201 Severability It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part sentence or clause hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

It is hereby declared as the intent of the Legislature that every other part sentence or clause of this act would have been enacted had such unconstitutional provision not been included herein

Section 1202 Interstate Commerce No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly All rules regulations orders suits hearings investigations prosecutions and all other proceedings or actions of any kind whatsoever of the Milk Control Board of the Commonwealth of Pennsylvania as created or continued under Acts of Assembly prior to the effective date of this act and repealed hereby in existence or pending prior to or upon the effectiv date of this act and all penalties obligations appeals or violations of milk dealers and others under said rules regulations orders and prior Acts of Assembly incurred pending or accrued prior to or upon the effective date of this act shall be saved and continued in every manner and for all purposes after the effective date of this act and shall be continued under the

provisions hereof All employes papers and possessions of such predecessor board shall become the employes papers and possessions of and subject to the commission created by this act

The repeal by this act of any other act shall not impair repeal or effect any act done bond posted offense commited liability penalty or judgment incurred or rule regulation or order issued prior to the time this act takes effect but the same may be enforced prosecuted or inflicted under the provisions of this act to the same extent as if such other act had not been repealed or had not expired

All licenses permits certificates rules regulations and orders issued or made under any act repealed by this act and in full force and effect upon the effective date of this act shall remain in full force and effect for the term issued or until revoked suspended or superseded under the provisions of this act or rules regulations or orders of the commission made hereunder

ARTICLE XIII

Repeals and Effective Date

Section 1301 Acts Specifically Repealed The following acts are hereby specifically repealed except in so far as necessary to sustain or maintain the validity prosecution or enforcement of an act done bond posted offense committed liability penalty or judgment incurred or rule regulation or order issued thereunder and saved or continued by this act

The act approved the fifteenth day of April one thousand nine hundred seven (Pamphlet Laws sixty-three) entitled "An act regulating the sale of milk skim-milk and cream establishing the standard of measurement and providing for the enforcement thereof

The act approved the sixth day of May one thousand nine hundred twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties"

The act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred twenty-six) entitled "An act requiring certain persons associations copartnerships and corporations to keep full accounts and records with respect to the sales and transactions relating to dairy products and to submit the same to inspection by the Secretary of Agriculture and prescribing the effect of failure to comply with the orders of the Secretary of Agriculture providing penalties and prescribing remedies and by further regulating the issuance and revocation of permits as provided by the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' as amended"

The act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation"

The act approved the thirtieth day of April one thousand nine hundred thirty-five (Pamphlet Laws ninety-six) entitled "An act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled 'An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation' by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation"

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred fourteen) entitled "An act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales of butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations"

Section 1302 Effective Date This act shall become effective immediately upon its final enactment

Table of Contents

ARTICLE I Purpose Short Title Definitions
Section 101 Legislative Purpose
Section 102 Short Title
Section 103 Definitions Construction
ARTICLE II Organization of the Commission
Section 201 Appointment and Terms of [illegible] Quorum
Section 202 Qualifications and Salaries
Section 203 Secretary Administrative Code
ARTICLE III General Powers of the Commission

Section 301 Regulation of Milk Industry
Section 302 Specific Powers not Impairment of General Powers
Section 303 Official Seal Evidence
Section 304 Hearings Witness Fees
Section 305 Subpoenas Oaths
Section 306 Contempt
Section 307 Adoption of Rules Regulations and Orders
Section 308 Posting and Service of Rules Regulations and Orders
Section 309 Certification of Rules Regulations and Orders
Section 310 Entry and Inspection
Section 311 Interstate and Federal Compacts
Section 312 Marketing Area Committees
ARTICLE IV Licenses of Milk Dealers
Section 401 Milk Dealers Required to be Licensed
Section 402 Milk Dealers Subject to Exemption
Section 403 Applications
Section 404 Grounds for Refusal Suspension or Revocation
Section 405 Hearings and Orders
Section 406 Cancellation
Section 407 Transfer
Section 408 License Fees Generally
Section 409 License Fees of Certain Milk Dealers Dealers
Section 410 Computation of License Fees
Section 411 Classification of Licenses
Section 412 Other Licenses
ARTICLE V Bonds of Milk Dealers
Section 501 Milk Dealers Required to File Bonds
Section 502 Computation of Amount of Certain Bonds
Section 503 Time of Filing
Section 504 Requisites of Bonds Substitution
Section 505 Financial Statement
Section 506 Increase or Decrease of Bond
Section 507 Duty of State Treasurer
Section 508 Interest or Dividends upon Securities
Section 509 Suit by Commission
Section 510 Effect of Order by Commission
Section 511 Procedure for Disbursing Proceeds
Section 512 Cooperatives
Section 513 Subdealers' Bonds
ARTICLE VI Weighing and Testing
Section 601 Weighing or Measuring Permits
Section 602 Certified Testers
Section 603 Certified Weighers and Sampless
Section 604 Refusal Suspension and Revocation of Permits and Certificates
Section 605 Transfer
Section 606 Samples Check Tests
Section 607 Violations
Section 608 Payment for Milk Statement
ARTICLE VII Records Reports and Information
Section 701 Records
Section 702 Reports
Section 703 Dissemination of Information Conferences
ARTICLE VIII Prices of Milk
Section 801 Requisites of Orders Fixing Price of Milk
Section 802 Wholesale and Retail Prices
Section 803 Prices to Producers
Section 804 Classification
Section 805 Price Increases
Section 806 Terms and Methods of Payment
Section 807 Violations
Section 808 Prices of Certain Milk
Section 809 Cooperatives
ARTICLE IX Appeals and Review
Section 901 Appeals from General Orders
Section 902 Appeals from Special Orders
Section 903 Supersedeas
Section 904 Pleading and Service
Section 905 Certification of Record
Section 906 Scope of Inquiry
Section 907 Costs
Section 908 Jurisdiction of Superior and Supreme Courts
ARTICLE X Penalties and Remedies
Section 1001 Summary Offenses
Section 1002 Misdemeanors
Section 1003 Actions to Enforce Compliance
Section 1004 Application for Injunction Remedies
Section 1005 Proceedings Before the Commission
Section 1006 Perjury
ARTICLE XI Moneys and Expenses of Commission
Section 1101 Milk Control Fund
Section 1102 Expenses
Section 1103 Refunds
Section 1104 Approval of Governor
Section 1105 Miscellaneous Fees
Section 1106 Appropriations
ARTICLE XII Saving Provisions
Section 1201 Severability
Section 1202 Interstate Commerce
Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly
ARTICLE XIII Repeals and Effective Date
Section 1301 Acts Specifically Repealed
Section 1302 Effective Date

Whereas The production sale and distribution of milk and certain milk products in this Commonwealth are attendant with serious conditions affecting milk producers milk dealers and consumers of milk the following legislative findings of fact with respect thereto are hereby made

1 Milk is the most necessary human food vital for promotion of the public health and for development of strength and vigor in the race It is a most fertile field for the growth of bacteria and therefore its production and distribution have been surrounded by more costly sanitary requirements than those of any other commodity in this the third greatest milk producing and consuming State of the nation

2 Milk consumers are not assured of a constant and sufficient supply of pure wholesome milk unless the high cost of maintaining sanitary conditions of production and standards of purity is returned to the producers of milk If this is not done large numbers dispose of their herds or engage in milk strikes and remaining producers supply unhealthful milk or milk lower quality because of financial inability to comply with sanitary requirements and to keep vigilant against contamination Public health is menaced when milk dealers do not or cannot pay a price to producers commensurate with the cost of sanitary production or when consumers are required to pay excessive prices for this necessity of life

3 Milk dealers must handle constant surpluses to meet the emergency requirements of normal variations in fluid consumption and to meet seasonal variations in production which amounts in excess of fluid requirements must find a market in fluid use or in manufacture and tend to demoralize the industry Only one per centum of the milk dealers of the Commonwealth handle over sixty per centum of the milk sold by producers to dealers and persons have often combined privately to establish practices or fix prices to the detriment of producers or consumers

4 Milk producers must make delivery of their highly perishable commodity immediately after it is produced and must generally accept any market at any price Under the utilization method of payment prevailing in the milk industry particularly in cities the value of this market is unknown until the milk dealer sells the fluid milk and uses or disposes of the surplus Furthermore only the dealers have facilities for accurately weighing and testing milk This knowledge of weights tests and uses is in the exclusive possession of the dealer The producers' lack of control over their market is aggravated by the trade custom of dealers in paying weeks after delivery keeping producers obligated to continue delivery in order to receive payment for previous sales and permitting dealers to operate on the producers' capital without giving security therefor Hence milk producers are subject to fraud and imposition and do not possess the freedom of contract necessary for the procuring of cost of production

Whereas public control of the milk industry in recent years is stabilizing the conditions therein and a relaxation

of control will cause a return to the unhealthful uneconomic deceptive and destructive practices of the past with respect to this paramount industry upon which the health and welfare of the Commonwealth largely depends and

Whereas It is necessary to preserve and promote the strength and vigor of the inhabitants of this Commonwealth to protect the public health and welfare and to prevent fraud and imposition upon consumers and producers by continuing to treat the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania as a business affecting the public health and affected with a public interest

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making an appropriation.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2011, entitled:

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on State highways and imposing liability on the Commonwealth therefor

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all persons who have been heretofore compelled to perform work on State highways in return for relief orders issued by the various welfare associations and who have received no wages or compensation whatever from the Commonwealth are hereby authorized to bring suit within one year after the effective date of this act against the Commonwealth of Pennsylvania for any sum or sums of money to which they may be entitled for such work and the Commonwealth hereby assumes liability for the payment of such sums as may be found to be due and owing any any such suit

Section 2 Such suits shall be subject to the same rules of practice pleading and evidence as in other and similiar cases between individuals All such suits shall be brought in the court of common pleas of county in which the work was performed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2196 (Senate Bill No. 916), entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2175 (Senate Bill No. 372), entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred fourteen of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended to read as follows

Section 214 In case any vacancy shall occur in any board of school directors in any school district of this Commonwealth by reason of death resignation removal from the district or otherwise such vacancy shall in a school district of the first class be filled for the unexpired term by the court of common pleas of the county in which such school district is situated and in a school district of the second third and fourth classes the remaining members of the board of school directors shall by a majority vote thereof fill such vacancy within thirty (30) days thereafter In a district of the second third or

fourth class the person selected to fill such vacancy shall hold his office if the term thereof so long continues until the first Monday of December after the first municipal election occurring more than thirty (30) days after his appointment at which election an eligible person shall be elected for the remainder of the unexpired term Provided That if by reason of a tie vote or otherwise such vacancy shall not have been filled by the board of school directors as is herein provided within thirty (30) days after such vacancy shall have occurred in a district of the second or third class the court of common pleas of the proper county and in a district of the fourth class in a county of the fourth class the Governor upon the petition of ten or more resident taxpayers shall fill such vacancy by the appointment of a suitable person for the unexpired term

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. O'CONNOR. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. SCHROPE. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. O'Connor

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. O'CONNOR. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, does the gentleman have any specific reasons for moving to have his bill recommitted to the Committee—did the gentleman say the Committee on Education?

Mr. O'CONNOR. On Education, yes, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, does the gentleman have any specific reasons for his motion?

Mr. O'CONNOR. Mr. Speaker, in reply to the gentleman from Schuylkill, I would say that I have objections to this bill and the specific purpose for having it recommitted, this bill is a special piece of legislation pertaining to fourth class school districts in fourth class counties only, and it has been the practice established by the Committee on Education to give such bills particular study.

Mr. SCHROPE. Mr. Speaker, while this bill pertains only to fourth class counties, we have in the past and in this session passed numerous bills that may be classed as special legislation, if this bill may be classed as such. We have also passed bills affecting second class cities or Allegheny County and we have passed bills affecting only Philadelphia. Therefore, I feel that this bill is no more special legislation than any of those bills and I ask the members of this House to vote down the motion made by Mr. O'Connor.

Mr. O'CONNOR. Mr. Speaker. and members of the House, this bill is a bill that came on the floor of this House on Monday night, after it had been referred to the Committee on Elections. Since this bill vitally affects the fifty-seven fourth class counties and the school districts therein and the County of Cambria, which I represent being a county of the fourth class and it being of great importance not only to that county but to every other fourth class county in the Commonwealth of Pennsylvania, I feel that the Committee on Education is the only committee that should consider this bill, and since we have not had that opportunity and no reasonable explanation has been given us for referring an educational bill to the Committee on Elections, I feel that we should give this bill carefully study and possibly have a public hearing on it. I, therefore ask the members of the House to support my motion to recommit this bill to the Committee on Education.

Mr. SCHROPE. Mr. Speaker and members of the House, the fact that this bill was not placed in the hands of a ommittee that the gentleman from Cambria, Mr. O'Connor, would like to have had it placed, is no reason why the bill should again be recommitted to another committee. All of the members here, I feel sure, have had bills that they would like to have placed in the hands of a particular committee than the one to which it was referred, and the fact that this bill was sent to the Committee on Elections should not be and is not sufficient reason to recommit it to a different committee. I ask the members of the House to vote down the motion to recommit.

Mr. TURNER. Mr. Speaker and members of the House, I think the Gentleman from Cambria is correct in his request to send this bill to the Committee on Education where it properly belongs, because it deals with questions pertaining to the schools. I think there is another reason why this bill should be sent back to committee. The bill is clearly unconstitutional and therefore it should go back to committee, without being brought before this House tomorrow on final passage or on Monday night. This bills, as we all know, is to take care of a particular situation in Schuylkill County.

POINT OF ORDER

Mr. SCHROPE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SCHROPE. Mr. Speaker, the gentleman from Delaware, I feel, is not speaking upon the motion before the House but rather upon the merits of this bill and the constitutionality of this bill.

The SPEAKER. The gentleman will confine his remarks to the motion before the House.

Mr. TURNER. Mr. Speaker, this bill does not have any merits and that is the reason I am sending it back to committee, if it is possible to do so. I am not discussing the provisions of the bill if the gentleman from Schuylkill means that, but I am talking about this bill having been designated and presented for a particluar purpose, to take care of a case that is now in the Courts of Schuylkill County, and to defeat the orderly processes if this school board is ousted. Now to make an exception of fourth class school districts in fourth class counties is unconstitutional. The bill ought to go back to committee and the proper committee for this bill is the Committee on Education, and I am going to ask the members of the House to vote to recommit the bill.

Mr. SCHROPE. Mr. Speaker and members of the House, I agree with the gentleman from Delaware, Mr. Turner, in one statement: the bill has no merits from a Republican angle. I am heartily in accord with that statement and I am not surprised that the minority leader of the House has taken the floor against this bill. So I ask the members of the House to vote down the motion.

Mr. O'CONNOR. Mr. Speaker and members of the

House, I sincerely regret that the gentleman from Schuylkill has seen fit to bring politics into this educational bill, and I think that is not speaking on the motion. I think it is well known to us all that the Committee on Education will be held responsible throughout the Commonwealth of Pennsylvania for this bill having been brought before this House for final passage, and since it is an educational bill and we shall have to assume the responsibility, which we are willing and glad to do, I again ask this House to vote in favor of the motion to recomit.

Mr. BROWNFIELD. Mr. Speaker and members of the House, the only thing I want to say to the members of the House is that I have plenty of bills in the committee now. If you have to decide this matter now you might as well decide it, because I have all the bills I want and I am not particularly anxious to get any more.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to interrogate the gentleman from Schuylkill, Mr. Schrope.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. SCHROPE. I will, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I would like to ask the gentleman from Schuylkill whether it would be satisfactory if this bill were placed on the second reading postponed calendar rather than have it recommitted to the Committee on Education?

Mr. SCHROPE. No, Mr. Speaker, I see no advantage in placing this bill upon the postponed second reading calendar.

Mr. HERBERT B. COHEN. Mr. Speaker, it was my desire that this bill be given further study and I felt that its importance warranted further study. However, I also feel that there is a situation existing that does require expeditous action on this bill, and if the bill were returned to a committee it might possibly delay that action, and I would ask the membership of the House to vote down the motion to recommit.

Mr. O'CONNOR. Mr. Speaker and members of the House, politics I think would not surprise me but, today I experience the Democratic floor leader after asking me to take this motion getting up and asking that the motion be voted down. I would like to know what is in back of this action. There must be some very sinister motive in back of this motion or such conduct would not be indulged in by my distinguished friend from York. I made the motion in good faith and I wish to stand by it and I hope the membership of this House will support me since I made the motion after conferring with the majority floor leader.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I wish to state to my distinguished friend from Cambria, Mr. O'Conner, that I did not understand the entire implication of this bill. I understand from the gentleman from Schuylkill that there is a situation existing in Schuylkill County that is of vital importance to the fourth class school districts in his county. Now, there is no doubt about it that if we are going to legislate on fourth class counties we cannot legislate for Schuylkill County alone but that we must legislate for all the fourth class counties in the Commonwealth. However it was my desire that this bill should be referred to a committee pending an opportunity to give the bill further consideration. I feel and I agree with the gentleman from Cambria, Mr. O'Connor, that this bill has a tremendous amount of implication where we are legislating for fourth class school districts in fourth class counties in a manner which is different from other school districts in first, second and third class counties. I also realize that as far as the gentleman from Schulykill is concerned that there is a tremendous amount of implication as far as Schuylkill County is concerned and the particular situation with which they are confronted, and so it was my desire to gain more time and an opportunity to see whether or not the situation might not possibly be adjusted to the satisfaction of all parties concerned without resorting to a method which possibly might create a type of legislation that this Legislature might not want to indulge in. However, in view of all the facts, I think the bill should remain on the calendar until an opportunity can be had to adjust all differences.

The yeas and nays were required by Mr. TURNER and Mr. WEIDEMANN.

Mr. O'CONNOR. Mr. Speaker, I ask for a verification of the roll.

The role was verified and was as follows:

YEAS—59

Atkins,	Huntley,	Richter,	Turner,
Baker, F. T.,	Imbrie,	Rothenberger,	VanAllsburg,
Boltz,	Kline,	Royer,	Vogt,
Boose,	Leisey,	Schrock,	Wall,
Boyer,	Longaker,	Schumacher,	Wampole,
Cadwalader,	Lopresti,	Serrill,	Watkins,
Chervenak,	Lovett,	Shoemaker,	Webster,
Davies,	Matthews, J. F.,	Snyder,	Weidemann,
Eckels,	McDevitt,	Sollenberger,	Weiss, D. H.,
Gillette,	Mellott,	Sproul,	Welsh,
Habbyshaw,	Merrell,	Stackpole,	Wilson,
Hall,	Muir,	Stewart,	Wood,
Hamilton, R. S.,	O'Connor,	Stockham,	Woodside,
Harkins,	Peale,	Thomas,	Yeakel,
Hays,	Perry,	Trout,	

NAYS—93

Achterman,	Elpern,	Lewis,	Robinson,
Allen,	Falkenstein,	Long,	Ruffennach,
Baine,	Finnerty,	McArdle,	Rush,
Baker, J. J.,	Fitch,	McCullough,	Sarraf,
Bierly,	Flanagan,	McDermott,	Scanlon,
Blank,	Flannery,	McElroy,	Schor,
Bohn,	Ganser,	McFall,	Schrope,
Boies,	Gerard,	McShane,	Shea,
Bradley,	Haberlen,	Melchiorre,	Shugarts,
Brigerman,	Hagerty,	Moomaw,	Simon,
Brownfield,	Hamilton, F. P.,	Mooney,	Skale,
Burrows,	Hering,	Moran,	Smith, James A.,
Caesar,	Hess,	Murrin,	Smith, John A.,
Caputo,	Hetrick,	O'Brien,	Spengler,
Coakley,	Hindman,	Ominsky,	Toole,
Cohen, H. B.,	Hirsch,	O'Neill,	Tumelty,
Coolahan,	Holland,	Ostroff,	Valibus,
Corrigan,	Holmes,	Patterson, J. W.,	Wagner,
Costanzo,	Holstrom,	Piole,	Welliver,
Dickinson,	Hontz,	Powers,	Whalen,
Donohoe,	Horting,	Preston,	Wright,
Downey,	Kroll,	Readinger,	Yourishin,
Dubbs,	Levy,	Reese,	Zappala,
Dyson,			

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second, third and fourth sections and title were separately read and agreed to as follows:

Section 2 That section two hundred sixteen of said act as amended by section one of the act approved the twentieth day of May one thousand nine hundred and

twenty-one (Pamphlet Laws 1038) is hereby further amended to read as follows

Section 216 If at any time vacancies should exist or occur in the membership of all the members of any board of school directors in any school district of the second or third class of this Commonwealth [other than a school district of the first class] the court of common pleas of the county in which such district or the largest part in area thereof is located shall appoint and in any school district of the fourth class in a county of the fourth class the Governor shall appoint a board of properly qualified persons who shall serve until the first Monday in December after the first municipal election occurring more than thirty (30) days after their appointment at which election a board of school directors for such district shall be elected in the same manner as the school directors of the districts of the same class were first elected after this act went into effect but such school directors shall be so elected that the number and terms of those whose places are to be filled at each succeeding municipal election shall be the same as the number and terms of those whose places are filled at the corresponding election in other school districts of the same class Provided That whenever a vacancy of the entire membership of a board of school directors in any school district of the fourth class occurs the county superintendent of schools may enter and take full charge of and at the expense of the district maintain the school, thereof in accordance with the provisions of the school laws of the Commonwealth under the direction of the Superintendent of Public Instruction and may continue in charge thereof until a board of school directors has been appointed and has qualified

Section 3 That section two hundred seventeen of said act is hereby amended to read as follows

Section 217 If the board of school directors in any district in this Commonwealth shall fail to organize as hereinafter provided or refuse or neglect to perform any duty imposed upon it by the provisions of this act any ten resident taxpayers in said district may present their petition in writing verified by the oath or affirmation of at least three of them to the court of common pleas of the county in which such district or the largest part in area of it is located setting forth the facts of such refusal or neglect of duty on the part of such school directors whereupon the said court shall grant a rule upon said school directors the same to be made returnable in not less than ten or more than twenty days from the date of issue thereof to show cause why they should not be removed from office of which the said school directors shall have at least five days' notice On or before the return day of such rule the said school directors individually or jointly shall file in writing their answer or answers to said petition under oath and if the facts set forth in said petition presented by said taxpayers or any material part thereof be denied the court shall then hear the several parties on such matters as are contained in said petition and if on such hearing or if when no answer is filed denying the facts set forth in said petition the court shall be of the opinion that any duty imposed on said board of school directors which is by the provisions of this act made mandatory upon them to perform has not been done or has been neglected by them the said court shall have the power to remove said board or such of its number as in its opinion is proper and in any district other than a district of the fourth class in a county of the fourth class appoint for the unexpired terms other qualified persons in their stead subject to the provisions of this act If the court shall remove any board or any of its members in a district of the fourth class in a county of the fourth class it shall certify such action to the Governor who shall fill such vacancy or vacancies for the unexpired term or terms

Section 4 This act shall become effective immediately upon final enactment

An Act to amend section two hundred fourteen, section two hundred sixteen as amended] and section two hundred and seventeen, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REASONS FOR VOTE

Mr. SHEA filed the following reasons for his vote on House bill No. 1119.

Mr. SPEAKER. Ladies and Gentlemen of the House, we have before us tonight, House Bill No. 1119, Printer's No. 586, a bill which will absolutely lower the standards of the healing arts of our State. A bill that is an insult to the intelligence of both parties and should and will be defeated. The reasons for the defeat are as follows:

1. Legislative reason
2. Social reasons
3. Scientific reasons

The Legislative reasons that I offer for the defeat of this bill are foul tactics. Our opponents have presented us with a bill demanding surgery and in offering an amendment to delete the word surgery they are fulfilling my early suspicions that in case they met with opposition in the State Board Committee they would delete the word surgery and obtain that which they most desire, the medical treatment of the eye.

Their main objective is to get possession of lawful medical treatment. Evidently, they cared not for surgery from the beginning. Their lobby tactics and pressure from without gave us an exhausted State's Board Committee that was glad to see this bill enter the floor of the House for their own ease and comfort.

Gentlemen, this is the "kicking tactics" of the football field to gain yardage. Gentlemen, their bill says that they will use no test other than those for the eye. Gentlemen, these are "weasel words"—in fact resemble the mole more than the weasel. Ladies and Gentlemen, I only have to refer to page 3, lines 1-6 of the Amendment Bill.

Social Reasons

Among the social reasons why they should not be granted medical practice or treatment are based upon the requirements upon which medical and other schools are founded.

First of all the endowment of such institutions is necessary for their scientific advancement. Only recently I met President Burey of Temple University in this building. He stated that the capital required by the medical department of Temple was two million dollars. The Dental School approximately one million dollars. The Hahnamann is also approximately two million or more dollars. The Jefferson's valuation runs from three to five millions of dollars and after our opponents compare the care of the eyes to the care of the tooth I will state that no dental school in the history of Pennsylvania has been able to endure without merger with a medical school. For the Pennsylvania School of Optometry to exist—will, give us

in case their bill passes, another appropriation for the State budget to wrestle with or from the talk of their super-salesmen we met in the last public hearing, a chance to sell stock or perhaps another Charity Ball as conducted recently in Philadelphia to help another institution in its "celestial dreamings."

The physical property of the Pennsylvania School of Optometry has existed until recently, around the corner from my office and is of a very uncertain but rather diminutive financial value. In fact, no value can be placed upon its property in Spring Garden Street. I am an officer of three Building and Loan Associations in that particular neighborhood which is a decadent neighborhood. They are now in the fern rock section of Philadelphia occupying a former home with more or less beautiful gardens surrounding it. This property is also of uncertain solvent value. This information I gleaned from conversation with bank presidents.

I have, on several occasions, been requested by the poor of my neighborhood, to give a note asking for free glasses from the Pennsylvania School. I understand the usual price is $3.00 plus.. The eye glasses were well made and I've had no complaint regarding their adaptibility to vision. Before signing the notes of request I was thoroughly satisfied that the general physical and mental status of the donees was in good condition. This, in my opinion, corresponds with the Optometric Bill No. 1119, is trying to amend and which is further fortified by Optometrists who are convinced that the Pennsylvania School of Optometry crowd is making unreasonable demands. It is further fortified by the Optometerists who do exclusive optical perscription work.

I will support all Optometrists who practice optometry for the measuring of vision and I will support their bill asking for protection; asking that department stores and others cease, as unlawful and unlicensed practitioners. Furthermore I will ask that alien manufacturers who are destroying the ethical optical practitioners be kept out of Pennsylvania.

Gentlemen, you can deduce that I am fair in my relationship with the Optometrists and I am willing to encourage them and work with them along the lines of their basic bill—the act approved the thirteenth day of March, one thousand nine hundred and seventeen, pamphlet laws No. 21. I again reiterate that I am here for the protection of the people of this Commonwealth and the upholding of the traditional standards of this Commonwealth regarding the laws of Public Health and Sanitation. And finally but not the least factor is the fact that the Pennsylvania Society for the Blind has requested the defeat of Bill No. 1119.

Scientific Reasons

Gentlemen, I have told you that this bill should be defeated (1) from a legislative stand point; (2) from a social stand point, and now I will tell you why it should be defeated from a scientific stand point:

(a) both parties, Democratic and Republicans have eyes and have had them since evolution bought us to our present stage, which is shown by the protruding yere of the featus.

(b) The eye is an integral part of the brain, analgous and homolgous.

(c) The eye is an integral componant and is continuous with the torso and its appendages, head, legs, arms and in man a vestigual tail.

(d) We have according to one nomenclature of neuroanatomy twelve cranial nerves, six of which are connected with eye function directly, all indirectly.

(e) The eye ball is only a small portion of the optic pathway or tract and an anatomical continuity which brings the registration of vision to the back of the head.

(f) These statements are made after thirty years of teaching and scientific work, including 10,000 cases of anathesia, gynocology, neurology, general and neuro-anatomy. My early studies of anasthesia were based on a study of the physiological actions of the pupil (eye) which showed the depth of narcosis or unconscieusness. I also learned of the existance of vital nerve centers and not knowing what was meant thereby I wandered into the field of nuro-anatomy and physiology. I have studied the Argyll-Robertson pupil which tells me of the defects not only along the third nerve, or the pupil, but in the very depths of the brain, usually syphillis. I know the sense of position, I am reviewing this knowledge and experience to show the absurdity of our opponents arguments when they attempt to separate the eye from the head and general body. They talk to you about eye pathology, eye anatomy, eye this and eye that, with a flippant superficiality that to a scientifically trained man becomes alarming. It is not forty hours that I spent in the study of the eye, Gentlemen, it is going on forty years. And I maintain that instead of superciality, profoundly should guide the mind of those who attempt to treat the eye. In fact they falter in their unreasonable attempts at legislation when they amend their bill to delete surgery, and try to camoflague on Medical Practice which in my mind is older and more artful than surgery. Gentlemen, blindness is not always due to injury or disease of the eye ball; brain tumers away back in the brain may cause it. To treat the eye properly and in toto the bills proponent would have to present in the accounchment clinic, and watch the vertex of a new world visitor so that silver nitrate be placed in the eyes of the squaling brat. Infection of the eye will cause body temperature, application of an ice pack to the head or body, or a giving of a therapeutic bath, means general medical practice. The proponents of this bill gentlemen, claim that they will give no medical tests other than those for the eye, Gentlemen, as I said before, these are weasel words,—in fact they resemble the mole more than the weasel. The tests they need are all general body tests which are (1) the Wasserman and Kahn Tests for syphillis, (2) Urinary tests such as kidney efficiency—sugar tests for albumen-Renal threshold tests, etc. (3) Liver tests for Jaundice and Icterie Index. and the proponents of this bill (1119) cannot treat the eye without them.

The proponents compare the eye with the tooth. In severe criminology where an eye for an eye and a tooth for a tooth is demanded, they are right. In science, they are wrong. This statement can be verified by the Hon. David Perry who lost his teeth at the Banquet of the Legislative Sons of St. Patrick. Bad as this accident was, I am glad the Honorable David did not lose his eyes.

Finally, this bill (1119) is a question of Public Health and Sanitation and upon reaching that august body I promise to do all I can for society in general.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 21, 1937.

Whereas, The Honorable James Hamilton Lewis, United States Senator from the State of Illinois, has expressed to His Excellency, the Governor of the Commonwealth, willingness to address a joint session of the Senate and House of Representatives on such date a might in the near future be found convenient; therefore he it

Resolved, (if the Senate concur), That the Honorable James Hamilton Lewis be invited to address a joint session of the Senate and House of Representatives of Pennsylvania in the Hall of the House on April 21, 1937 (today), at 2.30 o'clock P. M.

COMMITTEE APPOINTED TO ESCORT SENATE TO HALL OF HOUSE

The SPEAKER. The Chair appoints as a Committee to escort the members of the Senate to the Hall of the House to meet in Joint Session Messrs. Gerard and Cadwalader.

COMMITTEE APPOINTED TO ESCORT GOVERNOR AND UNITED STATES SENATOR JAMES HAMILTON LEWIS TO HALL OF HOUSE

The SPEAKER. The Chair appoints as a committee on the part of the House to escort the Governor and United States Senator from the State of Illinois, Honorable James Hamilton Lewis, Messrs. Brownfield, Toole and Serrill.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. CAPUTO asked and obtained permission for the Committee on Judiciary General to meet during the session of the House.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Commitee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2191 (Senate Bill No. 801), entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws 108) entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 732, as follows:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities (except cities of the first class) boroughs towns and townships maintaining a uniformed police force creating a civil service commission in each county city borough town and township defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities borough town and townships imposing penalties and repealing inconsistent laws

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Appointees in Police Departments in all Counties Cities Boroughs Towns and Townships Placed Under Civil Service Hereafter all appointments to and promotions in the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with the police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police protection work in any county city boroughs town or township except county detectives and policemen and police women who do not devote their full time as policemen and police women for the political subdivision but who receive salaries for such services provided for in the annual budgets of such political subdivisions shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive as hereinafter provided The provisions of this act shall be construed to include each and every appointment in the above enumerated bureaus departments and agencies except superintendent or chief of police which position shall be filled by a member of the Police Bureau or police force who has had at least ten years experience in the police department unless the police bureau or police force has not been so long organized or has no one in employ with ten years of service but in all such excepted cases the superintendent or chief of police shall at all times be a member of the police force

No person shall hereafter be appointed re-instated promoted or discharged as a paid employe in any of the aforesaid bureaus departments or agencies except in accordance with the provisions of this act

Section 2 Creation of Civil Service Commissions Election of Commissioners Vacancies There is hereby created in each county city borough town and township of this Commonwealth where a uniformed police force is being maintained a civil service commission herein referred to as the commission Each civil service commission shall consist of three commissioners who shall be qualified electors of the county or political subdivisions and shall be appointed by the board of county commisioners of the county the mayor of the different cities the borough council or town council of the incorporated borough or town and the president of the township commissioners or supervisors for the term of four years The members of each commission first appointed under the provisions of this act shall be appointed within thirty days after the effective date of this act and shall serve from the date of their appointment until the first Monday of January one thousand nine hundred and thirty-nine or until their successors are qualified

Not more than two members of the Civil Service Commission shall be of the majority political party and the first named commissioner shall act as chairman of the commission

Any vacancy in any commission caused by death resignation or otherwise shall be filled for the unexpired term within a period of thirty days after said vacancy occurs

Each civil service commission created by this act shall

be a civil service commission for the county or for the political subdivision in the county as the case may be with respect to the police department thereof as provided in section one hereof

Section 3 Offices Incompatables with Civil Service Commissioners Political Activity Prohibited No civil service commissioner shall at the same time hold any elective civil office under the United States Government the Commonwealth of Pennsylvania or any political subdivision of the Commonwealth No civil service commissioner shall serve on any political committee or take part in the management of any political campaign

Section 4 Organization of Civil Service Commission The civil service commission of each county or political subdivision first appointed shall organize within ten days of their appointment and each commission shall thereafter organize on the first Monday of January of each odd-numbered year by the election of one of its members as chairman Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members

Section 5 Clerks to Commission Office and Supplies The chief clerk of the county commissioner of each county and the clerk or secretary of the political subdivision as the case may be shall be clerk to the civil service commission The county and said political subdivision shall supply to the commission on its requisition without extra compensation such clerical and stenographic assistance as may be necessary for the work of the commission The county and the political subdivisions may in their discretion pay the compensation of a permanent stenographers-clerk to the commission

The county commissioners or political subdivision as the case may be shall provide a suitable and convient room or rooms furnished lighted and heated for the use of the commission The commission shall order from the county or the political subdivision the necessary stationery postage supplies printing and an official seal for its use and every such county and political sub-division shall aid the civil service commission in all proper ways in carrying the provisions of this act and shall allow the reasonable use of public buildings and shall heat and light the same for holding examinations and investigations

Section 6 Rules and Regulations The civil service commission shall prescribe amend rescind and enforce rules and regulations for carrying into effect the provisions of this act Before any such rules and regulations are in force as to the county or any political subdivision the same shall first be approved by the county commissioners the mayor of the city the borough council or town council of the borough or town or the president of the township commissioners or township supervisors as the case may be When such rules and regulations have been so approved they shall not be annulled or changed by the commission except by approval of the county commissioners the mayor of the city the borough council or town council of the borough or town or the president of the township commissioners or township supervisors as the case may be In case of disagreement on any question or questions on rules and regulations between the civil service commission and the county commissioners the mayor of the cities the borough council or town council of the boroughs or towns the township commissioners or township supervisors as the case may be the question or questions involved shall be submitted to and arbitration board which has no active interest in the police department of the said county or political sub-division Said board of arbitration consisting of three members shall be appointed by the presiding judge of the court of common pleas of said county Said board of arbitration shall render a decision on all disputes coming to their attention within a period of thirty days and such decision shall be final

If any officers given power to approve rules and regulations as above provided fail to take any action thereon within the period of one calendar month from the date of the submission then such rules and regulations shall become effective in the same manner as if they had been approved Due notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail to all appointing officers of the county or of the political subdivision and such rules and regulations and modifications thereof shall be printed for public distribution

Section 7 Minutes and Records The civil service commission shall keep minutes of its proceedings and records of its examinations and other official actions All recommendations of applicants for appointment received by the commission or by any officer having authority to make appointments to office shall be kept and preserved for a period of ten years and all such records (recommendations of former employes excepted) and all written causes of removal filed by the commission shall be open to public inspection at reasonable hours and subject to reasonable regulation

Section 8 Investigations The civil service commission shall have power to make investigations concerning all matters touching the enforcement and administration of the provisions of this act and the rules and regulations prescribed hereunder concerning the action of any examiner or subordinate of the commission in the course of such investigation each commissioner shall have the power to administer oaths and affirmations and to take testimony

Section 9 Subpoenas The civil service commission shall have power to issue subpoenas under its seal and the signature of the chairman and require the attendance of witnesses and the production of books records and papers pertinent to any investigation or inquiry authorized by this act and to examine them and such public records as it shall require in relation to any matter which it has authority to investigate

Witnesses obeying any subpoenas of the commission shall be entitled to the same witness fees and mileage as is prescribed for witnesses in the courts of the county and shall be paid from the appropriations for incidental expenses of the commission

All officers in the public service and their deputies clerks subordinates and employes shall attend and testify when required to do so by the commission

If any person shall refuse or neglect to obey any subpoena issued by the commission or any commissioner the commission may apply to the court of common pleas of the county for a subpoena requiring the attendance of such person before the court there to testify and to produce any books records and papers If any person shall refuse to obey any subpoena issued by the court in pursuance hereof he shall be subject to punishment for contempt

Section 10 Annual Report The civil service commission shall make an annual report to the county commissioners or the political sub-division setting forth its rules and regulations in force and its suggestions for the more effectual accomplishment of the purposes of this act Such report shall also contain a brief summary of its work during the year Such report shall be available for public inspection five days after the same shall have been delivered to the proper authorities of the county or the political subdivision

Section 11 General Provisions Relating to Examinations All examinations for positions or promotions in the police department of any county or any political subdivision shall be practical in character and shall relate to such matters and include such inquiries as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them All examinations shall be open to all applicants who have fulfilled the preliminary requirements of this act All applicants for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examinations held by the commission Each applicant for a county examination shall have been a resident of the county for a period of five years and for a political sub-division examination shall have been a resident of the county for at least five years and of the political sub-division thereof in which he seeks to obtain employment at least two years prior to the filing of application Public notice of the time and place of every examination together with information as to the kind of position or place to be filled shall be given

by publication in two newspapers published in said county at least two weeks prior to each examination

The commission shall adopt reasonable regulations permitting the presence of representatives of the press at examinations

The commission shall post publicly in its office the eligible list containing the name and grades of those who have passed examinations for positions under this act and shall indicate thereon such appointments as may be made from said lists

Section 12 Application for Examination Each person desiring to apply for examination shall file with the commission within a reasonable time prior to the examination as may be fixed by the commission a formal application in which the applicant shall state under oath or affirmation

(a) His full name and residence or post office address

(b) His citizenship place and date of birth

(c) His condition of health and physical capacity for public service

(d) His business and employments and his residences for the last five previous years

(e) Such other information as may reasonably be required by the commission touching the applicant's qualifications and fitness for public service Military service records shall be considered by the commission upon such application

Blank forms for such applications shall be furnished by the commission without charge to the persons requesting the same

The commission may require in connection with the application for examination such certificates from citizens physicians and others having knowledge of the applicant as the good of the service may require

Section 13 Rejection of Applicants Hearings The civil service commission may refuse to examine any applicant or if examined may refuse to certify after examination as eligible any one who is found to lack any of the established preliminary requirements for the examination or position or employment for which he applies or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks employment or who is addicted to the habitual use of intoxicating liquors or drugs or who has been guilty of any crime or of infamous or notoriously disgraceful conduct or who has been dismissed from the public service for delinquency or misconduct or who has made a false statement of any material fact or practiced or attempted to practice any deceit or fraud in his application in his examination or in establishing his eligibility or who refuses to comply with the rules and regulations of the commission

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination the commission shall at the request of such person appoint a time and place where he may appear personally and by counsel Whereupon the commission shall then review its refusal to make such examination or certification and take such testimony as may be offered The commission shall subpoena at the exepnse of the applicant any competent witness requested by him After such review the commission shall file the testimony taken in its records and shall again make a decision whicsh decision shall be final

Section 14 Manner of Filling Appointments Every position or employment unless filled by promotion reinstatement or reduction shall be filled only in the following manner The appointing officers or officers of the county or political subdivision shall notify the civil service commission of any vacancy in the police bureau department or force which he desires to fill and shall request the certification of a list of eligibles The commission shall forthwith certify from the eligible list the names of three persons thereon who received the highest averages in the preceding examinations held under the provisions of this act within the period of one year next preceding the date of the request for such list of eligibles The appointing officer shall thereupon with sole reference to the relative merit and fitness of the candidates make an appointment from the three names so certified in the order of their relative merit and fitness unless he makes objections to the commission to one or more of the persons so certified for any of the reasons stated in section thirteen of this act Should such objections be sustained by the commission as provided in said section the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed When there are a number of positions of the same kind to be filled at the same time each appointment shall nevertheless be made separately in accordance with foregoing provisions Provided however That in the event any position as electrician or mechanic is to be filled in any police department then the examination to be given shall be so drawn as to test only the qualifications of the applicants in regard to their ability as electricians or mechanics and special examinations shall be held in such cases Provided however That no part of this section will be construed as to permit the selection of an applicant whose examination rating is lower than another applicant unless there are objections filed and sustained for any of the reasons stated in section thirteen of this act

The term "appointing officer" as used in the act shall be construed to mean the officer or officers or body in any county or in any political subdivision in whom is vested the power of appointment of paid employes in the police bureau department or force as defined in section one of this act

Section 15 Age Limits or Applicants for Examinations Exception for Former Employes No person shall be eligible to apply for examination unless he or she is more than twenty-one years of age at the date of his or her application Provided however That in the event any applicant has formerly served in a police bureau department or police force of the county or political subdivision for which he again makes application for a period of more than six months and resigned from that department at a time when there were no charges of misconduct or other malfeasance pending against him within the period of five years next preceding the date of his application and is still a resident of the county or political subdivision thereof in which he seeks reinstatement then such person shall be eligible for reinstatement at the discretion of the civil service commission even though he be over the age of thirty-five years

Such applicant for reinstatment may be reappointed without examination other than a physical examination if the reinstatement is to the lowest rank in the department above probationers of the department

When in any county or political subdivision a physical examination of an employe or employes in the police department is made by a doctor a copy of the report of the findings of such doctor shall be furnished to each person examined within twenty-four hours after its receipt by the county or political subdivision

Section 16 Probationary Period All original appointments to any position in the police department within the terms of this act shall be for a probationary period of six months but during the probationary period an appointee may be dismissed only for just cause in the manner provided by section thirteen of this act If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the appointing officer the probationer shall be notified in writing that he will not receive a permanent appointment Thereupon his employment shall cease otherwise his retention in the service shall be equivalent to his final appointment

Section 17 Provisional Appointments Whenever there are urgent reasons for the filling of a vacancy in any position in the police department of any county or any political subdivision and there is no persons name on the eligible list for such appointment the appointing officer may nominate a person to the civil service commission for non-competitive examination If such nominee shall be certified by the commission as qualified after such non-competitive examination he may be ap-

pointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination in the manner prescribed in this act No such provisional appointment shall continue for a longer period than three months nor shall successive provisional appointments be made to the same position Provided however That nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in emergency cases for suppression of riots or tumults in times of war pestilence conflagration or public celebration

Section 18 Promotions Promotions shall be based upon merit to be ascertained by tests to be prescribed by the civil service commission and upon the superior qualifications of the persons promoted as shown by previous service and experience Provided however That no person shall be eligible for promotion in cities of the first class second class or second class A until after serving seven years or in cities of the third class until after serving five years in boroughs towns or townships until after serving three years The civil service commission shall have power to determine in each instance whether an increase in salary constitutes a promotion

Military service records shall not apply in taking examinations for promotion in any department

Section 19 Physical Examinations All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of two doctors of medicine appointed by the civil service commission No person shall be eligible to take an examination until said two doctors certify that the applicant is free from any bodily or mental defects deformity or disease that might incapacitate him from the performance of the duties of the position desired

Section 20 Removals No person employed in any police department of any county or political subdivision shall be removed discharged or reduced in rank except for the reasons specified in section thirteen of this act and in no event until he shall have been furnished with a written statement of the reasons for such action A person so employed may not be removed for religious or political reasons In every such case of removal or reduction in rank a copy or statement of the reasons therefor and written answers thereto if the person sought to be removed or reduced in rank desires to file such written answers shall be furnished to the commission If the person sought to be removed or reduced in rank shall demand it a court of inquiry or trial board shall be constituted as provided in section twenty-one of this act if there are sufficient members in the police departments to carry into effect the provisions of said section In all other cases the demand may be to the civil service commission The court of inquiry or trial board or the civil service commission as the case may be shall grant him a public hearing which hearing shall be held within the period of ten days from the filing of the charges in writing and the written answers thereto At any such hearing the person against whom the charge is made may be present in person and by counsel and the burden shall be upon the removing officer to justify his action In the event that the court of inquiry trial board or civil service commission fails to uphold the action of the removing or demoting officer then the person sought to be removed or demoted shall be reinstated with full pay for the period during which he may have been prevented from performing his usual employment and no charges shall be officialy recorded against his record

A written record of all the testimony taken at such hearing shall be filed with kept and preserved by the civil service commission which record shall be sealed and not be available for public inspection in the event no appeals shall be taken from the action of the commission

In the event the court of inquiry trial board or commission shall sustain the action of the removing or demoting officer the person removed or reduced in rank shall have an immediate right of appeal to the court of common pleas of the county Such appeal shall be taken within ninety days from the date of entry by the court of inquiry trial board or civil service commission of its final order and shall be by petition Upon such appeal being taken and docketed the court of common pleas shall fix a day for hearing and shall proceed to hear the appeal on the original record and no additional proof or testimony shall be permitted to be introduced The decision of the court of common pleas affirming or reversing the decision of the court of inquiry trial board or civil service commission shall be final and the employe shall be discharged demoted or reinstated in accordance with the order of said court

The removing or demoting officer and person sought to be removed or demoted shall at all times have the right to employ counsel before the court of inquiry trial board or commission and upon appeal to the court of common pleas

If for reasons of economy or other reasons it shall be deemed necesary by any county or political subdivision to reduce the number of paid employes of the police departments then such county or political subdivision shall apply the following procedure

(a) If there are any employes eligible for retirement under the terms of any retirement or pension law then such reduction in numbers shall be made by retirement if the party to be retired is sixty-five years of age or over

(b) If the number of paid employes in the police department eligible to retirement is insufficient to effect the reduction in numbers decided by the county or political subdivision or if there are no persons eligible for retirement or if no retirement or pension fund exists then the reduction shall be effected by suspending the last man or men including probationers that have been appointed to said police bureau department or police force Such removal shall be accomplished by suspending in numerical order commencing with the last man appointed until such reduction shall have been accomplished In the event the said police bureau department or force shall again be increased in numbers to the strength existing prior to such reduction the employes suspended shall be reinstated in numerical order commencing with the last man suspended before any new appointments shall be made

Section 21 Election of Court of Inquiry or Trial Board The head of the department shall in the presence of the accused and a brother officer or employe acting as his counsel cause the names of at least twenty-five members in said Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police department Police Telephone Operators and their assistants and all other agents connected with the police work in the county or political subdivision equal or superior in rank to the accused to be written upon separate clips of paper of the same size color and texture and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided and cause said slips to be placed in a box from which the same shall be drawn by lot by some disinterested person until seven names have been drawn therefrom whereupon the head of the department and the accused shall each in turn be entitled to exercise the right of challenge until only three names are left and said three persons shall compose said court either of trial or inquiry as the case may be The chief executive or the head of the department as the case may be shall not be present during the deliberations of the said court except as a witness and shall in no way interfere with the trial board or court of inquiry No member's name shall be used as a trial board member more than once within a period of thirty days In the event of an insufficient membership on the police department to provide a trial board then such cases shall be decided by the civil service commission

Section 22 Present Employes Exempted All appointments in the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with the police department Police Telephone Operators and their assistants and Police Radio Operators and their assistants and in all other agencies connected with the police work in the employ of al counties cities boroughs towns and townships upon the effective date of this act shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion Provided however That

this section shall not be construed to apply to persons employed temporarily in emergency cases

Section 23 Discrimination on Account of Political or Religious Affiliations No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinions or affiliations and all disclosures thereof shall be discountenanced No discrimination shall be exercised threatened or promised by any person in the police department against or in favor of an applicant person on the eligible list or employe because of political or religious opinions or affiliations

Section 24 Penalty Any appointing power who appoint any person to the police bureau department or police force of any county or political subdivision contrary to the provisions of this act or who wilfully refuses or neglects to comply with or conform to the provisions of this act or who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or suffer imprisonment not exceeding three months or both at the discretion of the court

Section 25 Salaries of Civil Service Commissioners The civil service commissioners shall receive salaries which are provided by the board of county commissioners for the county the mayor and council for the city the burgess and council for the incorporated borough or town and the president and board of township commissioners or supervisors for the township

Section 26 Repeal and Construction All acts and parts of acts general special or local inconsistent with this act are hereby repealed It is the purpose of this act to furnish a complete and exclusive system for the appointment promotion reduction removal and reinstatement of members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants Police Radio Operators and their assistants in every county city borough town and township within this Commonwealth which maintains a uniformed police force No title of any officer affected by the provisions of this act shall be changed except by legislative enactment

Section 27 Effective date This act shall become effective on March 1, 1938

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 752 as follows:

An Act regulating the removal of sand gravel and coal from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth and providing for the imposition collection and lien of charges for such materials taken removed or dredged from such waters title to which is in whole or in part in the Commonwealth requiring persons associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue providing for appeals and providing penalties and refunds

Section 1 Be it enacted by the Senate and House of Representatives of the Commowealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" means a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Department" means the Department of Revenue of this Commonwealth

"Material" means sand gravel or coal

"Marketable Material" means such material as is removed from the stream lake or other body of water for purposes of sale commercial or other use

"Permittee" is a person as hereinafter defined holding a stream deposit permit under this act

"Person" means a natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the officers or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 Stream Dredging Permits Penalty On and after the effective date of this act it shall be unlawful for any person to take remove or dredge or cause to be taken removed or dredged any material from the beds of streams lakes and other bodies of water wholly or party within or forming part of the boundary of this Commonwealth unless and until such person shall have first secured and have in his possession a stream dredging permit issued by the Board specifying

(a) The material authorized to be taken removed or dredged

(b) The stream lake or other body of water from which such material may be taken removed or dredged

(c) The location of the place or places in or along such stream lake or other body of water where such material may be taken removed or dredged

(d) The duration of the permit

(e) The charge for the material to be taken removed or dredged under such permit where the taking removal and dredging is from a stream lake or other body of water title to which is in whole or in part in the Commonwealth

(f) Such other conditions and stipulations as the Board may require

Applications for permits shall be made on forms furnished by the Board and shall be accompanied by a filing fee in the amount of Five Dollars ($5.00) In addition thereto an inspection fee of Fifteen Dollars ($15.00) shall be paid by the permittee annually in the manner specified in the permit

Permits once issued shall be effective until their date of termination unless revoked by the Board or surrendered by the permittee The Board shall have full power to revoke the permit of any permittee who shall fail to comply fully with the provisions of this act or the provisions conditions and stipulations contained in a stream dredging permit Provided that the Board may also revoke a permit if in its opinion the interests of the Commonwealth so require

Section 3 Charges for Materials Payment Whenever application is made for a permit to remove or dredge material from the beds of streams lakes or bodies of water title to which in whole or in part is in the Commonwealth the permit issued shall require in addition to the charges imposed by Section 2 hereof a reasonable royalty to be fixed by the Board based upon the value of the material dredged as influenced by its location or other relevant factors not however to exceed five (5) cents per ton for the material dredged or removed to be paid by the permitte at quarterly intervals on the first day of January April July and October for the three months immediately preceding and payment shall be made to the Department within one months of the date when the charges become due

There is hereby imposed on whoever dredges or removes materials from the beds of streams lakes or bodies of water title to which in whole or in part is in the Commonwealth a charge of five (5) cents per ton of two thousand pounds for each ton of marketable material dredged and removed to be paid and collected as in this act provided But this provision shall not apply to channel im-

provement operations where the material dredged is redeposited and not sold or used for commercial porposes

Section 4 Violations Penalty Any person who continues or hereafter begins to take remove or dredge material from the beds of streams lakes and other bodies of water without securing and having in his possession a stream dredging permit and without filing with the Department the bond required by this act shall upon conviction in a summary proceeding be sentenced to pay a fine of one hundred ($100.00) dollars and in default of the payment of such fine and costs of prosecution the person or if such person be a copartnership then the partner or if uch person be a corporation then the officer thereof shall be imprisoned in the county jail for a period of ninety (90) days Each day's dredging in violation of this provision of the act is hereby declared to be a separate offence

Section 5 Bond Every person before receiving a stream dredging permit authorizing him to engage in the taking removing and dredging of any material from the beds of streams lakes and other bodies of water to which title is in whole or in part in the Commonwealth shall file with the Department an acceptable bond payable to the Commonwealth of Pennsylvania in such amount as shall be fixed by the Department Every such bond shall have a surety approved by and acceptable to the Department and shall be conditioned that the principal in the bond will faithfully comply with the provisions of this act and pay the fees charges penalties and interest imposed by or under the provisions of this act or by the permit issued pursuant thereto The Department may require any permittee to furnish such additional acceptable surety bond as shall be deemed necessary to secure at all times the payment by the permittee to the Commonwealth of all fees charges penalties and interest due under the provisions of this act The Department shall permit any permittee to substitute a new bond for the one then on file if such new bond is acceptable to the Department For the purpose of determining whether an existing bond or bonds are sufficient the Department may at any time by written notice require any permittee to furnish a financial statement in such form as it may prescribe Upon failure of any permittee to furnish a financial statement within thirty days of such written notice the Department may request the Board to forthwith suspend or revoke the permit or permits issued to him and shall collect all charges penalties and interest due by him

Any surety on a bond furnished by a permittee as provided herein shall be released and discharged from any and all liability to the Commonwealth accruing on such bond after the expiration of sixty days from the date upon which such surety shall have lodged with the Department a writen request to be released and discharged but this provision shall not operate to relieve release or disharge the surety from any liability already accured of which shall accrue before the expiration of the sixty-day period The Department shall promptly upon receiving any such request notify the permittee who furnished the bond and unless the permittee shall on or before the expiration of the sixty-day period file with the Department a new bond aproved by and acceptable to the Department the Department shall request the board to forthwith cancel the permittee's permit or permits Whenever a new bond shall be furnished by a permittee as aforesaid the Department shall cancel and surrender the old bond of the permittee as soon as it and the Department of Justice shall be satisfied that all liability under the old bond has been fully discharged

Section 6 Report and Payment of Charges Interest and Penalty For the purpose of ascertaining the amount payable under this act it shall be the duty of every permittee within thirty days after any charge becomes due and payable to transmit to the Department upon a form prescribed prepared and furnished by the Department a report under oath or affirmation of the amount of material taken removed or dredged by him during the preceding quarter under permits issued pursuant to this act Such report shall also show such further information as the Department shall prescribe A permittee having more than one place of business within this Commonwealth shall combine in each report the total quantity taken at each such separate place of business

Every permittee at the time of making any such report shall compute and pay to the Department the amount due the Commonwealth for the material taken removed or dredged by him during the preceding quarter less a two per centum discount if the report is filed and said amount paid on time The amount of all charges imposed under the provisions of this act which shall remain unpaid for more than thirty days after the time the charges become due and payable shall bear interest at the rate of one per centum per month or fractional part of a month until the charges have been paid

If any permittee shall neglect or refuse to make any report and payment of any charge as herein required an additional ten per centum of the amount of the charge shall be added by the Department and collected as hereinafter provided and in addition thereto the stream dredging permit of such person may upon request of the Department be suspended or revoked by the Board

Section 7 Determination and Redetermination of Charges Penalties and Interest Due (a) If the Department is not satisfied with the report and payment of any charge made by the permittee under the provisions of this act it is hereby authorized and empowered to make a determination of the charge due by such permittee based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the Department shall send by registered mail a copy thereof to such permittee Within thirty days after the date of any such determination such permittee may file with the Department a petition for redetermination of such charge Every petition for redetermination shall state specifically the reasons which the permittee believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the Department within sixty days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Department

(c) Within thirty days after notice by the Department of the action taken on any petition for redetermination filed with it the permittee against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relied and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within sixty days after they have been received and in the event of the failure of said Board to dispose of any such petition within sixty days the action taken by the Department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the charge due upon such basis as it shall deem proper according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the Department and to the petitioner

(d) The Department or any person aggrieved by the decision of the Board of Finance and Revenue or by the Board's failure to act upon his petition for review within sixty days may within thirty days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any permittee shall neglect or refuse to make any report and payment of any charge required by this act the Department shall estimate the charge due by such permittee and determine the amount due by him including penalties and interest thereon as prescribed herein from which determination there shall be no right of review or

appeal Upon any such neglect or refusal the stream dredging permit or permits issued by the Board may upon request from the Department be suspended or revoked by the Board and required to be surrendered to said Board

Section 8 Examination of Records and Equipment The Department or any agent appointed in writing by it is hereby authorized to examine the books papers records and any equipment of the permittee pertaining to the business permitted by this act to verify the accuracy of any report or paper made under the provisions of this act or to ascertain whether or not any charge imposed under the provisions of this act has been paid but any information gained by the Department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment of not more than one year or both in the discretion of the court

Section 9 Retention of Records by Permittees Penalty Each permittee shall maintain and keep for a period of two years such record or records of the business made permissible by this act with invoices bills of lading and other pertinent papers as may be required by the Department

Any person violating any of the provision of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 10 Lien of Charges Penalties and Interest (a) All charges herein imposed and unpaid pelalties and interest due by any person shall be a lien upon the franchises and property both real and personal of such person from the date said charges are due and payable as provided in this act and shall have priority over any subsequent lien or encumbrance whatsoever except the lien of State taxes having priority by law and except also that such charges penalties and interest shall have priority over a mortgage only if the statements thereof are filed of record as provided in clause (b) hereof prior to the recording of the mortgage

(b) Statements of all charge herein imposed due and unpaid with penalties and interest thereon certified by the Secretary of Revenue or his representative may at any time be transmitted to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

(c) No sheriff receiver trustee assignee master or other officer shall sell the property or franchises of any person who is a permittee as herein defined without first filing with the Department a statement the following information

(1) The name or names of the plaintiff or party at whose instance or upon whose account the sale is made

(2) The name of the person whose property or franchise is to be sold

(3) The time and place of sale

(4) The nature of the property and the location of the same

(d) It shall be the duty of the Department after receiving notice as aforesaid to furnish to the sheriff receiver trustee assignee master or other officer having charge of the sale a certified copy or copies of all charges penalties and interest on file in the Department as liens against such person and in the case of no such liens a certificate showing that fact which certified copy of copies or certificate shall be publicly read by such officer at and immediately before the sale of the property or franchise of such person

(e) It shall be the duty of the Department to furnish to any person applying therefor upon payment of the fee prescribed by the Department of certificate showing the amount of all liens for charges penalties and interest that may be of record in the Department against any person under the provisions of this act

Section 11 Collection of Unpaid Charges Penalties and Interest Whenever any charges penalties and interest imposed by this act are not paid within thirty days after the date of their determination if no petition for redetermination has been filed or from the date of redetermination if no petition for review has been filed or within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the Board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales assignments or bankruptcies the Department shall call upon the Department of Justice to collect the same

On all claims for charges penalties and interest hereunder the Department of Justice or any attorney employed by it there shall be paid by and recovered from the person for the use of the Commonwealth an Attorney General's commission of five per centum upon the amount of recovery not exceeding ten thousand dollars ($10,000) and three per centum upon the amount of the recovery in excess of ten thousand dollars ($10,000) and the payment of the Attorney General's commission shall not affect liability for any penalty or interest payable under this act The amount of the Attorney General's commission shall in all cases be added to the amount of the claim against the person and shall be a lien against his property in like manner as the amount of the claim

Section 12 Disposition or Charges and Other Moneys All charges fees interest penalties commissions and any other moneys received collected or recovered under this act shall be paid by or through the Department into the State Treasury and credited to the State Forests and Waters Fund

Section 13 Refunds The Board of Finance and Revenue may refund to persons charges penalties and interest paid by them as the result of an error of law or of fact or of both law and fact Claims for refund shall be made under the procedure prescribed by the Fiscal Code

All refunds of moneys allowed hereunder shall be paid from the State Forests and Waters Fund

Section 14 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 15 Effective Date This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO HOLD MEETING DURING SESSION

Mr. SAMUEL A. WEISS asked and obtained consent for the Committee on Municipal Corporations to meet during the session.

QUESTION OF INFORMATION

Mr. HARKINS. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. HARKINS. Mr. Speaker, I desire to inquire whether or not House Bill No. 1575, Printer's No. 594, on page 3 of today's calendar, has been called up and has passed second reading?

The SPEAKER. The bill has been called up and has passed second reading.

Mr. HARKINS. Mr. Speaker, the bill was inadvertently

called up by my good friend from Philadelphia, Mr. Donohoe, and I desire to move that the vote by which the bill passed second reading be reconsidered in order to place an amendment in the bill.

The SPEAKER. Was the gentleman in the Hall of the House at the time the bill passed second reading?

Mr. HARKINS. I was not, Mr. Speaker.

The SPEAKER. The Chair wishes to inform the gentleman from Allegheny that he is not in a position to make such a motion.

RECONSIDERATION OF VOTE

Mr. OMINSKY. Mr. Speaker, I move that the vote by which House Bill No. 1575, Printer's No. 594, on page 3 of today's calendar, was ordered to be transcribed for third reading be reconsidered.

Mr. SIMON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Ominisky vote on the motion?

Mr. OMINSKY. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Clinton, Mr. Simon, vote on the motion?

Mr. SIMON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. OMINSKY. Mr. Speaker, I move that the vote by which this bill passed second reading be reconsidered.

Mr. SIMON. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. OMINSKY. Mr. Speaker, I move that the vote by which the title was agreed to be reconsidered.

Mr. SIMON. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. OMINSKY. Mr. Speaker, I move that the vote by which the various sections were agreed to be reconsidered.

Mr. SIMON. Mr. Speaker, I second the motion.

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Comonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine(Pamphlet Laws 1738) is hereby further amended to read as follows

Section 18 The right of a person to an employe's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accured or accruing to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and exempt from levy and sale garnishment attachment or any other process whatsoever and shall be unassignable except as in this act specifically otherwise provided and except that the assignment of any or all rights as security for a loan not in excess of three hundred dollars ($300) the interest on which loan shall not exceed six per centum (6%) made by a member with an organization or credit union whose officers are certified teachers shall be valid

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (sec. 18), page 3, line 4, by inserting after the word "certified" the following: "as"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

REPORT AND DISCHARGE OF COMMITTEE

Mr. GERARD. Mr. Speaker, your committee appointed to escort the members of the Senate to the Hall of the House has performed that duty and reports that the Senate is now in attendance.

The SPEAKER. The Committee is discharged with the thanks of the House.

The President of the Senate is invited to preside over the Joint Session of the General Assembly; the President Pro Tempore is invited to a seat on the rostrum, and the members of the Senate will be seated in the chairs provided for them in the front part of the House.

JOINT SESSION

LIEUTENANT-GOVERNOR THOMAS KENNEDY IN THE CHAIR

The SERGEANT AT ARMS OF THE SENATE. Mr. President, I have the honor to present to you the committee appointed to escort His Excellency the Governor of the Commonwealth and Honorable James Hamilton Lewis, United States Senator from the State of Illinois, to the Hall of the House.

Mr. LAW. Mr. President, I have the honor to present His Excellency the Governor of the Commonwealth. and United States Senator James Hamilton Lewis.

The PRESIDENT. Members of the General Assembly it is my privilege and honor at this time to present the

Honorable James Hamilton Lewis, United States Senator from the State of Illinois, who will now address you.

The PRESIDENT. His Excellency, the Governor of the Commonwealth and the members of the General Assembly, it is my privilege and pleasure at this time to present a man who has been invited to address the General Assembly, a distinguished a member of the United States Senate, the senior Senator from Illinois and an outstanding statesman. I present the Honorable J. Hamilton Lewis.

HON. J. HAMILTON LEWIS. I beg for the moment to salute the officers of these Legislative bodies and to express particularly to you my appreciation and sense of gratitude that I have been allowed this privilege. I prefer to leave with you the thought that I have had something to do with the construction of this noble building in so far as a legislator is concerned. I wrote to your distinguished Governor and expressed the thought that I had never seen the building. I wish to thank the gentleman who preceded me for being kind enough to pay me this tribute. My reward is the privilege I now have of appearing before you. Permit me to say to you that while I appreciate the flattery of the introduction, let me tell you that in looking back upon my activities I recall nothing which has provided me with more compensation or pleasure than my service in the Houses of the Legislature. You gentlemen have done yourselves something of an interesting public service in allowing a fellow legislator to come before you and give some expression as to matters which surround you and which will greatly interest you perchance, beyond that which you had time to calculate. I want to say something to you, since I was called to come before you, I am anxious to avoid anything of a controversial nature with my brother legislators or anything of a political character in the strict sense of the word. Let me at this point say to you that I do not know how I could define politics in this era unless you would allow me to adopt an experience of mine. I was at Geneva a short time ago, dropping by there on my way back from Rome, and I stopped in the gallery at that time and listened to the subject under discussion as to whether or not sanctions should be applied upon Italy respecting the conflict in Ethiopia. I said what I was permitted to say and upon coming out into the yard I was met by a Hollander, whose English was somewhat like my German, but I think I can give you what was said to me. He said: "I never understand your American politics." I said, "No, nor do I." He said, "You say when a man who was your way coming back he was a crackerjack, but when you say he was your way coming in he was an 'asserjack'". I said "your are right," and to this day I do not think I can give to you a more complete definition of our differences, it is a more complete definition than often times may be described in principles.

The day is upon America when the United States should establish and declare an American Foreign Policy. America must tender herself as mediator in the conflicts between the nations of the world. This course to be guided by a new prescription of a new international law. The time has gone by when modern America can fit herself to the ancient doctrines of international law that has become worn away by time and repealed by events.

There is now no international law in the world. What was international law between nations—accepted regulations suggested from the time of Justinian the Roman to Grotius of Holland, amended by the English policy and the American adoption—has become wholly unfit to modern conditions. These old tenets are discarded and the world left today with no accepted international regulations which apply to two countries alike.

Note that lately a declaration of neutrality and embargo suggested by England and France touching the war between Italy and Ethiopia was declined by every large country in Europe. Each of the large countries proposed a substitute; this was defeated by the rival lands as hurtful to their commercial interests. The threat of embargo against their products awoke the protests of manufacturers and exporters—and the political reprisals on the officials suggesting neutrality that carried embargo—drove the political masters to compromise—then surrender.

United States Never Neutral

Today the United States cannot be neutral in any controversy between nations anywhere in the world. If the subject is one claimed to be the relief from oppression, there attends it the cry of the distressed—and America is at once awakened, aroused and active. And if there be not this sentiment aligning her, her material interests in the protection of her shipments, or her right to exchange her profits with the nations of the world and her privilege of the broad waters of the ocean vouched by creation to mankind, make her at once an interested party.

America may be neutral as to conduct by withholding action but she cannot sacrifice her privileges inherited from her ancestry and enlarged to her present development to participate in the world's bounty and to profit in the world's commerce.

Nor can America ever surrender the freedom of action in her sovereign citizenship. In this we see that the old doctrines of international law, neutrality and subjects akin to these chapters of old prescriptions have no place fitting to America of today.

Each Nation Suspects and Does Not Trust the Other

Here it is we anounce that as no country in Europe or in Asia will accept the doctrines of any other country of Europe or Asia in their completeness, all for the reason that each suspects the other of laying a foundation, hidden either in expression or movement, for invasion upon territory sought by each, or preparing for conflict feared by both. We have lately seen that any doctrine, however just in sound, is at once accused duality of words and disguise of motive. Such comes from those who by ancestry have been the foes since ancient days.

Why America Can Guide

As America is known to have no desire to possess the lands of other nations nor to seek conquests of other people, the doctrine she would now set forth to meet the modern demands of the new world in the new day could be accepted by all the nations of earth as expressing only the rules of action that will serve to hold all nations in balance with each other through the obedience to the regulations which in themselves gave no preferences, granted no privilege, permitted no special license, imposed no partiality and conferred no power for encroachments.

Because of these assurances, America would be adopted by every nation of the world inspired by the dream of peace and sustained by religion and trust in the justice of God. Then it is the day for America to embody a set of

laws dealing with the affairs of all nations looking to prescriptions that shall prescribe what is necessary to a true neutrality and assure world peace.

The Briand-Kellog Peace Pact—A Delusion

The countries sitting in session have demanded of the United States that it shall enforce in conjunction with the lands of Europe or with courts named by the countries of the world the doctrine called the Pact of Paris. This refers to the Briand-Kellog Peace Pact.

This Pact prescribed that "war should not be the policy for the settling of disputes nor the purpose of any nation". To that the United States, of course, subscribed both by the signature and by sentiment. But the enforcing it is before us for consideration in its effect upon our countrymen and our property.

Definitions of the Pact

This Pact provides that we shall first decide who in conflict is the "Aggressor". Then such aggressor to be visited with a penalty of on further credit financial,—no further alliances political,—no further associations neighborly. There are no rewards provided in the Pact for those who obey its prescriptions. There is added to the Pact the reservations demanded by each signer that each nation reserved the right to declare war upon any of three grounds; (1) to repel agression; (2) for the maintenance of a purely "domestic policy" in the control of its home affairs (with us—the Monroe Doctrine—or our exclusion laws); (3) in self-defense. Finally there was added by the United State of America and four great countries of Europe and accepted by all the countries parties to the instrument that each nation should decide for itself what was "aggression", what was its "domestic policy" for its own government, and what was its "self-defense".

You will observe that these declarations gave to each country the right to declare war on any nation if they could assign it under any of these titles. You will not forget that all history relates that all wars that have any place in the halls of history from the Dark Ages to this illuminating hour were put upon one of the grounds or sometimes upon all the grounds in these three qualifications to the Pact.

Loans of Money Defeat Enforcement of Pact

Here we inquire why under this Pact there has never been any judgment by the nations against any other nation in conflict or the two or more nations in contests as to who was the 'aggressor" or what it was that made the aggression. And wherever a judgment has been intimated, there has never been concurrence, whether the war be in South and Central America, between Japan and China, or Japan and Russia in Manchuria, or that prevailing now in Ethiopia threatening the great nations with the aspect of a new World War.

We pause merely to note that each nation had its reason and that in most instances was the loss of profit to itself, in finance, in commerce or in territory if it dared pass judgment adverse to any other nation. Note that the expression as against Italy by those who assembled at Geneva claiming Italy to be an "aggressor" promptly divided all and each adopted a qualification to the judgment. Then each by action finally repudiated the judgment. Nor is there anything from Asia that can be said to be an expression of an Asiatic nation adopting the decision.

What Was the Reason of Non-Action by United States

We turn to ask of ourselves what was the reason that this United States, servered from personal compacts and governmental partnerships with nations either in South or Central America or of Asia or of Europe, never pronounced a judgment under the Pact of which they were a party and a member? Why did our United States refuse to put into execution any judgment in any form, either for or against, the war or as opposed to either combatant?

Our Loaning Twenty-Five Billions to European Debtors

As to ourselves, we need but note that the United States had lent to selected governments of the world its money as a war debt that reached twelve billions. In addition to this we lent commercial and industrial enterprises of these countries what reached twelve further billions. There was at stake twenty-five billions of American money. For this money in some form or another, the borrowers issued their securities in the shape of bonds, commercial obligations. These were distrbuted either through sale or exchange to the American citizen investor, to the American business and the American home.

You will see that there is no political Administration that could ever be elected by popular vote that would have ever dared to issue a judgment of "aggressor" against any contesting nation, each of whom was directly indebted to the United States or a partner of those who were indebted and an ally of those who were under obligations or financial character to the United States.

Danger to Adjudge an "Aggressor"

The moment the Government of the United States would declare one of these nations an offender—"aggressor"—and attempt to execute the penalty of cutting off of financial dealings or commercial intercourse, all personal and business association would cease, and promptly that outcast nation would announce: "Since you have now placed me upon the list of the condemned, and destroyed my credit, in what manner do you, the United States, assume you will be able to collect your money?"

Our Government would not only realize that they had not only lost the debt to themselves but by a single stroke had demolished to ashes the securities of these countries which the United States had distributed to the American citizen individually or in his business association.

The result of this would be such a penalty upon our Administration from the sources of political power, both through finance and vote, that the Administration could not survive any moment of future existence. In the meantime the country who had been condemned and its allies would promptly against the United States in resentment and vengeance for having declared against it and in the result provided support and supplies to the antagonists who had been acquitted of aggression or offense.

Then the friends of those condemned would all in union be upon the United States as assailants. If those who were friendly to the viewpoint of the United States aided her in defense of opposition to these assaults, we would again have another World War of Nations. If such did not come to her aid, the United States would be destroyed both in commerce and existence by those against whom she had issued her declaration. Her ships would be fired upon on the seas, her property seized and her nationals throughout the lands travelling in those countries treated as

offenders and violators, and the lives of these promptly sacrificed.

You will see from this the impossibility of the United States—as now situated, from ever executing what is known as the Pact of Paris. And you will wonder why it was ever entered into at the time it was, when you contemplate the relations our county bore as creditor to debtor and the general world attitude advanced against us because of our attempt to hold our rights and collect our debts.

Remedy: Stop Loans of American Money to Foreign Nations

We are confronted with the duty which we must openly avow as the remedy of these situations. It is that before we can go a step further in declaring a policy of international law, we must declare for our American Policy that there shall be no further lending of American money to foreign nations. If needs call for our generosity and our charity, we will supply them as a Christian and humane does a charity. If on the other hand there be those who need provisions of life or commerce, ascertain by appropriate course what are the things the country needs and which would buy with money. Then instead of advancing our money, turn to our factories and to our farmers and obtain the products from ourselves, paying the American money to the American and advance the article and the products to those who seek the provisions and trust such credit as the circumstances would justify.

It will be seen that that which we send out could only come from the surplus as we would see that our own people were supplied before we could gratify the wants of others. Should we fail to collect our money,—true we have lost the goods, but we have not left ourselves in the position again as we are now—the loss of the money and the loss of the friend, and collections only of hatreds and animosities. And to this the fate of no peace but increased hate and multiplied wars.

No League Nor World Court Membership At This Time

Let it be seen that in the present mood of the nations of the earth, a resort to the League of Nations is but to yield to a combination of those who, individually however well meant, in the present day are confronted with such confusions and antagonisms that they can render no decision that is not the expression of political expediency and, if expressed, cannot be enforced by any form or process now prescribed or prevailing.

To the World Court no refuge could be had because the Court is so divided through the control by the League, that the Court is left where its decisions are guided by the policy of what is most profitable to the nations of the Judges who sit in the tribunal or where they feel they will produce from their point of view as little of martial antagonism and less of commercial conflict as possible.

Deal Separately—Nation by Nation

Let us take as final the sacred course as the only remedy fitting to our situation and in harmony with our new doctrine of American International Policy. Let America sit at the table of comradeship, summon each nation that assumes it has a grievance against the United States and under the fulfillment of the Scriptural injunction, "Come let us reason with one another," work out the evils and reduce the subject through concession and mediation to where a compact of confidence and the revival of friendship would follow. After each nation has sat with us and the result obtained, then it is that in conflict between these nations our nations is in the position as the good friend and the good neighbor to summon them, they who are in contest, again around the table. And these, knowing we sought no conquests of territory nor of commerce in trade save by the usual system of friendly competition on merits,—then it is those in the controversy would hear our prescriptions of peace and, glad to avoid that which segregates them from confidence and love of mankind, anxious to preserve their own people and in no wise to be open to the charge that they have surrendered to an enemy or to one who is calculating the time to be the antagonist,—our America through the guidance of our President makes first effort with the sister South American Republics. We summon their cooperation to the vow of all peace for the American Continent. We now call this converted continent to go forth and bring the votaries of devotion to universal peace to spread the faith to the world.

Mediation—and Compromise

May we not authorize our President to invite now the nations that are in conflict within themselves—Spain, China—and those lands in war with their neighbors or their opposites to come to our gates, bid their delegates to sit at our firesides, where they may compose their differences by the mediation of American justice which guarantees liberty of national action and full individual prosperity.

Is it not now that we should summon the nations who were parties to the peace treaty of the World War to send their envoys to the United States, and in our hospitable house of friendship reconsider in the spirit of new brotherhood, then review in cool deliberation,—from which they may revise under the urge of new justice, the terms of the peace pact. Today the world charges that the prescriptions of this compact run in blood vengence. That they express hatred undying, and transmit to generations now living, and those unborn, eternal revenge to be absorbed or gratified in universal murder. To avoid this inheritance upon nations, it is America and her standards that can infuse confidence, engender affection, and prompted by the pursuit of peace and the brotherhood of man, stimulate the creation anew of international concord,—Then these nations, parties to the pact, may again clasp their hands in friendship, and in one new chorus of action sing a refrain dedicated to the success of man and the service of God.

For this, America steps forward and tenders herself as the guide of nations, the director of peace and the salvation of the world.

The PRESIDENT. The Chair wishes to express the thanks of the General Assembly to the Honorable James Hamilton Lewis for the splendid message delivered to us this afternoon, and to you, Governor Earle, for making it possible to have Senator Lewis with us. Thank you.

The business for which the Joint Session of the General Assembly was convened having been transacted, the Joint Session is adjourned, and the Senators will please assemble immediately in the Senate Chamber.

The SPEAKER (Roy E. Furman) in the Chair.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 190, as follows:

An Act to amend clauses (i) and (j) of section four clauses (e) (f) and (j) of section two hundred eight and sections three hundred nine and five hundred seven of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing for certain additional persons to be considered as employers providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jurisdiction of courts of common pleas with respect to summons and subpoenas issued under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (j) of section four of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" are hereby amended to read as follows (i) "Employer" means every (1) individual (2) co-partnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual co-partnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or sub-contractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or sub-contractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or sub-contractor for each day during which said individual is engaged in performing such work except that each such contractor or sub-contractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or sub-contractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor of sub-contractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes entirely without this Commonwealth with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employe or employes included in such election maintain a domicile within this Commonwealth Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) "Employment" means all service performed for remuneration or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operation or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or

consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed or (c) that such individual is customarily engaged in an independently established trade occupation profession business business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

Section 2 That clauses (e) (f) and (j) of section two hundred eight of the said act are hereby amended to read as follows

(e) The secretary shall prescribe by rules and regulations the qualifications to be possessed by persons desiring employment in the various grades of employment in the administration of this act The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making aplication

(f) Every individual desiring employment under the provisions of this act shall file with the board an application which shall be in a form prescribed by the board provided that such application shall be the same for all individuals desiring the same grade of employment and shall be so drawn as to reveal the qualifications as prescribed by the secretary In no case shall the board require of the applicant any information pertaining to his race creed color or political affiliations Upon receiving such application the applicant shall be admitted to the next competitive examination in the grade of employment which he or she seeks Such competitive examinations shall be practical in their character and so far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but no applicant shall be required to be possessed of any specified scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position Such competitive examinations shall be in writing but in arriving at a final rating of applicants for such administrative and professional grades of employment as are so designated by the board the board may take into consideration such experience and personal qualifications as are related to the grades of employment for which applicants are being examined provided that the same standards shall apply with respect to all applicants in the same grade of employment Provided however That in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles

(j) The secretary shall make appointments to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three separate vacancies The third and any additional vacancies shall be filled in like manner

Vacancies in positions subject to the provisions of this section whether such positions be newly created or vacated for any reason by any former incumbent shall be filled in so far as practical by promotions from among employes holding positions in the lower grades In all cases an employe to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act Promotions shall be based on merit and upon the superior qualifications of the employe to be promoted as shown by his or her previous service record under this act The secretary may promote an employe to a higher position to which such emloye has been certified as eligible by the board provided that the board shall in certifying such employe satisfy itself that the employe possesses the qualifications prescribed by the sceretary for the higher position Before making such certification the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe

Section 3 That sections three hundred nine and five hundred seven of the said act are hereby amended to read as follows

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neg-

lects or refuses to pay any contributions due or the interest due thereon the amount due shall be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 507 Procedure where Summons or Subpoenas Disobeyed In case any person refuses fails or neglects to obey a summons or subpoena issued under the authority of this act or fails refuses or neglects to produce any books papers correspondence memoranda or record the department or board or its agent duly authorized in writing may petition the court of common pleas of the county in which the inquiry is being carried on or within which the person summoned or subpoenaed is found or resides or transacts business setting forth the facts whereupon the court shall have jurisdiction to direct such person to appear before the department or its agent or before a referee or the board at a time and place fixed by the court and give such testimony and produce such books papers correspondence memoranda and other records as may be required or to issue to such person its subpoena requiring such person to appear before the court at a time fixed and there to give testimony touching the matter under investigation or to produce such other evidence as may be required

Any person who shall without just cause fail neclect or refuse to obey a subpoena or order of the court or who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books papers correspondence memoranda and other records if it is in his power so to do in obedience to a subpoena or an order of the court may be punished by said court for contempt

Section 4 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin.	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe.	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch.	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1051, as follows:

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the cross current or cross section of any stream or body of water

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" is hereby amended to read as follows

Section 1 That the term "water obstruction" as used in this act includes any dam wall wing-wall wharf embankment abutment projection bridge or similar or analogous structure or any other obstruction whatsoever in along across or projecting into or being in any stream or body of water wholly or partly within or forming part of the boundary of this Commonwealth except the tidal waters of the Delaware River and of its navigable tributaries

The word "construct" shall be taken to mean construct erect build place or deposit

Section 2 That section two of said act is hereby amended to read as follows

Section 2 From and after the passage of this act it shall be unlawful for any person or persons partnership association corporation county city borough town or

township to construct any dam or other water obstruction or to make or construct or permit to be made or constructed any change therein or addition thereto or to make or permit to be made any change in or addition to any existing water obstruction or in any manner to change or diminish the course current or cross section of any stream or body of water wholly or partly within or forming a part of the boundary of this Commonwealth except the tidal waters of the Delaware River and of its navigable tributaries without the consent or permit of the Water and Power Resources Board in writing previously obtained upon written application to said board therefor

Section 3 That section five of said act is hereby amended to read as follows

Section 5 Upon complaint or upon its own initiative the Water and Power Resourses Board shall have power to cause an investigation or examination to be made of any dam or other water obstruction now existing or hereafter constructed If the Board shall determine that such dam or water obstruction is unsafe or needs repair alteration or change in its structure or location or should be removed as being unsafe and not susceptible of repair or for any reason is derogatory to the regimen of the stream the Board shall in writing notify the owner or owners thereof the repair alter change its structure or location or remove the same as the exigencies of the case may require such work to be commenced and proceeded with to completion within such reasonable time as may be prescribed in such notice by the Board And it shall thereupon be and become the duty of such owner or owners to comply with the provisions of such notice

If said owner or owners notified as aforesaid shall neglect or refuse to make such repairs alterations change or changes in structure or location or to cause such removal or if said owner or owners cannot be found or determined then the Board may make such repairs alterations change or changes in structure or location or cause such removal and the Board may thereafter recover in the name of the Commonwealth from the owner or owners the said cost or expense in the same manner as debts are now by law recoverable

It is the Legislative intent that the provisions of this act shall extend to and include all types of water obstructions regardless of the date when they were constructed and whether or not the same were constructed by permission express or implied of the Commonwealth or of any authorized agency thereof and whether temporary or permanent and to all changes in the course current or cross section of any stream or body of water whether such change be temporary or permanent The Water and Power Resources Board is authorized and empowered to hold hearings subpoena witnesses perform any and all such acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bonn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1261, as follows:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended to read as follows

Section 1046 Attorney to Auditors The borough auditors may employ an attorney [in case any disagreement with an official or board of officials whose accounts they are required to audit Such attorney shall not be employed until reasonable effort has been made to reach an agreement and only after notice of such contemplated employment has been given to such official or board] whenever the same is deemed advisable by a majority of the auditors

The compensation of such attorney shall be fixed by the auditors and shall not exceed the sum [of ten dollars per day nor thirty dollars in any case in dispute except whenever an appeal is taken as provided in the preceding sections of this article in which case the court shall fix an additional compensation] payable to one auditor for the making of the annual audit unless a larger compensation shall be specially allowed by a court of record in connection with any proceeding before such

court and shall be payable by the borough out of the general fund of the borough

[The compensation of such attorney shall be paid out of the fund whose settlement is in dispute by warrant drawn by the auditors upon the treasurer of such fund immediately upon the final settlement of the account]

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Vallbus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration and final passage of House Bill No. 9, as follows:

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the protection of the publice safety no person copartnership association or corporation engaged in the so-called coal stripping process by when top earth is removed in order to recover coal lying beneath shall hereafter prosecute such stripping process within one hundred feet of the outer edge of any public highway and such one hundred feet shall be measured from the outer edge of the highway to the top of the opening caused by such stripping process

Section 2 Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than five hundred dollars or more than three thousand dollars or any person or the members of any copartnership or association or the officers and directors of any corporation responsible for such violation shall be imprisoned for a term of not less than thirty days or more than six months or by both such fine and imprisonment in the discretion of the court

Section 3 The Department of Highways and the Department of Mines are hereby charged with the enforcement of this act

Section 4 All laws inconsistent with this act are repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, John A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, James A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Vallbus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1254, as follows:

An Act to amend section five of the act approved the thirty-first dav of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of Article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" as amended changing the dates on which county officers their deputies and clerks shall be paid

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the thirty-first day of March one thousand eight hundred and seventy-six (Pamphlet Laws 13) entitled "An act to carry into effect section five of Article fourteen of the Constitution relative to the salaries of county officers and the payment of fees received by them into the State or county treasury in counties containing over one hundred and fifty thousand inhabitants" as last amended by the act approved the eighteenth day of April one thousand nine hundred and twenty-three (Pamphlet Laws 76) is hereby further amended to read as follows

Section 5 All county officers within the counties to which this act applies whether elected by the people or appointed according to law and their several deputies and clerks shall be paid for their services by fixed and specific salaries which shall be a charge upon the treasury of the county to which each shall respectively belong to the extent (except as hereinafter provided) of the fees collected and paid in by each officer respectively or earned where fees are chargeable upon the county treasury and said salaries shall be paid semi-monthly on the [first and fifteenth days] fifteenth and the last day of the current month [of the month suceeding that] in which his services were rendered but no warrant shall be drawn for the payment of any of said officers his deputies or clerks who shall not have filed the receipt and transcript provided for in this act

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	Melchiorre,	Simon,
Alexander,	Ganser,	Mellott,	Simpson,
Allen,	Gerard,	Merrell,	Skale,
Allmond,	Gillette,	Mihm,	Sloan,
Arnold,	Gorski,	Moomaw,	Smith, John A.,
Atkins,	Habbyshaw,	Mooney,	Smith, James A.,
Aukerman,	Haberlen,	Moran,	Snyder,
Baine,	Hall,	Moul,	Sollenberger,
Baker, F. T.,	Hamilton, F. P.,	Muir,	Spengler,
Baker, J. J.,	Hamilton, R. S.,	Munley,	Sproul,
Bierly,	Harkins,	Murrin,	Stackpole,
Blank,	Harmuth,	Nagel,	Stank,
Bohn,	Hays,	O'Brien,	Stewart,
Boies,	Hering,	O'Connor,	Stockham,
Boltz,	Hess,	O'Keefe,	Strode,
Boose,	Hetrick,	Ominsky,	Terry,
Boyer,	Hindman,	O'Neill,	Thomas,
Bradley,	Hirsch,	Ostroff,	Thompson,
Brigerman,	Holland,	Patterson, C. S.,	Toole,
Broad,	Holmes,	Patterson, J. W.,	Tronzo,
Brown,	Holstrom,	Peale,	Trout,
Brownfield,	Hontz,	Pearson,	Tumelty,
Burrows	Horting,	Perry,	Turner,
Cadwalader,	Huntley,	Pershing,	Vallbus,
Caesar,	Imbrie,	Piole,	VanAllsburg,
Caputo,	Keenan,	Powers,	Vogt,
Chervenak,	Kelso,	Preston,	Wagner,
Coakley,	Kilroy,	Readinger,	Wall,
Cohen, H. B.,	Kline,	Reese,	Wampole,
Coleman,	Krell,	Reising,	Watkins,
Coolahan,	LaRue,	Richter,	Webster,
Corrigan,	Leisey,	Robinson,	Weidemann,
Costanzo,	Levy,	Rothenberger,	Weiss, D. H.,
Davies,	Lewis,	Royer,	Weiss, S. A.,
Decker,	Long,	Ruffennach,	Welliver,
DeNote,	Longaker,	Rush,	Welsh,
Dickinson,	Lopresti,	Sarraf,	Westrick,
Donohoe,	Lovett,	Scanlon,	Whalen,
Dougherty,	Lyons,	Schor,	Whitenight,
Downey,	Marino,	Schrock,	Wilson,
Dubbs,	Matthews, J. F.,	Schrope,	Winner,
Dyson,	McArdle,	Schumacher,	Wood,
Eckels,	McCullough,	Serrill,	Woodside,
Elpern,	McDermott,	Shaw,	Wright,
Falkenstein,	McDevitt,	Shea,	Yanoshat,
Finnerty,	McElroy,	Shepard,	Yeakel,
Fiss,	McFall,	Shoemaker,	Yourishin,
Fitch,	McGee,	Shugarts,	Zappala,
Flanagan,	McKinney,	Siegel,	Furman,
Flannery,	McShane,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1200, as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million five hundred and fifty thousand dollars is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-eight out of the Motor License Fund for expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be apportioned by the Department of Highways among the several counties of this Commonwealth on the basis of the average per mile cost of maintaining the township roads and bridges in the townships of the second class in each county as reported in the annual financial reports of the boards of supervisors to the Department of Highways for the year one thousand nine hundred thirty-two multiplied by the number of miles of second-class township roads in such county as of January first one thousand nine hundred thirty-eight

Of the amount apportioned to the several counties as hereinbefore provided the Department of Highways shall

expend in each of the townships of the second class for the maintenance and repair of township roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such portion of the amount apportioned to the county as the Secretary of Highways shall deem necessary for the proper maintenance and repair of the township roads and bridges in any such county

Section 3 Any surplus of the funds apportioned to a county under this act over the amount required for maintenance and repair may with the approval of the Secretary of Highways be expended in any such county by the Department of Highways in the construction and reconstruction and resurfacing of any township road or bridge in the townships of the second class which is not maintained by the Department of Highways under the provisions of any other law Nothing herein contained shall prevent the use of any of the aforesaid surplus for Federal projects sponsored by the township supervisors and approved by the Secretary of Highways

Section 4 Nothing in this act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-eight for the construction or repair of any highway or structure now under their jurisdiction

Section 5 The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine exclude from the said annual budget and tax levy for road and street purposes any provision for the maintenance and repair of the roads and bridges Nothing herein contained shall prevent any township from making proper provisions for interest sinking fund debt repayment charges snow removal resurfacing construction reconstruction obligations incurred under any contract or agreement such other administrative and overhead expenses as may be necessary and for any other purposes other than for maintenance and repair of the roads and bridges

Section 6 The Department of Highways is hereby authorized to rent from the several second-class townships any road building machinery or equipment now or hereafter owned by such municipality for use under the provisions of this act in the maintenance resurfacing reconstruction and construction of any township road or bridge either in or outside of the legal limits of the township owning the equipment at such rentals or rates as the Department of Highways shall deem reasonable The duly elected road supervisors of each township subject to the approval of the Secretary of Highways may be employed by the Department of Highways in the work to be done under the provisions of this act

Section 7 Any balance of the funds appropriated by this act which shall remain unexpended or unencumbered on January first one thousand nine hundred forty shall lapse upon that date and become a part of the Motor License Fund

On the question,

Shall the bill pass finally?

Mr. HOLSTROM. Mr. Speaker, I ask that this bill be passed over for the present.

The SPEAKER. Will the House give its consent? Is there objection?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Lehigh, Mr. Holstrom.

The SPEAKER. Will the gentleman from Lehigh permit himself to be interrogated?

Mr. HOLSTROM. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, is it the intention of the gentleman from Lehigh to call up House Bill No. 1200 later in the afternoon?

Mr. HOLSTROM. No, it is not, Mr. Speaker.

Mr. TURNER. I have no objection, Mr. Speaker.

The SPEAKER. The Chair hears no objection, and the bill will be passed over.

BILLS ON FINAL PASSAGE

An Act providing for the exclusions from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on the trial of any person accused of the commission of any crime in any court of record of this Commonwealth either the prosecuting attorney or the defendant or his attorney may either before any testimony is taken or at any time during the course of the trial apply to the court for an order that any or all of the witnesses on either or both sides be sworn and placed in the custody of an officer and removed out of the court room to some place where they cannot hear the testimony given by any other witness in the cause Such procedeing shall be known and is hereinafter referred as placing witnesses under rule

Section 2 The party making application to have witnesses placed under rule may designate such of the witnesses as he desires placed under rule It shall be within the sole discretion of the court whether or not any witnesses and if any what witnesses shall be placed under rule except in cases of trial for homicide in which all applications shall be granted as made Provided however That in no case shall any witness called to give expert or opinion testimony only be placed under rule

Section 3 Witnesses when placed under rule shall be instructed by the court that they shall not while under rule converse with each other or with any person about the case except by permission of the court and except that defendant's witnesses may at any time and without leave of court converse about the case with the defendant and his attorney and Commonwealth witnesses may at any time and without leave of court converse about the case with the prosecuting attorney and that they shall not read any report of or comment upon the testimony in the case The officer who attends the witnesses under rule shall report to the court at once any violation of its instructions Any person violating any such instructions and any officer attending any witnesses under rule who converses with such witness about the case or who knowingly permits or fails to report any violation of such instructions shall be in contempt of court and punishable a such

Section 4 All witnesses under rule shall at all times be attended by an officer and all their reasonable wants shall be provided for at the expense of the county unless the court in its discretion directs that they be allowed to go at large but in no case shall any witness under rule be allowed to hear any testimony in the case

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

Section 6 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flinchbaugh,	McKinney,	Shugarts,
Alexander,	Ganser,	McShane,	Siegel,
Allen,	Gerard,	Melchiorre,	Simon,
Allmond,	Gillette,	Mellott,	Simpson,
Arnold,	Gorski,	Merrell,	Skale,
Atkins,	Habbyshaw,	Mihm,	Sloan,
Aukerman,	Haberlen,	Moomaw,	Smith, John A.,
Baine,	Hagerty,	Mooney,	Smith, James A.,
Baker, F. T.,	Hall,	Moran,	Snyder,

Baker, J. J.,	Hamilton, F. P.,	Moul,	Sollenberger,
Bierly,	Hamilton, R. S.,	Muir,	Spengler,
Blank,	Harkins,	Munley,	Stackpole,
Bohn,	Harmuth,	Murrin,	Stank,
Boles,	Hays,	Nagel,	Stewart,
Boltz,	Hering,	O'Brien,	Stockham,
Boose,	Hess,	O'Connor,	Strode,
Boyer,	Hetrick,	O'Keefe,	Terry,
Bradley,	Hindman,	Ominsky,	Thomas,
Brigerman,	Hirsch,	O'Neill,	Thompson,
Broad,	Holland,	Ostroff,	Toole,
Brown,	Holmes,	Patterson, C. S.,	Tronzo,
Brownfield,	Holstrom,	Patterson, J. W.,	Trout,
Burrows,	Hontz,	Peale,	Tumelty,
Cadwalader,	Horting,	Pearson,	Turner,
Caesar,	Huntley,	Perry,	Valibus,
Caputo,	Imbrie,	Pershing,	VanAllsburg,
Chervenak,	Keenan,	Piole,	Vogt,
Coakley,	Kelso,	Powers,	Wagner,
Cohen, H. B.,	Kilroy,	Preston,	Wall,
Coleman,	Kline,	Readinger,	Wampole,
Coolahan,	Kroll,	Reese,	Watkins,
Corrigan,	LaRue,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Marino,	Schor,	Winner,
Dyson,	Matthews, J. F.,	Schrock,	Wood,
Eckels,	McArdle,	Schrope,	Woodside,
Elpern,	McCullough,	Schumacher,	Wright,
Falkenstein,	McDermott,	Serrill,	Yanoshat,
Finnerty,	McDevitt,	Shaw,	Yeakel,
Fiss,	McElroy,	Shea,	Yourishin,
Fitch,	McFall,	Shepard,	Zappala,
Flanagan,	McGee,	Shoemaker,	Furman,
Flannery,			

NAYS—2

Sproul,	Weidemann,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1416 (Senate Bill No. 177), as follows:

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors and prohibiting minors from purchasing or attempting to purchase the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or officer to hire or induce any minor to purchase or offer to purchase spirituous vinous or brewed and malt liquors from a duly licensed dealer for the purpose of obtaining evidence to be used in any legal proceedings against said licensed dealer Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to suffer imprisonment not exceeding one year or both at the discretion of the court

Section 2 It shall be unlawful for any minor by himself or herself or by or through any other person or persons to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any spirituous vinous or brewed or malt liquors from any Pennsylvania liquor store or from person partnership association or corporation whether or not licensed to sell or dispense the same within this Commonwealth

Any minor violating any of the provisions of this section shall upon summary conviction thereof be sentenced to pay a fine of not more than fifty dollars ($50) or to undergo imprisonment for not more than fifteen days or both Provided That all complaints against minors subject to the jurisdiction of the juvenile courts shall be referred to such court and shall be disposed of in accordance with the laws relating to such courts

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, John A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, James A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, J. W.,	Tronzo,
Brown,	Holmes,	Patterson, C. S.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill

from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1156.

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1 , page 15, by striking out in lines 6 and 7 the following: "September second (one of them being in July and another in August and the third day being September first)" and inserting in lieu thereof the following: "the thirtieth day previous to the primary election to be held in the year one thousand nine hundred thirty-seven (one of them being in June and another in July and the third day being in August)"; also in line 9, by striking out the words "September second" and inserting in lieu thereof the words "the thirtieth day previous to the primary;" also on page 16, line 6, by inserting after the word "least" the words "one day and not more than."

Amend section 17, page 23, by striking out in line 18 the word "and"; also same line by inserting after the word "thereof" the words "and the serial number of his registration card."

Amend section 36, page 4 , by inserting after the word "elections" in line 17 the following: "Provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identify and required to make the affidavit and produce the evidence as provided in sub-section (c) of this section."

Amend section 1, page 53, by striking out at the beginning of line 25, the word "in."

Amend section 43, page 55, line 27, by striking out the word "petitioned" and inserting in lieu thereof the word "petitioning."

On the question,

Will the House agree to the amendments made by the Senate?

Mr. LOVETT. Mr. Speaker, I move that the House concur in the amendments made by the Senate.

Mr. TURNER. Mr. Speaker, House Bill No. 1156 is a very important bill so far as a great many of our counties are concerned. It seems to me, inasmuch as these amendments are rather extensive, that concurrence should be passed over for the present time to give us an opportunity to study these amendments.

The SPEAKER. The only thing before the House is the motion of the gentleman from Westmoreland.

Mr. TURNER. I do not want to move to lay it on the table.

The SPEAKER. For the information of the gentleman from Delaware the bill has been on file since April 19th.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman from Delaware will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, as I understand it, the bill has been returned from the Senate with the information that amendments have been made, in which the concurrence of the House is requested.

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, do I understand that the Chair has submitted that to the House?

The SPEAKER. That is correct.

Mr. TURNER. Mr. Speaker, does the Chair not have the power to withdraw that submission for the present?

The SPEAKER. The matter was submitted to the House and the sponsor of the bill has made a motion that the House do concur in the amendments of the Senate.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Westmoreland, Mr. Lovett.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated?

Mr. LOVETT. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, will the gentleman from Westmoreland withdraw his motion to concur at this time?

Mr. LOVETT. For what reason, Mr. Speaker?

Mr. TURNER. Mr. Speaker, to give us an opportunity to look at these amendments.

Mr. LOVETT. Mr. Speaker, I understand that the amendments that were put in the bill by the Senate are very simple.

Mr. TURNER. That may be true, Mr. Speaker, but is there any necessity for speed on this bill?

Mr. LOVETT. Yes, Mr. Speaker, due to the fact that the time is drawing very near for having registration.

Mr. TURNER. Mr. Speaker, may I require of the gentleman from Westmoreland when is the time set under the bill?

Mr. LOVETT. Mr. Speaker, it becomes effective immediately upon the signing of the bill by the Governor.

Mr. TURNER. Mr. Speaker, may I ask the gentleman from Westmoreland when is the next election?

Mr. LOVETT. Mr. Speaker, the gentleman is asking me a question the answer to which he knows.

Mr. TURNER. Mr. Speaker, I am asking the gentleman from Westmoreland. Perhaps I don't know, perhaps he doesn't know.

Mr. LOVETT. Mr. Speaker, perhaps I don't.

Mr. TURNER. Mr. Speaker, then it is admitted that neither one of us knows. It is in September.

Mr. SAMUEL A. WEISS. Mr. Speaker, if the gentleman from Delaware, Mr. Turner, will transfer his interrogation to me for a moment or two I may be able to answer some of his questions.

The SPEAKER. Will the gentleman from Westmoreland yield to the gentleman from Allegheny?

Mr. LOVETT. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, my question to the gentleman from Westmoreland was, what is the necessity for speed. A delay of a day or two or three or four days

will not make very much difference as far as the bill is concerned.

Mr. SAMUEL A. WEISS. Mr. Speaker, the reason for speed in the passage of this measure is to avoid the expense of having the assessors, who begin their work the first week in May, throughout the month, going out and imposing a tremendous expense upon the county, whereas the bill becoming effective immediately the different municipalities can speed up the machinery for permanent registration in the various counties. There will be an expense incurred in setting up the machinery but we do not want to double the expense by holding this over for a week or so and delay the signing of this measure by the Governor, and this will give an opportunity to the assessors to begin their work.

Mr. TURNER. Mr. Speaker, certainly the county commissioners in any county of the State are not going to set up any machinery under the old acts to have the registration when they know that there is a bill which has now passed the Senate and is ready for final action. I cannot see why you cannot lay it over until tomorrow and give us an opportunity to look at it.

Mr. SAMUEL A. WEISS. Mr. Speaker, I might say, in answer to the gentleman from Delaware, that the bill is almost identically as it was when it passed this House This bill is similar to the permanent registration bill affecting second class cities, second class cities "A," first class cities and second class cities. Permanent registration throughout the Commonwealth is now uniform.

Mr. TURNER. Mr. Speaker, I have the greatest respect for the word of the gentleman from Allegheny. I do not doubt for a moment that he understands just what has been done, but at the same time I do not believe that in a matter so important as this that this bill ought to go through without our having a chance to see what it is. A delay of a few days will not make a very decided difference.

Mr. SAMUEL A. WEISS. Mr. Speaker, the act absolutely requires the assessors to begin their work the first of the month. If there is any delay in the enactment of this measure the taxpayers back home will be holding the bag and the commissioners will be compelled to pay the assessors for their work, regardless of the time they put in. I think this bill, being identical to all the measures which have been voted upon and passed by this House, that we should concur in the motion of the gentleman from Westmoreland.

MOTION TO LAY ON THE TABLE

Mr. TURNER. Mr. Speaker, in view of the fact that the gentleman will not withdraw his motion to concur, I move you that the motion be laid upon the table, and I ask for a roll call.

On the question,

Will the House agree to the motion?

Mr. ALEXANDER. Mr. Speaker, may I interrogate the gentleman from Allegheny, Mr. Weiss?

The SPEAKER. The motion is not debatable unless the motion to lay on the table is withdrawn.

Mr. ALEXANDER. Mr. Speaker, may I have unanimous consent of the House to interrogate the gentleman from Allegheny, Mr. Weiss?

Mr. SAMUEL A. WEISS. Mr. Speaker, I will consent to have the Congressman interrogate me.

Mr. TURNER. Mr. Speaker, I thought I made a motion to lay it on the table.

The SPEAKER. That is correct. The Chair has stated that the motion is not debatable unless the motion that you made is withdrawn.

Mr. TURNER. Mr. Speaker, I will be willing to withdraw my motion in order to give the gentleman from Mifflin an opportunity to interrogate, with the understanding that I shall have an apportunity immediately to renew my motion.

Mr. ALEXANDER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, may I ask the gentleman from Allegheny when is the effective date of this permanent registration bill?

Mr. SAMUEL A. WEISS. Immediately, Mr. Speaker.

Mr. ALEXANDER. Mr. Speaker, may I ask the gentleman from Allegheny whether or not in his opinion this would have any effect on the voters in a district where a special election will be held within the next two weeks? I am asking that question for this reason: would there be a state of confusion at the time this election would be held, which will be May 11, concerning the voters and their attitude towards permanent registration.

Mr. SAMUEL A. WEISS. Mr. Speaker, I do not think that this act will have any effect upon any special election held between now and the primary or the general election this fall, the municipal election this fall.

Mr. ALEXANDER. Mr. Speaker, here is the idea that I wish to express: If there should be any confusion concerning the registration upon the passage of this bill it may be embarrassing for candidates who will be up for election at that time, and that is the reason I am anxious to know, because as one of those candidates I am very much concerned in this next special election.

Mr. SAMUEL A. WEISS. Mr. Speaker, let me say to the Congressman that the act provides and sets up the machinery for the different registration days throughout the month of June and September. I think there are three registration days, although more can be had upon petition of qualified electors, in order to set up the machinery for permanent registration prior to the primary election this fall. I do not believe there will be any state of confusion as to any permanent registration being required in order to qualify electors to cast their ballots at a special election.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker,—

Mr. SAMUEL A. WEISS. Mr. Speaker, if the gentleman from Delaware will yield I will make a motion that we lay the motion together with the bill upon the table.

Mr. TURNER. Mr. Speaker, before yielding I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I was unable to hear most

of the interrogation by the gentleman from Mifflin in reference to the May 11th election, but it would seem to me that the gentleman has raised a very important question, if this bill is signed now and goes into effect immediately, unless there is some protecting provision in it, whether it would not require the voters for that election to be registered according to this act. I think that that is an added reason why this should be laid upon the table. I hadn't thought of that question, but I would like to ask the gentleman from Allegheny his opinion.

SENATE MESSAGE AND BILL LAID ON TABLE

Mr. SAMUEL A. WEISS. Mr. Speaker, just for the reason raised by the gentleman from Delaware and raised by the Congressman from Mifflin, I move you that we place the bill, together with the Senate message upon the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 108.

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment election and salaries of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court and the municipal court of Philadelphia and for the transfer of certain actions pending in said courts and repealing existing laws

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 11, by striking out after the word "court" the word "and"; also in line 12, by inserting after the word "Philadelphia" the words "and other courts".

Amend section 5, page 4, line 21, by inserting after the word "Powers" the word "and"; also in line 22, by striking out after the word "Judge" the words "of President Judge".

Amnd section 14, page 12, line 8, by inserting after the word "All" the word "those"; also in line 11, by inserting after the word "sessions" the words "of the peace"; also in line 12, by inserting at the beginning of the line after the word "County" the words "or juvenile"; also in line 22, by striking out after the word "any" the word "State"; also in same line by striking out after the word "ordinance" the word "of"; also in same line by striking out the words "the city"; also in line 23, by striking out the words "of Philadelphia"; also in line 26, by inserting at the beginning of the line after the word "county" the words "or juvenile"; also on page 14, line 4, by inserting after the word "proceedings" the words "against all disorderly children and all actions and proceedings"; also in line 10 by striking out the words "and against all disorderly children"

Amend section 15, page 15, line 23, by inserting after the word "Sessions" the words "of the peace or courts of oyer and terminer and general jail delivery."

Amend section 16, page 16, by striking out at the end of line 25 the letter "A"; also in line 7 by inserting after the word "delivery" the word "A".

Amend section 17, page 18, by striking out in line 10 after the word "shall" the letter "(a)".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Pershing,	Valibus,
Caesar,	Huntley,	Piole,	VanAllsburg,
Caputo,	Imbrie,	Powers,	Vogt,
Chervenak,	Keenan,	Preston,	Wagner,
Coakley,	Kelso,	Readinger,	Wall,
Cohen, H. B.,	Kilroy,	Reese,	Wampole,
Coleman,	Kline,	Reising,	Watkins,
Colahan,	Kroll,	Richter,	Webster,
Corrigan,	LaRue,	Robinson,	Weidemann,
Costanzo,	Leisey,	Rothenberger,	Weiss, D. H.,
Davies,	Levy,	Royer,	Weiss, S. A.,
Decker,	Lewis,	Ruffennach,	Welliver,
DeNote,	Long,	Rush,	Welsh,
Dickinson,	Longaker,	Sarraf,	Westrick,
Donohoe,	Lopresti,	Scanlon,	Whalen,
Dougherty,	Lovett,	Schor,	Whitenight,
Downey,	Lyons,	Schrock,	Wilson,
Dubbs,	Matthews, J. F.,	Schrope,	Winner,
Dyson,	McArdle,	Schumacher,	Wood,
Eckels,	McCullough,	Serrill,	Woodside,
Elpern,	McDermott,	Shaw,	Wright,
Falkenstein,	McDevitt,	Shea,	Yanoshat,
Finnerty,	McElroy,	Shepard,	Yeakel,
Fiss,	McFall,	Shoemaker,	Yourishin,
Fitch	McGee,	Shugarts,	Zappala,
Flanagan,	McKinney,	Siegel,	Furman,
Flannery,			

NAYS—2

Marino,	Perry,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1130.

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one section two hundred two sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees regulating closed seasons on boundary lakes and conferring additional police powers on fish wardens.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by striking out in lines 2 and 3 the words "section two hundred two"; also on page 2 of the title by inserting at the beginning of line 10 after the word "fees" the word "and"; also same page by striking out in lines 10 and 11 of the title the words "and conferring additional police powers on fish wardens."

Amend section 1, page 3, by striking out all of lines 11 and 12 as follows: "(c) Pickerel not more than five tip-ups when fishing only through a hole in the ice" and inserting in lieu thereof the following: "(c) Pickerel not more than five tip-ups when fishing only through holes in the ice."

Amend section 2, page 5, by striking out in lines 3 to 7 inclusive the following: "Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed while fishing through a hole in the ice" and inserting in lieu thereof the following: "Provided however That pickerel may be caught and taken not exceeding the daily creel limits fixed by this act during the months of December and January but only when tip-ups are employed while fishing through holes in the ice."

Amend bill, page 6, by striking out all of lines 6 to 28 inclusive as follows: "Section 4 That section two hundred two of said act is hereby amended to read as follows

Section 202 Penalty Any person violating the preceding provisions of this article shall be guilty of a misdemeanor and on conviction [as provided in chapter fourteen of this act] shall be sentenced to pay a fine of not less than one hundred dollars and if more than ten fish are killed as the result of such violation then the penalty shall be ten dollars for each fish killed and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners is authorized to accept settlment of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder"

Amend section 5, page 7, by striking out at the beginning of line 1 after the word "Section" the figure "5" and inserting in lieu thereof the figure "4".

Amend section 6, page 8, by striking out at the beginning of line 16 after the word "Section" the figure "6" and inserting in lieu thereof the figure "5".

Aemnd section 7, page 9, by striking out at the beginning of line 27 after the word "Section" the figure "7" and inserting in lieu thereof the figure "6".

Amend section 8, page 10, by striking out at the beginning of line 23 after the word "Section" the figure "8" and inserting in lieu thereof the figure "7".

Amend bill, page 11, by striking out all of lines 23 to 29 inclusive as follows: "Section 9 That section two hundred fifty-six of said act is hereby amended to read as follows

Section 256 Powers of Fish Wardens A fish warden shall have power

(a) To enforce all the laws of the Commonwealth relating to fish (b) to execute all warrants and search-warrants for the violation of the fish laws (c) to serve" also on page 12 by striking out all of lines 1 to 28 inclusive as follows: "subpoenas issued for the examination investigation and trial of all offenses against the laws relating to fish (d) to carry firearms or other weapons in the performance of his duties (e) to search without warrant any boat conveyance vehicle fish-box bag coat basket or other receptacle for fish when he has reason to believe that any provision of any law of this Commonwealth relating to fish has been violated (f) to seize and take possession of any and all fish which may have been caught taken or killed at any time in any manner or for any purpose or had in possession or under control or have been shipped or about to be shipped contrary to the laws of this Commonwealth fish so seized shall be disposed of in any manner as the Commissioner may direct (g) to enter upon any land or water in the performance of his duty (h) to demand and secure proper assistance in case of emergency (i) to purchase fish for the purpose of securing evidence (j) to stop and inspect or search at any time without warrant any vehicle or conveyance and its occupants or contents being operated or standing upon or along a public highway within this Commonwealth provided however such officer shall be in uniform and display his badge or other insignia of identity and shall state to the person in charge of said vehicle or conveyance the purpose of the inspection or search (k) to inspect or search at any time without warrant and examine any clothing worn by any person or any boat conveyance or vehicle of any type or kind whether attached or detached" also on page 13 by striking out all of lines 1 to 14 inclusive as follows: "to another conveyance or vehicle or any creel or other receptacle for fish when such officer has made known his official identity and the cause for such inspection or search (l) to inspect or search at any time without warrant any camp tent cabin or detached automobile trailer or truck being used in whole or in part as a permanent or temporary abode for the purpose of fishing or a dwelling house tavern boarding house or hotel or the dwelling house or outbuildings of a caretaker of a camp or boarding house being used in whole or in part either temporarily or permanently for the purpose of fishing or harboring fishermen when such officer has made known his official identity and the cause for such inspection or search to the person or persons in charge of such property"

Amend section 10, page 13, by striking out at the beginning of line 15 after the word "Section" the figures "10" and inserting in lieu thereof the figure "8".

Amend section 11, page 15, by striking out at the beginning of line 8 after the word "Section" the figures "11" and inserting in lieu thereof the figure "9".

Amend section 12, page 18, by striking out at the beginning of line 26 after the word "Section" the figures "12" and inserting in lieu thereof the figures "10".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Flinchbaugh	McShane,	Siegel,
Alexander,	Ganser,	Melchiorre	Simon,
Allen,	Gerard,	Mellott,	Simpson,
Allmond,	Gillette,	Mihm,	Skale,
Arnold,	Gorski,	Moomaw,	Sloan,
Atkins,	Haberlen,	Mooney,	Smith, James A.
Aukerman,	Hagerty,	Moran,	Smith, John A.
Baine,	Hall,	Moul,	Snyder,
Baker, J J.,	Hamilton, F. P.,	Muir,	Spengler,
Bierly,	Hamilton, R. S.,	Munley,	Sproul,
Blank,	Harkins,	Murrin,	Stackpole,
Bohn,	Harmuth,	Nagel,	Stank,
Boles,	Hays,	O'Brien,	Stewart,
Boltz,	Hering,	O'Connor,	Stockham,
Boose,	Hess,	O'Keefe,	Strode,
Boyer,	Hetrick,	Ominsky,	Terry,
Bradley,	Hindman,	O'Neill,	Thomas,
Brigerman,	Hirsch,	Ostroff,	Thompson,
Broad,	Holland,	Patterson, C. S.,	Toole,
Brown,	Holmes,	Patterson, J. W.,	Tronzo,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	Leisey,	Richter,	Weidemann,
Costanzo,	Levy,	Robinson,	Weiss, D. H.,
Davies,	Lewis,	Rothenberger,	Weiss, S. A.,
Decker,	Long,	Royer,	Welliver,
DeNote,	Longaker,	Ruffennach,	Welsh,
Dickinson,	Lopresti,	Rush,	Westrick,
Donohoe,	Lovett,	Sarraf,	Whalen,
Dougherty,	Lyons,	Scanlon,	Whitenight,
Downey,	Marino,	Schor,	Wilson,
Dubbs,	Matthews, J. F.,	Schrock,	Winner,
Dyson,	McArdle,	Schrope,	Wood,
Eckels,	McCullough,	Schumacher,	Woodside,
Elpern,	McDermott,	Serrill,	Wright,
Falkenstein,	McDevitt,	Shaw,	Yanoshat,
Finnerty,	McElroy,	Shea,	Yeakel,
Fiss,	McFall,	Shepard,	Yourishin,
Fitch	McGee,	Shoemaker,	Zappala,
Flanagan,	McKinney,	Shugarts,	Furman,
Flannery,			

NAYS—5

Baker, F. T.,	LaRue,	Merrell,	Trout,
Habbyshaw,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1361.

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment, The Clerk read the amendment as follows:

Amend section 1, page 2, by striking out at the beginning of line 6, the word "sixty" and inserting in lieu thereof the word "forty-five".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Terry,
Boose,	Hess,	O'Keefe,	Strode,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1359.

An Act to amend section one thousand and nine of the

act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred and six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 2, by striking out in line 5 the word "sixty" and inserting in lieu thereof the word "forty-five".

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. P.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDMENTS INSISTED UPON BY SENATE TO HOUSE BILL No. 555

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 555, entitled:

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

Mr. BLANK. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 555, Messrs. Dubbs, Blank and Perry.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 4.

An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miner's examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation

SENATE BILL No. 305.

An Act to amend the act, approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies.

SENATE BILL No. 589.

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief

appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 108.

An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said court and of the judges thereof and prescribing the procedure therein providing for the appointment election and salaries of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for the transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court the municipal court of Philadelphia and other courts and for the transfer of certain actions pending in said courts and repealing existing laws

HOUSE BILL No. 1130.

An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes

HOUSE BILL No. 1304.

An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom" as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon porperty benefited by a subsequent permanent improvement upon credit being given for the prior assessment

HOUSE BILL No. 1635.

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-four) entitled as amended "An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties" as amended and re-enacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties

HOUSE BILL No. 1359.

An Act to amend section one thousand and nine of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred and six), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," extending the time within which appeals from auditors' reports may be taken.

HOUSE BILL No. 1361.

An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred and three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" extending the time within which appeals from auditors' reports may be taken

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILL INTRODUCED AND REFERRED

By Mr. YOURISHIN. HOUSE BILL No. 2206.

An Act to provide revenue by imposing a State excise tax on iron ore, crude petroleum and natural gas extracted or severed from the earth within this Commonwealth; providing for the collection and lien of the tax and the disposition of the revenue derived therefrom; conferring powers and imposing duties on certain persons, associations, partnerships, corporations and State departments; and imposing penalties.

Referred to the Committee on Ways and Means.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 670. (HOUSE BILL No. 2207).

An Act to further amend section 4 of the act approved the seventh day of August 1936 (Pamphlet Laws 106) entitled "An act relating to flood control prescribing the powers and duties of the Water and Power Resources Board of the Department of Forests and Waters in relation to the creation of flood control districts adoption of plans for flood control works and improvements carrying into effect of such plans assistance aid and cooperation with public and private agencies and the Federal Government in Federal flood control works and improvements and entering into compacts and agreements with other states for flood control works and improvements conferring the power of eminent domain imposing certain charges upon the Commonwealth providing for appeals and conferring certain powers on municipalities counties and townships the Department of Highways and the Department of Property and Supplies" by providing for recording of completed suitable plans and the effect thereof as constructive notice to owners of property taken damaged or destroyed.

Referred to the Committee on Forestry.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 4.

An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation

SENATE BILL No. 305.

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies

SENATE BILL No. 589.

An Act fixing the number qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws

SENATE BILL No. 573.

An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties" as amended extending the time during which application may be filed for veterans' compensation

SENATE BILL No. 626.

An Act to amend section one of the act approved the fourteenth day of April, one thousand nine hundred and thirty-one (P. L. 38), entitled as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

HOUSE BILL No. 500 MADE A SPECIAL ORDER

Mr. MORAN. Mr. Speaker, I move that House Bill No. 500, Printer's No. 635, entitled:

An Act relating to local taxation establishing a system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of county borough town township school and poor taxes with certain exceptions through the county treasurers as county tax collectors and city tax collectors in cities of the second class A and third class providing for a referendum to ascertain the will of the electors in each county (except counties of the first class) as to the acceptance of this act providing that the act shall apply to all of the aforesaid counties in the event the referendum provisions are held unconstitutional defining the rights powers and duties of the collectors of county borough town township school and poor district taxes in certain counties defining the rights powers and duties of such taxing units regulating the date of making and certifying of tax levies abolishing the office of county borough town township school and poor district tax collectors except county treasurers and certain tax collectors in cities upon the expiration of existing terms and in cases of vacancies imposing certain duties upon the Department of Internal Affairs defining certain criminal offenses imposing penalties and creating liens and repealing existing laws

on page 14 of today's calendar, bills on final passage postponed be made a special order of business on Monday, April 26, 1937 at 10:00 p. m.

The motion was agreed to.

USE OF HALL OF HOUSE GRANTED

Mr. YOURISHIN. Mr. Speaker, I move that the use of the Hall of the House be granted to the Committee on Labor for a public hearing on Senate Bills Nos. 639 and 640 on Monday, April 26, 1937, between the hours of 2:00 and 4:00 p. m.

The motion was agreed to.

HOUSE BILL No. 1574 MADE A SPECIAL ORDER

Mr. ARNOLD. Mr. Speaker, I move that House Bill No. 1574, Printer's No. 651, entitled:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commissions defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

on page 5 of today's calendar, bill on third reading be made a special order of business on Monday, April 26, 1937 at 9:30 p. m.

The motion was agreed to.

HOUSE BILL No. 1640 MADE A SPECIAL ORDER

Mr. SCHOR. Mr. Speaker, I move that House Bill No. 1640, Printer's No. 487, entitled:

A Supplement to the act, approved the second day of June, one thousand nine hundred fifteen (P. L. 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing a compulsory system and schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties;" as amended and re-enacted, providing for the inclusion of occupational diseases within the scope thereof, and providing definitions, provisions and procedure related to such diseases, and making an appropriation.

on page 14 of today's calendar, bills on final passage postponed, be made a special order of business on Monday, April 26, 1937, at 10:30 p. m.

The motion was agreed to.

BILL PASSED OVER

There being no objection House Bill No. 2144, Senate Bill No. 651, Printer's No. 172, was passed over at the request of Mr. OMINSKY.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG asked permission for the Committee on Labor to meet during the session of the House.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG. Mr. Speaker, I ask permission of the House to have a meeting of the Committee on State Board in Room 101 during the session rather than after the session.

The SPEAKER. Will the House grant permission for the committee to meet during the session? Is there objection?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Philadelphia, Mr. Long.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. LONG. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, will the gentleman state the purpose of the meeting?

Mr. LONG. Mr. Speaker, the meeting is to take up the regular work of the committee. A meeting was posted and has been posted for the past two days for a meeting after today's session. For the convenience of the members I have been requested to try and hold that meeting during the session rather than after the session.

Mr. TURNER. Mr. Speaker, in view of the fact that the House is very light and that a great many members have gone home, it seems to me that it would be a bad time for the committee to transact general business. If the gentleman from Philadelphia had some particular piece of legislation which it was necessary to expedite I would agree, but under the circumstances I will have to object.

Mr. LONG. Mr. Speaker, if the gentleman has objections I will hold the meeting at the regular time scheduled, after today's session, but it was merely for the convenience of the members that I wished to make the change.

Mr. TURNER. Mr. Speaker, I do not see any difference between holding it after the session and holding it now as a meeting of the committee. I withdraw my objection.

The SPEAKER. The Chair hears no objection, and permission is granted.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1981, as follows:

An Act to amend the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the Public Health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" further regulating the manufacture importation and sale of such products providing for injunctions and changing the penalties prescribed

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two three four nine and ten of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1116) entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture sale offering for sale exposing for sale and having in possession with intent to sell of adulterated or deleterious ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice including coated ice cream and the coating thereof fixing standards for ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit ice and to prevent the sale of imitation ice cream and defining said imitation ice cream providing penalties for the violation thereof and providing for the enforcement thereof" are hereby amended to read as follows

Section 2 (a) It is unlawful for any person association partnership or corporation by himself herself itself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice including coated ice cream and the coating thereof which is adulterated within the meaning of this act or to sell offer for sale or expose for sale or have in possession with intent to sell any imitation ice cream ice cream substitute or coated imitation ice cream as defined in this act

(b) It is unlawful for any person association partnership or corporation by himself herself itself or themselves or by his her or their agents servants or employes to sell offer for sale expose for sale or have in possession with intent to sell any ice cream custard ice cream french ice cream french custard frozen custard sherbets ices or fruit ices which are not registered with the Department of Agriculture as required in this act The possession of any such non-registered product shall be deemed prima facie evidence of an intent to sell the same

(c) It is unlawful to import into this Commonwealth for sale any ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice including coated ice cream unless the same are registered with and the manufacturer thereof has been licensed by the Department of Agriculture as provided in this act

Section 3 Ice cream custard ice cream french ice cream french custard frozen custard sherbet ice and fruit

ice and the coating thereof shall be deemed to be adulterated within the meaning of this act

First If it contains boric acid formaldehyde saccharin or any other added substance or compound that is deleterious to health

Second If it contains salts of copper iron oxide ochres or any coloring substance deleterious to health Provided That this paragraph shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes

Third If it contains any deleterious flavoring matter or flavoring matter not true to name

Fourth, If it contains any fats oils or paraffin other than milk fats added to or blended or compounded with it Provided however That chocolate ice cream and the coating of coated ice cream may contain cocoa butter

Fifth If it is an imitation ice cream ice cream substitute or coated imitation ice cream as defined in this act

Sixth If it is offered for sale from any container compartment or cabinet which contains any article other than ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice

Seventh If it falls below the standards or any of them fixed for the particular product by the definition thereof contained in this act or is falsely labeled or labeled contrary to the provisions of this act

Eighth If it is manufactured under conditions not in conformity with the provisions of section five of this act

Ninth If it contains less than one and eight-tenths (1.8) pounds total food solids per gallon in the finished product or weighs less than four and seventy-five hundredths (4.75) pounds per gallon or if smaller units shall contain a proportionate amount of total food solids of less than three and six-tenths (3.6) avoirdupois ounces per fluid pint and weigh less than nine and five-tenths (9.5) avoirdupois ounces per fluid pint

Section 4 It is unlawful for any person association partnership or corporation to sell offer for sale expose for sale or have in possession with intent to sell any ice cream custard ice cream french ice cream french custard frozen custard sherbets ices or fruit ices in any container which is falsely labeled or branded as to the name of the manufacturer thereof or to use the words "home made" or words of similar import in connection therewith unless the same has been manufactured in a bona fide home under bona fide home conditions or to misrepresent in any way the place of manufacture thereof or to fail to place on each original container or package the name and address of said manufacturer preceded by the words "manufactured by" or followed by the word "manufacturer" or to sell at retail said products unless the name and address of the manufacturer thereof is prominently and conspicuously displayed so that the same may be readily seen by purchasers of such products

It is unlawful for any person to use or cause or allow to be used any equipment cabinet can or other container belonging to one manufacturer for the purpose of preserving or holding any ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice manufactured by another manufacturer or for any person manufacturer or employe or agent of any manufacturer to knowingly supply or place or deposit ice cream custard ice cream french ice cream french custard frozen custard sherbet ice or fruit ice of one manufacturer in any equipment cabinet can or other container belonging to another manufacturer It is unlawful for any person other than the owner to remove erase obliterate cover or conceal any manufacturer's or owner's name insignia device or distinguishing mark which may appear or be placed on any ice cream equipment cabinet can or other container

Section 9 (a) Any person association partnership or corporation violating any of the provisions of this act or any rule or regulation of the Department of Agriculture made pursuant thereto shall [be guilty of a misdemeanor and] for the first or second offense upon conviction thereof [shall] in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) and costs of prosecution or in default of such fine and costs in the case of an individual or the officers and members of an association partnership or corporation to undergo an imprisonment in the county jail of not less than thirty (30) days nor more than sixty (60) days [or both] and for a third or subsequent offense shall be guilty of a misdemeanor and sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or in the case of an individual or the officers and members of an association partnership or corporation to undergo an imprisonment not exceeding one year or both in the discretion of the court

All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid [to the Department of Agriculture and when so collected and paid shall thereafter be paid] into the State Treasurery through the Department of Revenue [for the use of the Commonwealth] and credited to the General Fund

(b) The Attorney General at the request of the department may in the name of the Commonwealth institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act and for such purpose jurisdiction is hereby conferred upon said court In such case the Attorney General shall not be required to give bond

Section 10 Nothing contained in this act shall be construed to apply to ice cream and similar frozen products manufactured and sold by social fraternal charitable educational religious or beneficial organizations nor to a farmer making and selling from the products of his farm ice cream custard custard ice cream french ice cream french custard frozen custard sherbet or ice provided that the standards of purity and quality prescribed by this act are maintained in all cases of manufacture and sale permitted by the provisions of this section

The provisions of this act shall not be construed to be impaired or in any way affected by the provisions of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" or its amendments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,

Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2070, entitled:

An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 851) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs"

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL PASSED OVER

There being no objection House Bill No. 1639, Printer's No. 625 was passed over at the request of Mr. WOODSIDE.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1769, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,

Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1642, entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2157 (Senate Bill No. 638), entitled:

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (P. L. 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

On the question,

Will the House agree to the bill on third reading?

Mr. BROWNFIELD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1 (section 4), page 3, lines 2 to 11, inclusive, by striking out all the words in said lines and inserting in lieu thereof the following: "to a school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less, ninety per centum (90%); more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000), eighty per centum (80%); more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000), seventy-five per centum (75%); more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000), seventy per centum (70%); more than one hundred thousand dollars ($100,000) but not more than one hundred

fifty thousand dollars ($150,000), sixty-five per centum (65%); more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000), sixty per centum (60%); more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000), fifty-five per centum (55%); more than two hundred fifty thousand dollars ($250,000), fifty per centum (50%)."

Amend section 1 (section 4), page 3, line 12, by striking out the following words: "thousand dollars ($100,000) fifty per centum (50%)"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2152 (Senate Bill No. 558), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

On the question,

Will the House agree to the bill on third reading?

Mr. BROWNFIELD. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 1 (section 1711-A), page 3, line 5, by inserting after the word "thirty-nine" the following: "the provisions of the first paragraph of this section shall no longer apply but"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 958, entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshat,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2162, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Flinchbaugh,	McShane,	Simon,
Alexander,	Ganser,	Melchiorre,	Simpson,
Allen,	Gerard,	Mellott,	Skale,
Allmond,	Gillette,	Merrell,	Sloan,
Arnold,	Gorski,	Mihm,	Smith, James A.,
Atkins,	Habbyshaw,	Moomaw,	Smith, John A.,
Aukerman,	Haberlen,	Mooney,	Snyder,
Baine,	Hagerty,	Moran,	Sollenberger,
Baker, F. T.,	Hall,	Moul,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Muir,	Sproul,
Bierly,	Hamilton, R. S.,	Munley,	Stackpole,
Blank,	Harkins,	Murrin,	Stank,
Bohn,	Harmuth,	Nagel,	Stewart,
Boles,	Hays,	O'Brien,	Stockham,
Boltz,	Hering,	O'Connor,	Strode,
Boose,	Hess,	O'Keefe,	Terry,
Boyer,	Hetrick,	Ominsky,	Thomas,
Bradley,	Hindman,	O'Neill,	Thompson,
Brigerman,	Hirsch,	Ostroff,	Toole,
Broad,	Holland,	Patterson, C. S.,	Tronzo,
Brown,	Holmes,	Patterson, J. W.,	Trout,
Brownfield,	Holstrom,	Peale,	Tumelty,
Burrows,	Hontz,	Pearson,	Turner,
Cadwalader,	Horting,	Perry,	Valibus,
Caesar,	Huntley,	Pershing,	VanAllsburg,
Caputo,	Imbrie,	Piole,	Vogt,
Chervenak,	Keenan,	Powers,	Wagner,
Coakley,	Kelso,	Preston,	Wall,
Cohen, H. B.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Marino,	Schrock,	Winner,
Dyson,	Matthews, J. F.,	Schrope,	Wood,
Eckels,	McArdle,	Schumacher,	Woodside,
Elpern,	McCullough,	Serrill,	Wright,
Falkenstein,	McDermott,	Shaw,	Yanoshak,
Finnerty,	McDevitt,	Shea,	Yeakel,
Fiss,	McElroy,	Shepard,	Yourishin,
Fitch,	McFall,	Shoemaker,	Zappala,
Flanagan,	McGee,	Shugarts,	Furman,
Flannery,	McKinney,	Siegel,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 608, Printer's No. 660 was passed over at the request of Mr. SCANLON.

There being no objection House Bill No. 2153, Senate Bill No. 559, Printer's No. 278 was passed over at the request of Mr. BROWNFIELD.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 542, 556, 1027, 1344, 1564 and 1674

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 542, Printer's No. 144, entitled "An Act to amend sections five nine and thirty-six as amended, sections six, forty-one, forty-seven, forty-nine and fifty-one, and sections fifty-two and sixty-five as amended, and to repeal sections twenty and forty-four of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 869), entitled 'An act providing for the organization government discipline maintenance and regulation of the armed land forces of this Commonwealth' providing for the use of the National Guard in case of disaster; harmonizing the provisions of said act with the National Defense Act and its procedures; changing clothing allowance; regulating payments of armory rent, light, heat, water and janitor services; providing allowances for rifle practice, regulating payment of expenses when the National Guard is called into service; making further exemptions from jury duty; regulating the settlement of accounts; providing for the disposition and expenditure of fines and penalties recovered from courts-martial; and repealing certain existing laws."

House Bill No. 556, Printer's No. 51, entitled "An Act to amend section three of the act approved the twentieth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred twenty-two) entitled 'An act to amend revise consolidate and change the laws relating to bonus and providing for the imposition computation and collection of bonus for State purposes on the capital stock stated capital or capital of domestic corporations banks and trust companies and certain partnerships' exempting credit unions from the provisions of the act."

House Bill No. 1027, Printer's No. 582, entitled "An Act regulating the recording of assignments of mortgages in counties of the second class fixing the fees therefor and imposing certain powers and duties on the recorders of deeds of such counties."

House Bill No. 1344, Printer's No. 584, entitled "An Act to amend sections five hundred and fifty-one six hundred and seventy-five and six hundred and seventy-six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by extending authority therein granted to include leasing of real property."

House Bill No. 1564, Printer's No. 410, entitled "An Act to amend section four hundred thirty-nine of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' as amended providing that certain forms used by the county commissioners relative to the compilation of war records of deceased service men shall be prescribed but not furnished by the Department of Military Affairs."

House Bill No. 1674, Printer's No. 408, entitled "An Act directing the Department of Military Affairs to select procure award and provide for the furnishing of certain service medals."

GEORGE H. EARLE.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

The SPEAKER asked and obtained permission for the

Committee on Rules to meet immediately during the session of the House.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In The Senate, April 21, 1917.

Resolved, (if the House of Representatives concur) That House Bill No. 1156, Printer's No. 645, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties," be recalled from the House of Representatives for further consideration and possible amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 1156, Printer's No. 645, together with the message of the Senate, which was laid upon the table, be taken from the table.

The motion was agreed to.

BILL RETURNED TO SENATE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that House Bill No. 1156 together with the communication from the Senate be returned to the Senate in accordance with the resolution just adopted.

The motion was agreed to.

RESOLUTIONS

SYMPATHY EXTENDED

Mr. RUSH offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 21, 1937.

This legislative body, on proper occasion pays fitting reverence to the memory of citizens of this Commonwealth, who, because of their achievements, have gained an outstanding position in their communities or in the State. This reverence and respect has been well earned, during a more than usually long, active and effective lifetime, by the Honorable John B. Hannum, late President Judge of the Orphans' Court of Delaware County.

Judge Hannum became a member of the legal profession in 1877, and early in life served the city of Chester as councilman, and the County of Delaware as district attorney. In 1921, when a separate orphans' court was established for Delaware County, he was appointed to its judgeship, to which he was later elected and, in 1931, re-elected. Both as district attorney and judge, matters of great public importance and general interest came before, and were disposed of by Judge Hannum.

Resolved, That it is with regret that we consider the passing of a capable judge, and commend the Honorable John B. Hannum to the memory of his fellowmen.

Resolved, That copies of these resolutions be forwarded to the sons and daughters of the deceased as a last tribute to their father.

INVESTIGATION OF WAGES AND WORKING CONDITION OF STATE HIGHWAY EMPLOYES OF BEAVER COUNTY

Mr. REISING offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 21, 1937.

Resolved, That the Speaker of the House is hereby authorized to appoint a committee of three members of the House of Representatives, whose duty it shall be to make a study, inquiry and investigation into the wages and working conditions of employes of the Department of Highways in the County of Beaver, and to make report thereof to the House of Representatives as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. REISING. Mr. Speaker, I ask the unanimous consent of the House for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Is there objection?

Mr. HERBERT B. COHEN. Mr. Speaker, I object.

The SPEAKER. The Chair hears objection and consent is not granted.

RESOLUTION No. 61

Mr. WELSH. Mr. Speaker, I desire to call up at this time Resolution No. 61, Printer's No. 664.

The resolution was read by the Clerk as follows:

In the House of Representatives, March 30, 1937.

Whereas, there has recently been sold as the property of the Piedmont Coal Company a tract of 1,300 acres of timber located in Lick Hollow, Fayette County, at the foot of Summit Mountain; and

Whereas, said tract of land borders the National Highway, a distance of about two and one-half miles; and

Whereas, the growth on said tract averages at least fifty years and is one of the finest remaining in the south

western part of Pennsylvania, and is a tract with gorgeous scenic beauty; and

Whereas, the purchasers of this tract are contemplating cutting the timber thereon which will destroy the scenic beauty now enjoyed by the citizens of Fayette County, and the hundreds of thousands who travel the National Highway; therefore be it

Resolved, that the Department of Forests and Waters shall as soon as may be, make an investigation of the tract of land referred to in the preamble hereof with a view of ascertaining the advisability of acquiring in the name of the Commonwealth said tract as a State park or for addition to the State forest lands of the Commonwealth together with an estimate of the amount of money required to purchase the same, and make report thereof to the House of Representatives at this session of the General Assembly.

Resolved, that a copy of this resolution be transmitted to the Department of Forests and Waters by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

STATEMENT BY MR. REISING

Mr. REISING asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, the reason I asked for unanimous consent for the immediate adoption of this resolution is because there is a strike on at this time in the Highway Department in Beaver County, and I thought that if the resolution was adopted that over the week-end I could make an investigation or the committee could make an investigation and have its report here next week, and I sincerely ask the objectors to withdraw their objections and to permit the immediate adoption of this resolution.

The SPEAKER. Will the gentleman who made objection to the immediate consideration of this resolution withdraw his objection?

Mr. HERBERT B. COHEN. No, Mr. Speaker.

The SPEAKER. The Chair still hears objection and consent is not granted.

REPORTS FROM COMMITTEES

Mr. HETRICK, from the Committee on Education, reported as amended, House Bill No. 1569, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and the reimbursement thereof by the State," by further defining and extending the scope of vocational education.

Mr. COSTANZO, from the Committee on Judiciary General, reported as committed, House Bill No. 2163 (Senate Bill No. 49), entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

Mr. OMINSKY, from the Committee on Judiciary General, reported as committed, House Bill No. 2164 (Senate Bill No. 58), entitled:

An Act to amend section eleven, as amended and to repeal section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

ANNOUNCEMENTS BY THE CLERK

Public hearings in the House of Representatives for next week:

Monday, April 26th, at 2:00 p. m., continuation of public hearing on Senate Bills 639 and 640 in the Hall of the House before the Committee on Labor.

Tuesday, April 27th, at 4:00 p. m., on House Bill No. 1330, in the House causus room before the Committee on Judiciary General.

Tuesday, May 4th, at 4:00 p. m., on House Bill No. 1758, the State-wide civil service bill, before the Committee on State Government in the House caucus room.

ADJOURNMENT

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this House do now adjourn until tomorrow at 11:00 a. m.

The motion was agreed to, and (at 5:20 p. m.) the House adjourned until Thursday, April 22, 1937, at 11:00 a. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., THURSDAY, APRIL 22, 1937. No. 47.

HOUSE OF REPRESENTATIVES

THURSDAY, APRIL 22, 1937

The House met at 11:00 a. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our heavenly Father the prophet of old gave assurance of coming permanent peace among all nations. Our distinguished guest of yesterday linked his message with Thy Holy word. "They shall beat their swords into plowshares and their spears into pruning-hooks. Nation shall not lift up sword against nation; neither shall they learn of war any more. The heavenly response, "Glory to God in the highest, Peace on earth, good will toward men." We thank Thee for a new emphasis upon peace. "Blessed are the peace makers for they shall be called the children of God." In Christ's name, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. COSTANZO the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

TAX COLLECTORS

A telegram from Bucks County Tax Payers Civic organizations requesting passage of House Bill No. 500 without amendment.

A petition from the Tax Justice League, Sharon, requesting passage of House Bill No. 500, without the local option clause.

Referred to the Committee on Municipal Corporations.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. REISING. RESOLUTION No. 70

In the House of Representatives, April 21. 1937.

Resolved, That the Speaker of the House is hereby authorized to appoint a committee of three members of the House of Representatives, whose duty it shall be to make a study, inquiry and investigation into the wages and working conditions of employes of the Department of Highways in the County of Beaver, and to make report thereof to the House of Representatives as early as possible.

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necssary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Highways.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 22.

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 9, by inserting after the word "industrial" the word "educational"; also in same line by striking out after the word "agricultural" the word "education"

Amend section 1, page 2, line 22, by inserting after the word "industrial" the word "educational"; also in line 23, by striking out at the beginning of said line the word "educational".

Amend section 2, page 3, line 13, by inserting after the word "industrial" the word "educational"; also in same line by striking out after the word "agricultural" the word 'educational"; also in line 19, by inserting after the word "industrial" the word "educational"; also in line

20, by striking out after the word "agricultural" the word "educational".

On the question,

Will the House concur in the amendments made by the Senate?

BILL AND MESSAGE LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the Senate message be laid upon the table.

The motion was agreed to.

REPORT FROM COMMITTEE

Mr. ACHTERMAN, from the Committee on Judiciary General, reported as amended, House Bill No. 1839, entitled:

An Act to limit the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional.

QUESTION OF PERSONAL PRIVILEGE

Mr. OSTROFF. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. OSTROFF. Mr. Speaker, on March 22, 1937, a bill was handed to me to be handed into the House by a constituent. I asked Mr. Corrigan of Philadelphia to hand this bill in and sponsor it. Mr. Corrigan has received numerous complaints about the nature of the bill and, in order to take the responsibility myself for the bill, I would like to have my name added as a sponsor of the bill and to have the Journal amended to show that the bill was handed in at my request. I refer to House Bill No. 2041.

The SPEAKER. The remarks of the gentleman under his question of personal privilege will be spread upon the Journal. As the bill is reported from committee the wishes of the gentleman from Philadelphia, Mr. Ostroff, will be carried out.

ADDRESS OF HON. OWEN B. HUNT

Mr. MORAN. Mr. Speaker, I move that the scholarly address delivered in the Hall of the House by Insurance Commissioner Owen B. Hunt on March 16 last, entitled "The Part Played by the Irish in American History, be printed in the Legislative Journal.

The motion was agreed to.

The SPEAKER. The Chief Clerk is directed to have Insurance Commissioner Hunt's address printed in the Legislative Journal.

INSURANCE COMMISSIONER OWEN B. HUNT. Members of the House:

"History is the high court of humanity where truth must be heard and justice must be pronounced," says the historian George Brancroft.

The truth regarding the part played by the Irish in American history has long been obscured. The Irish in this country have been looked upon as comparative newcomers. As a matter of fact, they had an important part in sowing the very seeds of American nationhood. In Pennsylvania above all the Irish have been part of the very fabric of the State's life since the foundations of the Commonwealth were laid. Throughout the history of America and of Pennsylvania they have demonstrated their readiness to defend their country with their lives, and by their toil and patriotism have done a full share to make America great.

From the beginning of Pennsylvania, the Irish came here by the thousands, seeking to carve out home for themselves in the vast wilderness. They were drawn by the knowledge that under the charter of Penn and the laws of the Province they could enjoy civil and religious liberty. Before 1726, when Pensylvania included only a few tiny settlements, six thousand had arrived. The immigration from Ireland had risen to twelve thousand a year long before 1750. James Logan wrote in 1729:

"It looks as if Ireland is to send all her inhabitants hither; for last week not less than six ships arrived, and every day two or three arrive also. The common fear is that if they continue to come they will make themselves proprietors of the province."

They survived eight, nine, ten eleven, twelve weeks of misery in crossing the Atlantic, with vile food and loathsome drinking water, to reach the new land of promise. To pay for this journey with all its miseries many of them sold themselves into years of slavery that began upon their arrival in the new land. Such a one was Matthew Thornton, a signer of the Declaration of Independence. But because their foothold in the New World was so dearly brought, these Irish valued it all the more.

Not only were the Irish numerous in early Philadelphia. Lancaster County as early as 1700 was the home of many a stalwart Irishman. From the history of the Revolutionary War there is an example that shows not only the numbers of the Irish in Pennsylvania, but their loyalty to the American cause. On April 12, 1779, the Supreme Executive Council of Pennsylvania issued orders for the confiscation and sale of all lands and properties belonging to citizens accused of treason. But we find that in Cumberland County not one property was sold or ordered sold. Strange as it seems, this country was peopled almost entirely by native Irishmen.

The Irish, who formed a large part of Washington's army, were particularly numerous in the famed Pennsylvania line. A careful survey of the muster rolls and other available records of the Continental Army show beyond a question of doubt that thirty-six per cent of the Revolutionary soldiers were Irishmen. Adding to this some small percentage for those of Irish birth or descent whose names were not obviously Irish, and we arrive at the comparatively low estimate of thirty-eight per cent in the army of Washington.

The enemies of American independence estimated the proportion of Irish fighting for American liberty as being higher than that. Joseph Galloway, a Pennsylvania Tory who had been speaker of the Provincial Assembly, the Colonial Predecessor of this very House of Representatives gathered here today, had fled to England. He had been found guilty of high treason by your predecessors in the Assembly of this Commonwealth, and his estate in Bucks County had been confiscated.

This Joseph Galloway testified before a joint commission of the British Parliament in London that scarcely one-fourth of Washington's army were native Americans.

Another fourth, he said, were English and Scotch, and the remaining half were Irish. Major General Robertson, who had spent twenty-four years in the Colonies before the Revolution, gave similar testimony. So that if the Irish were not actually so numerous they must have fought with such desperation that to their enemies they seemed to be at least half of Washington's army.

It is estimated that there were 20,000 men in the famed Pennsylvania line. Regiments in this line were commanded by such Irishmen as Hand, Magaw, Shea, Hazlett and Wayne. The Seventh Pensylvania Regiment was commanded by Colonel William Irwin, a native of Enniskillen, Ireland, and Lieutenant Colonel Morgan O'Connor, a native of Kerry. Four companies of this regiment were commanded by Captains McDowell, Talbot, Montgomery and Alexander, and a survey of the records shows that the personnel of the companies ranged from sixty-four to seventy per cent Irish.

Four companies of the Eleventh Pennsylvania Regiment had forty to sixty-five per cent native Irish, and in other Pennsylvania companies where the nativity of the soldiers was not recorded, the Irish names on the muster rolls ranged from thirty-three and a half per cent to sixty-eight per cent. A perusal of the roll of the First Pennsylvania Regiment of Foot shows the numerical strength of eight companies to total six hundred and eight men; three hundred and fifteen of these were born in Ireland.

Proctor's Artillery Regiment, the first artillery regiment in the Pennsylvania Line, shows the following types of names on the muster roll:

40 per cent native Irishmen
40 per cent native Americans
11 per cent German
5 per cent English
1 per cent Welsh and Canadian

It is safe to assume that twenty per cent of the forty per cent native Americans were sons and grandsons of native Irishmen, so that this regiment, which acted as the bulwark of the Continental line during the entire revolution was over fifty per cent Irish.

These muster-rolls, which show so conclusively the valor of the Irish who served under Washington, are themselves incomplete. No records are available of the thousands of men from the Pennsylvania line who fell in the summer of 1777 on the heaths of New Jersey from Paramus to Freehold in a line encircling Moorestown.

We do know, however, of the valor of John Barry, a native of Wexford and a Pennsylvanian by adoption. The first officer commissioner in the new navy of the United States, he was likewise the last commander to fight an engagement on land or sea. We know of Stephen Moylan, a native of Cork and a loyal Pennsylvanian. He commanded Washington's cavalry, and was his side-de camp in the bitter days at Valley Forge.

The Declaration of Independence, the greatest document ever signed by the hand of man, was signed by thirteen Irishmen. They included, John Hancock, president of the congress, Matthew Thornton, John Hart, James Smith, George Taylor, George Reed, Thomas McKean, Charles Carroll, Edward Rutledge, Thomas Lynch, Robert Treat Paine, Thomas Nelson and William Whipple. Of these signers, Smith, Taylor, and Thornton were born in Ireland and the other ten were direct descendents of native-born Irishmen.

Charles Thomson, first secretary of the Continental Congress, was known as the wire-puller of the revolution. He was also described by John Adams as "the life of the cause of liberty." He was a native of County Derry, Ireland, and taught in one of the first schools in Pennsylvania, in West Chester. It was he who sold the idea of revolution to the Philadelphia Quakers.

John Nixon, a son of County Wexford man, was the first man publicly to read the Declaration of Independence from the steps of the State House in Philadelphia, July 8, 1776. John Dunlap, a native of County Tyrone, printed the first copy of the Declaration of Independence and the first copies of the United States Constitution.

Irish business men living in Pennsylvania contributed generously toward the maintenance of the Continental troops. Twenty-one Irishmen from the City of Philadelphia alone, headed by Blair McClenahan, for the purpose of aiding the Revolutionary Army, organized the Pennsylvania Bank and subscribed a total of 315,000 pounds. Of this amount, ten thousand pounds was given by Robert Morris and 112,000 pounds by the Friendly Sons of St. Patrick and the Hibernian Society.

The Irish part in Pennsylvania's history, thus suspiciously begun, has continued without break until the present day. In the Civil War, the World War and other conflicts, men of Irish birth and descent had a part comparable with that in the Revolution. And in times of peace people of Irish race have lent equal glory to government, business, the professions and every other field of endeavor that has contributed to the making of this great Commonwealth.

Irishmen were "first in war, and first in peace," and during and immediately following the Revolution, first in the hearts of fellow-Americans, as George Washington Parke Custis, grandson of Martha Washington strongly indicated in 1828. Custis said "Up to the coming of the French, Ireland had furnished in the ratio of one hundred for one of any foreign nation, whatever. Then honored be the good service of the Sons of Erin, in the War of Independence. Let the shamrock be entwined with the laurels of the Revolution, and truth and justice guiding the pen of history inscribe on the tablets of America's remembrance "Eternal Gratitude to Irishmen.'"

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1504, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education and enlarging the provisions for State subsidies

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1222, entitled:

An Act to amend section three of the act approved the third day of May one thousand eight hundred fifty (Pamphlet Laws six hundred fifty-four) entitled "An act providing for the election of district attorneys" by changing the power of appointment in cases of vacancies in the office of district attorney

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1759, entitled:

An Act to provide for the settlement registration transfer and assurances of titles to land for the appointment and duties of recorders and registrars of title regulating the proceedings concerning the registration and adjudication of title and establishing an assurance fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,,

The House proceeded to the first reading and consideration of House Bill No. 1305, entitled:

An Act to amend sections twenty-nine and thirty-one of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1474, entitled:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" suggestion of non-payment and averment of default before or after judgment on scire facias

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1357, entitled:

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1476, entitled:

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws one hundred twenty-five) entitled "An act regulating State tax on certain county offices" as amended regulating the payment over to the county of excess earnings of county officers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1475, entitled:

An Act to amend section eleven of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws four hundred eighty-three) entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" providing that the defendant in a counter-claim may ask for an account in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1343, entitled:

An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property, and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by permitting the filing of claims in more than one county in certain cases

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2200 (Senate Bill No. 425), entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders and providing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 880, entitled:

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 120, entitled:

An Act providing that when judgement is recovered against any insurance company for money due and owing under the terms of a policy issued by such insurance company an attorney's fee for the plaintiff shall be included in the costs of suit and paid in the same manner as other costs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 875, (Senate Bill No. 6), entitled:

An Act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2178, (Senate Bill No. 827), entitled:

An Act to further amend section five of the act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws nine hundred forty-four), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER. There are three bills that were reported from committee yesterday that through a printer's error were not placed upon the calendar. If there is no objection these bills will be read for the first time. The Chair hears none.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2163 (Senate Bill No. 49), entitled:

An Act to amend clause one of section one of the act, approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2164 (Senate Bill No. 58), entitled:

An Act to amend section eleven as amended and to repeal section ten of the act, approved the twelfth day of July, one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the County of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the County or City of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

And said bill having been read at length the first time Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1569, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State," by further defining and extending the scope of vocational education.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ADJOURNMENT

Mr. VOGT. Mr. Speaker, I move that this House do now adjourn until Monday, April 26, 1937, at 9.00 P. M.

The motion was agreed to, and (at 11.37 A. M.) the House adjourned until Monday, April 26, 1937, at 9.00 P. M. E. S. T.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

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SENATE

MONDAY, April 26, 1937.

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D., offered the following prayer:

Eternal Light, in whom there is no darkness at all—in Thee is the Life that is the light of men, even though our darkness comprehendeth it not. What a privilege to tarry in Thy presence! Our greatest need is need of Thee. The wisest of all ages have sought Thy counsel.

As days press on, beget within an urge to serve. May ambition and sordid lust of gain give place to happiness and the common weal.

We would not pursue the path of selfish prudence, which leads to oblivion and forgotten graves. Help us, rather, to forget ourselves into immortality. We would seek the inspiration of a vision of the cross. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KAHLE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared its table and laid before the Senate the following communications:

FAVORING ENACTMENT OF THE McGINNIS BILL (SENATE BILL No. 341) AND OPPOSING ENACTMENT TO AMEND THE McGINNIS BILL (SENATE BILL No. 343)

Communications from numerous citizens urging the enactment of the McGinnis Bill (Senate Bill No. 341) which is to amend the present hard liquor laws of the State; and opposing the McGinnis Bill No. 343 (Senate) which is to amend the fermented liquor law.

Which was referred to the Committee on State Boards.

ENDORSING THE PUBLIC ASSISTANCE ACT (HOUSE BILL No. 1030)

Petitions from numerous organizations requesting prompt and favorable action on the Public Assistance Act (House Bill No. 1030) providing for more adequate relief, more adequately and efficiently administered.

Which was referred to the Committee on Welfare.

URGING SUPPORT OF HOUSE BILL Nos. 1892 and 1030

Resolution from Frank Burch, Secretary-Treasurer of the Central Labor Union of Philadelphia and vicinity, urging support of House Bills Nos. 1892 and 1030.

Which was referred to the Committee on Walfare.

OPPOSING PASSAGE OF SENATE BILL No. 199

Petitions from numerous women protesting against the passage of Senate Bill No. 199 which discriminates against women in business and would work to their disadvantage.

Also petitions from People-Pittsburgh Trust Company opposing the Dent Bill (Senate Bill No. 199).

Also signatures from the Equitable Life Assurance Society urging defeat of the same bill.

Which were referred to the Committee on Labor and Industry.

OPPOSING SENATE BILL No. 790

Telegrams and communications were received from the following:

Harry F. Ferrell, Roslyn, Montgomery County, Pa.
J. V. Wilson, McKeesport, Pa.
P. D. Smith, Clearfield Insurance Agency.
Joseph Pasquini, Sr., Pan-American Life Insurance Co.
Henry C. Biddle Co., Ambler, Pa.

protesting against the passage of Senate Bill No. 790, which establishes a State Fund for writing bonds.

Which was referred to the Committe on Insurance.

OBJECTING TO MERGER OF PATROL AND STATE POLICE

Telegram from the Greenville Motor Club objecting to the merger of Patrol and State Police.

Which was referred to the Committee on State Government.

OPPOSING HOUSE BILLS No. 639, No. 657, No. 1189 and No. 1200 ENDORSING HOUSE BILL No. 896, SENATE BILL No. 402.

Petitions were received from the following:

East Rockhill Twp. Supervisors, Bucks Co.
West Hanover Board of Road Supervisors, Dauphin Co.
Lower Salford Twp. Road Board, Montgomery Co.
Bruch Valley Twp. Supervisors, Indiana Co.
Young Twp. Supervisors, Jefferson Co.
Board of Center Township Supervisors, Center Twp.

opposing House Bills No. 639, No. 657, No. 1189 and No. 1200; and endorsing House Bill No. 896, Senate Bill No. 402.

Also petitions from West Deer Twp., Allegheny Co., Gront Twp. Supervisors, Indiana Co. and So. Canaan Twp. Board of Supervisors of Wayne Co., opposing and endorsing the same bills.

Which was referred to the Committee on Highways.

URGING THAT THE MOTOR FUNDS BE RETURNED TO THE LOCAL SUB-DIVISIONS

Mr. Reed presented petitions from numerous citizens urging that the Motor Funds be returned to the Local Political Subdivisions, so that the tax on real estate for road and street purposes be eliminated.

Which was referred to the Committee on Highways.

COMMUNICATION FROM MR. JOHN H. FERTIG

The Chair cleared his table and laid before the Senate a communication from John H. Fertig.

JOHN H. FERTIG
Harrisburg, Pa.

Hon. George Woodward,
Senate of Pennsylvania,
Harrisburg, Pennsylvania.
Dear Senator:

Will you kindly act as my spokesman and convey to the members of the Senate, including yourself, my sincere thanks for the beautiful watch which you presented to me the other day in their behalf. It brings to me the realization that the Members of the Legislature do understand that the position I have occupied for so many years requires the expenditure of a great deal of energy. May I say to the Legislators, that my one regret in the performance of the work is that the speed with which measures must be prepared, precludes the perfection and freedom from error which wuold follow a more leisurely procedure; permitting time for reflection. May I say for all those engaged in the enactment of the laws of this Commonwealth that we do surprising well under the circumstances.

I sincerely appreciate this gift for the personal sentiment which is attached to it, and I am proud to display it on the slightest provocation.

Sincerely yours,

John H. Fertig.

26 April 1937

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE SENATE HOUSE BILL No. 190

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, April 26, 1937.

Resolved, (if the Senate concur), that House Bill No. 190, Printer's number 650, entitled:

An Act to amend clause (f) of section two hundred eight of the act, approved the fifth day of December, one thousand nine hundred thirty-six (P. L. 7), entitled "An act establishing a system of unemployment compensation to be administered by the department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports, and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties"; providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged, and who were honorably discharged from such service.

be recalled from the Senate for the purpose of further amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE BILLS FOR CONCURRENCE

He presented for concurrence bills of the House of Representatives as follows:

House Bill No. 958 (Senate Bill No. 1056), entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford Pike County Pennsylvania.

Which was committed to the Committee on Appropriations.

House Bill No. 1261 (Senate Bill No. 1057), entitled:

An Act to amend section one thousand and forty-six of the act approved the fourth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for the employment by auditors and for the compensation of an attorney.

Which was committed to the Committee on Municipal Government.

House Bill No. 1642 (Senate Bill No. 1058) entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

Which was committed to the Committee on Municipal Government.

House Bill No. 1087 (Senate Bill No. 1059), entitled:

An Act providing for the exclusion from the court room and the segregation of certain witnesses in criminal cases imposing restrictions on such witnesses providing for their maintenance at the expense of the county and prescribing penalties.

Which was committed to the Committee on Judiciary General.

House Bill No. 1254 (Senate Bill No. 1060), entitled:

An Act to amend section five of the act, approved the thirty-first day of March, one thousand eight hundred and seventy-six (P. L. 13), entitled "An act to carry into effect section five of Article fourteen of the Constitution relative to the salaries of county officers, and the payment of fees received by them into the State or county treasury, in counties containing over one hundred and fifty thousand inhabitants," as amended; changing the dates on which county officers, their deputies and clerks shall be paid.

Which was committed to the Committee on Municipal Government.

House Bill No. 1769 (Senate Bill No. 1061), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of the right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspector of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

Which was committed to the Committee on Elections.

House Bill No. 1981 (Senate Bill No. 1062), entitled:

An Act to amend the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1116), entitled "An act for the protection of the public health and to prevent fraud and deception in the manufacture, sale, offering for sale, exposing for sale, and having in possession with intent to sell, of adulterated or deleterious ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, including coated ice cream and the coating thereof; fixing standards for ice cream, custard ice cream, french ice cream, french custard, frozen custard, sherbet ice and fruit ice, and to prevent the sale of imitation ice cream and defining said imitation ice cream; providing penalties for the violation thereof; and providing for the enforcement thereof;" further regulating the manufacture, importation and sale of such products; providing for injunctions; and changing the penalties prescribed.

Which was committed to the Committee on Agriculture.

House Bill No. 2070 (Senate Bill No. 1063), entitled:

An Act to repeal the act approved the twenty-ninth day of April one thousand nine hundred and twenty-nine (P. L. 851) entitled "An act fixing the time of holding elections on questions submitted to electors of boroughs."

Which was committed to the Committee on Elections.

House Bill No. 2162 (Senate Bill No. 1064), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Borad and prescribing penalties.

Which was committed to the Committee on Appropriations.

House Bill No. 1574 (Senate Bill No. 1066), entitled:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees thereof requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commissions and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations.

Which was committed to the Committee on State Boards.

House Bill No. 9 (Senate Bill No. 1065), entitled:

An Act to protect the public safety by prohibiting coal stripping work in close proximity to public highways and the abandonment of stripping work, unless the earth is replaced in the opening caused by such work

Which was committed to the Committee on Highways.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 762

He also presented communication from the House of Representatives informing the Senate that the House has concurred in resolution from the Senate as follows:

In the Senate, April 21, 1937.

Resolved (If the House of Representatives concur) That Senate Bill No. 762, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political patries as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental

agents and boards of school directors and imposing penalties.

be recalled from the House of Representatives for consideration and for further amendment.

RECONSIDERATION OF SENATE BILL NO. 762

Mr. LAW. Mr. President, I move to reconsider the vote by which Senate Bill No. 762 (House Bill No. 1156), entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers nad duties of citizens parties political bodies registration commissions commissioners registrars, inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

passed finally.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "Aye".

Mr. McCREESH. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. McCREESH. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. LAW. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye".

Mr. McCREESH. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. McCREESH. Mr. President, I voted "aye".

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. BUCKMAN. Mr. President, I would like to interrogate the Senator from Mercer, Mr. Law.

The PRESIDENT. Will the Senator from Mercer, Mr. Law, permit himself to be interrogated?

Mr. LAW. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to know what these amendments cover.

Mr. LAW. Mr. President, I may say for the benefit of the Senator from Bucks and the other members of the Senate that this is the Permanent Personal Registration Bill, and that we found, after it had gone to the House that there were certain questions on special elections intervening between now and the time that the new registrations would be completed, that had to be taken care of, and these are to be taken care of by amendments, which with a few other amendments are purely qualifying in language, and I propose to ask unanimous consent at this time to introduce the amendments.

Mr. BUCKMAN. Mr. President, is the bill now in the Senate or in the House?

Mr. LAW. Mr. President, it is now in the Senate.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. LAW. Mr. President, I ask unanimous consent to offer the following amendments.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent to amend section 16, subsection (b), page 16, line 25, by inserting after the word "commission" the word "for"; Amend section 19, page 25, line 14, by striking out the following: "effective date of this act" and inserting in lieu thereof the following: "first day of September, one thousand nine hundred thirty-seven"; Amend section 27, subsection (a) page 32, lines 13, 14 and 15 by striking out the following: "In any case the commission shall advise the elector promptly in writing of its action"; Amend section 36, subsection (f), page 48, line 5, by inserting after the word "number" the following: "of the district and ward, if any, and date of the primary or election.; Amend section 36, subsection (f), page 48, line 6, by striking out the following: "mary or elections"; Amend section 36, subsection (f), page 48, line 7, by striking out the following: "of the district and ward, if any, and date of the primary"; Amend section 37, page 49, line 8, by striking out the following: "entry of information in general registers following elections and primaries" and inserting in lieu thereof the following: "examination of district registers"; Amend section 38, page 51, lines 3 and 4 by striking out the word "registered"; Amend section 38, page 51, line 4, by inserting after the word "elector" the following: "who has been registered for a period of at least two years and"; Amend section 44, page 61, line 13, by adding a new Sub-Section entitled Sub-Section "(n) Any person who shall maliciously and without probable cause file a petition for the purpose of striking off the registration or party affiliation of any elector shall upon conviction thereof be subject to a penalty of ten dollars ($10.00)"

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO SENATE BILL NO. 22 RECALLED FROM THE GOVERNOR

The Clerk of the House of Representatives being introduced informed the Senate that the House has concurred in amendments made by the Senate to Senate Bill No. 22, entitled:

An Act to amend section one of and to add sections two and three to the act, approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to co-ordinate advertising activities and to provide for exhibits at fairs expositions and celebrations.

Said bill having been recalled from the Governor for the purpose of amendment. The votes had on final passage and third reading were reconsidered in the Senate and the bill amended.

HOUSE INSISTS UPON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 555, AND APPOINTS COMMITTEE OF CONFERENCE

He also informed the Senate that the House insists upon its non-concurrence in the amendments made by the Senate to House Bill No. 555, entitled:

An Act to amend clause (d) of section forty-six of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein; and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of nonresident and foreign fiduciaries; the appointment, bonds rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefore; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by eliminating the requirement of posting notices in public places of the presentation of accounts by the register of wills.

and has appointed Messrs. Dubbs, Blank and Perry as a Committee of conference to confer with a similar committee the Senate (if the Senate shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. SONES. Mr. President, I move that a Committee of Conference be appointed to confer with a similar committee of the House, already appointed, to consider the differences existing between the two Houses in relation to said bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Sones, Shapiro and Wolfenden be said Committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

TIME OF NEXT MEETING

Mr. HALUSKA. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA offered the following resolution which was twice read, considered and agreed to:

In the Senate, April 26, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 3rd, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 3rd, at nine o'clock. Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

REPORTS FROM COMMITTEES

Mr. FREY, from the Committee on Insurance, reported as amended, Senate Bill No. 788, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" providing for a minimum fee for the valuation of life policies.

Mr. REED, from the Committee on Constitutional Changes, reported as committed, Senate Bill No. 684, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight, of the Constitution of the Commonwealth of Pennsylvania.

Mr. EROE, from the Committee on Corporations, reported as committed, Senate Bill No. 995, entitled:

An Act to further amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled, "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

Mr. LAW, from the Committee on Education, re-reported as amended, Senate Bill No. 158, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for health rooms providing for enumeration of minors in certain cases;

requiring enumeration of illiterate children in lieu of or in addition to, other attendance officers and for their compensation; providing for the education of physically and mentally handicapped children and for the care of uneducable children; authorizing school districts to provide care and treatment of defective ears of pupils; and authorizing school districts of the fourth class to provide medical inspection at their own expense.

Also from the Committee on Education, reported as amended, Senate Bill No. 233, entitled:

An Act providing medical aid for certain pupils in public and private schools; apportioning funds to various school districts through the Department of Public Instruction; and making an appropriation.

With the understanding that it be recommitted to the Committee on Appropriations after second reading.

The PRESIDENT. The Chair suggests that a motion to recommit be made after the bill passes second reading.

Mr. DiSILVESTRO, from the Committee on City Government, reported as committed, Senate Bill No. 942, entitled:

An Act to amend sub-section third of section one of the act approved the ninth day of July, one thousand nine hundred and one (Pamphlet Laws six hundred fourteen) entitled, "An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

Also from the Committee on City Government, reported as committed, Senate Bill No. 953, entitled:

An Act providing for the commencement of civil actions for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, the footways and curbs adjacent thereto, and providing for the service of process in such cases.

Mr. McCREESH, from the Committee on City Government, reported as committed, Senate Bill No. 1021), entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

Mr. McCREESH, from the Committee on City Government, reported as amended, Senate Bill No. 1005, entitled:

An Act to amend section one of an act approved the thirtieth day of March, one thousand nine hundred and thirty-seven number forty-one entitled, "An act to amend section five A of Article nineteen of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, 'An act for the better government of cities of the first class of this Commonwealth,' as amended by changing the number and method of appointment of the civil service commissioners in said cities," abolishing the civil service commission as constituted and provided for by section five A of Article nineteen of the said act approved the twenty-fifth day of June, one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

Also from the Committee on City Government, reported as committed, Senate Bill No. 1031 (House Bill No. 1477), entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

Mr. McGINNIS, from the Committee on Corporations, reported as amended, Senate Bill No. 867 (House Bill No. 1754), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred thirty-three (Pamphlet Laws two hundred eighty-nine) entitled, "An act relating to non-profit corporations, defining and providing for the organization, merger, consolidation and dissolution of such corporations, conferring certain rights, powers, duties and immunities upon them and their officers and members, prescribing the conditions on which such corporations may exercise their powers, providing for the inclusion of certain existing corporations of the first class within the provisions of this act, prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth, conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds and certain State departments,, commissions and officers, authorizing certain local, public officers and State departments to collect fees for services, required to be rendered by this act, imposing penalties and repealing certain acts and parts of acts, relating to corporations," by providing for and regulating the incorporation of non-profit corporations organized to provide hospital care and service for subscribers and conferring powers on the Insurance Department with respect thereto.

Mr. PYTKO, from the Committee on City Government, reported as committed, Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their incorporate limits, to acquire property within and without their corporate limits by purchase, lease, gift and the power of eminent domain, for such purposes; to generate power and erect power plants, stations, and lines in connection therewith; and to use, sell and purchase water, water power and electric energy within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages; and repealng inconsistent laws.

Also from the Committee on City Government, reported as committed, Senate Bill No. 951, entitled:

An Act providing for the service of process in civil actions on non-resident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident; and making the ownership, possession, occupancy, control, maintenance and use of such real estate, footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

Mr. EROE, from the Committee on Labor and Industry, reported as amended, Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping and storing of explosives; requiring permits for magazines and prescribing permit fees; and providing penalties.

Mr. STIEFEL, from the Committee on City Government, reported as amended, Senate Bill No. 945, entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking

Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof, to the City Council, the Mayor and the city Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

Also from the Committee on City Government, reported as committed, Senate Bill No. 946, entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled, 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such porperty or bonds refunding such original issue, shall have been redeemed and paid.

QUESTION OF PERSONAL PRIVILEGE

Mr. MALLERY. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Blair, Mr. Mallery, will state his question of personal privilege.

Mr. MALLORY. Mr. President and members of the Senate, one year ago this last St. Patrick's Day, this State was visited by one of the most disastrous floods in its history. Quite a number of our citizens were drowned and millions of dollars of property damage was incurred. To the credit of the Governor of this Commonwealth, he interested himself in that catastrophe, visited the stricken areas did all, I would say, within his power to relieve the stricken, and later on called a special session of this Legislature to prevent a recurrance of such a disaster.

A bill was introduced in the House, came into the Senate and by reason of one provision thereof, an objectionable feature therein, to which I pointed out to the members of the committee, of which I was a member, which would have placed on the property owners, afflicted by the flood, the burden of preventing floods; that objectionable feature being pointed out to the members of the committee, all of the members of the committee agreed with me that floods, being an act of God not being placed upon the victims of the flood, but should be borne by the State as a whole. The members of that committee decided that a sub-committee of three be appointed, nad I was given the honor of being the Chairman of that Committee, to draft amendments to that bill. A bill was drawn, the sole object of which was to prevent a recurrence of floods or curtail the damage of floods that might occur and it, in my opinion, was a good bill and was so judged by the members of this body and also of the House, and it was signed by the Governor. At the adjourning of that session of the Legislature a new flood control bill was introduced, and I want to state reluctantly that the Secretary of Forests and Waters, at the time this Flood Control Bill was originally considered, did nothing but object, and his whole objection was that the bill did not provide that the State could thereby go into the business of operating public utilities.

Now, I want to call upon this legislature, the members of this body and the members of the House, that it is time to divorce flood control from the question as to whether or not the State shall go into the business of furnishing light or power to the people of this Commonwealth. I think that by my vote in this body that I as one of the few members of the minority party in this Senate voted for the new Public Utility Commission, and this plainly shows whether or not I am committed to the domination of the public utility interest of this State. I am interested as much as anyone in this body or in this Legislature in seeing that the rate-payers of this State are treated fairly, and I think it is time now when we are visited by another flood, and I know whereof I speak, because only a few moments ago—and I hate to mention this fact that a year ago I suffered more than anyone else, because in one of the Counties which I represent, I naturally called up to know what was the effect of the rising waters, for the reason that a year ago a tenant of mine was drowned, so that I was particularly concerned, so I told them not to try to save the property but to leave the place. They told me that the flood stage is higher now than it was last year and therefore I ask that we do not concern ourselves about the State being in the business of supplying light and power but to confine ourselves to the matter of flood control.

COMMUNICATIONS FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL NO. 98

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 98, Printer's No. 87, entitled "An act to amend section fourteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand forty-three) entitled 'An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payment therefrom and providing for the guarantee by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties' as amended extending the retirement provisions relating to former teachers to those who returned to service only temporarily."

GEORGE H. EARLE.

APPPROVAL OF SENATE BILL NO. 151 AND SENATE BILL NO. 316

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 151, Printer's No. 59, entitled "An Act relating to the protection of agriculture and horticulture including all field crops vegetables trees shrubs vines florist and nursery stock and all other plants and parts or products thereof from plant pests and revising consolidating and changing the law relating thereto defining the powers and duties of the Department of Agriculture relating thereto providing penalties and repealing present laws."

Senate Bill No. 316, Printer's No. 190, entitled "An Act providing a method through payroll deductions for the payment of delinquent taxes penalties and interest and costs due to political sub-divisions by public officers and employes paid from moneys in the treasury thereof and conferring powers and imposing duties on the city controller city treasurer receiver of taxes and bonded paymasters exempting cities of the first class and school districts in such cities from the provisions of this act."

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Carl H. Frey, Oakmont.
Earl R. Glass, Jr., Pittsburgh, 2400 Henry W. Oliver Bldg.
Miss Janet R. Neaman, Pittsburgh, 439 Market St.
John G. Rainey, Pittsburgh, 101 Court House.
Elmer L. Woods, Pittsburgh, Farmers Bank Bldg.

DAUPHIN COUNTY

John W. Martin, Harrisburg.

FAYETTE COUNTY

Miss Lena M. Show, Uniontown.

LACKAWANNA COUNTY

Miss Lois A. Brain, Scranton.

LUZERNE COUNTY

Miss Mary E. Keeler, Wilkes-Barre.
Warren E. Myers, Wilkes-Barre.
Mrs. Irene Thomas, Wilkes-Barre.

LYCOMING COUNTY

Cloyd E. Ruffaner, Williamsport.

MONTGOMERY COUNTY

Miss Elizabeth R. Fox, Norristown.

PHILADELPHIA COUNTY

P. Di Benedetto, Phila., 406 N. 65th St.
Mrs. Sylvia Manashil, Phila., 2547 S. Broad St.
Michael L. ONeill, Phila., 1429 S. 55th St.
Mrs. L. M. Scheetz, Phila., 5046 Chestnut St.
Francis M. Smith, Phila., 813 E. Allegheny Ave.

TIOGA COUNTY

Mrs. Beatrice C. Coolidge, Wellsboro.

WASHINGTON COUNTY

Charles F. Polacci, Charleroi.

YORK COUNTY

J. F. Buser, Mount Wolf.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Olga I. Bowen, Provident Trust Building, Philadelphia, for appointment as a notary public in and for the City of Philadelphia, for the term of four years to compute from May 3, 1937.

GEORGE H. EARLE.

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles E. Templin, of Douglass Township, Berks County, for appointment as Justice of the Peace in the Township of Douglass, Berks County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE.

RECALLING NOMINATION OF MRS. MARY RAUDENBUSH

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination made under date of April 14, 1937, for the appointment of Mrs. Mary Raudenbush as a notary public for the City of Bethlehem, Northampton County.

GEORGE H. EARLE.

BILLS INTRODUCED

Mr. HALUSKA read in his place and presented to the Chair Senate Bill No. 1067, entitled:

An Act to amend section five hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by changing the requirements relating to the annexation of boroughs and townships to cities of the third class; and defining the phrase "taxable inhabitants."

Which was committed to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 1068, entitled:

An Act to amend clause (a) of section one thousand two hundred and five of the act, approved the eighteenth

day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue, and repealing all laws, general, special or local or any parts thereof, that are or may be inconsistent therewith," as added, empowering school districts to terminate the terms of certain professional employes.

Which was committed to the Committee on Education.

Mr. DANDO read in his place and presented to the Chair Senate Bill No. 1069, entitled:

An Act relating to and regulating the mining of anthracite coal; providing for the health, safety and welfare of persons employed in and about the anthracite coal mines and for the protection and preservation of property connected therewith; amending, consolidating, revising and changing the law relating thereto; and imposing penalties.

Which was committed to the Committee on Mines and Mining.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 1070, entitled:

An Act relating to insurance; amending, revising, and consolidating the law thereof; providing procedure and legal processes relative thereto; prescribing penalties for omissions, practices, and crimes pertaining to insurance; providing for the formation by incorporation or otherwise of domestic companies, associations, exchanges and bureaus to engage in insurance; providing for the regulation and supervision of domestic and foreign companies, associations, and exchanges, acting as insurers; their agents, officers, directors, trustees, shareholders, members and employees, and brokers, public adjusters, public adjuster solicitors, rating bureaus, and others in any manner engaging in insurance, by the Insurance Department and the Insurance Commissioner and prescribing certain powers and duties of other departments and officials relative thereto; and repealing certain acts and parts of acts.

Which was committed to the Committee on Insurance.

Mr. BEAN read in his place and presented to the Chair Senate Bill No. 1071, entitled:

An Act authorizing and empowering the proper authorities of cities, boroughs and townships of the first class, in certain cases, to abate interest, penalties, and portions of the debt in liens or judgments for municipal improvement.

Which was committed to the Committee on Municipal Government.

Mr. RODGERS read in his place and presented to the Chair Senate Bill No. 1072, entitled:

An Act to fix the number of Senators in the General Assembly of the State; to apportion the State into senatorial districts, as provided by the Constitution; and to regulate the election of, and the terms of office of, the present and future elected Senators.

Which was committed to the Committee on Legislative Apportionment.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 1073, entitled:

An Act providing for the fixing and payment by utility companies of the fees of the attorney for the property owners in eminent domain proceedings instituted by a public utility company.

Which was committed to the Committee on Public Utilities.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 1074, entitled:

An Act providing a method of annexation of boroughs to cities of the third class; and regulating the proceedings pertaining thereto.

Which was committed to the Committee on Municipal Government.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 177, as follows:

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors and prohibiting minors from purchasing or attempting to purchase the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person or officer to hire or induce any minor to purchase or offer to purchase spirituous vinous or brewed and malt liquors from a duly licensed dealer for the purpose of obtaining evidence to be used in any legal proceeding against said licensed dealer Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) or to suffer imprisonment not exceeding one year or both at the discretion of the court

Section 2 It shall be unlawful for any minor by himself or herself or by or through any other person or persons to attempt to purchase or directly or indirectly or upon any pretense or device whatsoever to purchase any spirituous vinous or brewed or malt liquors from any Pennsylvania liquor store or from any person partnership association or corporation whether or not licensed to sell or dispense the same within this Commonwealth

Any minor violating any of the provisions of this section shall upon summary conviction thereof be sentenced to pay a fine of not more than fifty dollars ($50) or to undergo imprisonment for not more than fifteen days or both Provided That all complaints against minors subject to the jurisdiction of the juvenile courts shall be referred to such court and shall be disposed of in accordance with the laws relating to such courts

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution.

On the question,

Will the Senate concur in the same?

Mr. HALUSKA. Mr. President, I ask that the Senate non-curcur in the amendments made by the House to this bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—0

NAYS—49

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,

Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Sordoni,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 515, as follows:

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever the current funds of the poor district of any county of the seventh or eighth class shall be exhausted it shall be lawful for the county commissioners of any such county at any time during the last nine months of the fiscal year to transfer from time to time to the account of the poor district any county moneys which in the opinion of the county commissioners will not be needed during the current fiscal year for general county purposes and the county moneys so transferred shall be available for expenditure by the poor district in the same manner and for the same purposes as if raised by taxation for poor purposes including the payment of any temporary indebtedness of the poor district

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—48

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Howell,	Mundy,	Shapiro,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Sordoni,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 506 (House Bill No. 1051), as follows:

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" is hereby amended to read as follows

Section 1 That the term "water obstruction" as used in this act includes any dam wall wing-wall wharf embankment abutment projection bridge or similar or analogous structure or any other obstruction whatsoever in along across or projectin into or being in any stream or body of water wholly or partly within or forming part of the boundary of this Commonwealth except the tidal waters of the Delaware River and of its navigable tributaries

The word "construct" shall be taken to mean construct erect build place or deposit

Section 2 That section two of said act is hereby amended to read as follows

Section 2 From and after the passage of this act it shall be unlawful for any person or persons partnership association corporation county city borough town or township to construct any dam or other water obstruction or to make or construct or permit to be made or constructed any change therein or addition thereto or to make or permit to be made any change in or addition to any existing water obstruction or in any manner to change or diminish the course current or cross section of any stream or body of water wholly or partly within or forming a part of the boundary of this Commonwealth except the tidal waters of the Delaware River and of its navigable tributaries without the consent or permit of the Water and Power Resources Board in writing previously obtained upon written application to said board therefor

Section 3 That section five of said act is hereby amended to read as follows

Section 5 Upon complaint or upon its own initiative the Water and Power Resourses Board shall have power to cause an investigation or examination to be made of any dam or other water obstruction now existing or hereafter constructed If the Board shall determine that such dam or water obstruction is unsafe or needs repair alteration or change in its structure or location or should be removed as being unsafe and not susceptible of repair or for any reason is derogatory to the regimen of the stream the Board shall in writing notify the owner or owners thereof the repair alter change its structure or location or remove the same as the exigencies of the case may require such work to be commenced and proceeded with to comple-

tion within such reasonable time as may be prescribed in such notice by the Board And it shall thereupon be and become the duty of such owner or owners to comply with the provisions of such notice

If said owner or owners notified as aforesaid shall neglect or refuse to make such repairs alterations change or changes in structure or location or to cause such removal or if said owner or owners cannot be found or determined then the Board may make such repairs alterations change or changes in structure or location or cause such removal and the Board may thereafter recover in the name of the Commonwealth from the owner or owners the said cost or expense in the same manner as debts are now by law recoverable

It is the Legislative intent that the provisions of this act shall extend to and include all types of water obstructions regardless of the date when they were constructed and whether or not the same were constructed by permission express or implied of the Commonwealth or of any authorized agency thereof and whether temporary or permanent and to all changes in the course current or cross section of any stream or body of water whether such change be temporary or permanent The Water and Power Resources Board is authorized and empowered to hold hearings subpoena witnesses perform any and all such acts make and enforce such rules and regulations and issue such orders not inconsistent with this act as it may deem necessary and proper for carrying out the purposes of this act

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Buckman,	Haluska,	Mallery,	Scarlett,
Cavalcante,	Henney,	McCreesh,	Rodgers,
Chapman,	Huffman,	McGinnis,	Rupp,
Dando,	Jacobs,	Mundy,	Ruth,
Deitrick,	Jaspan,	Pytko,	Sipe,
Dent,	Kahle,	Rankin,	Sones,
DiSilvestro,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Salus,	Woodward,
Gilson,	Law,		

NAYS—6

Bean,	Homsher,	Owlett,	Pierson,
Gelder,	Howell,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 574 (House Bill No. 1183), as follows:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following streets or sections thereof in cities of the first class are hereby adopted by the Commonwealth as State highways to be taken over upon the terms and conditions and subject to the limitations hereinafter contained and thereafter to be maintained constructed reconstructed and resurfaced at the expense of the Commonwealth upon the terms and conditions and subject to the limitations hereinafter provided

Section 2 The city streets to be taken over under the provisions of this act in the cities hereinafter named shall be designated by numbers to be hereafter assigned by the Secretary of Highways and are situate and described as follows

In the City of Philadelphia

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Baltimore Avenue thence over Baltimore Avenue to an intersection with Forty-second Street thence northerly over Forty-second Street to an intersection with Spring Garden Street thence easterly over Spring Garden Street to an intersection with Thirty-first Street thence northerly over Thirty-first Street to an intersection with Haverford Avenue thence westerly over Haverford Avenue to an intersection with Forty-second Street thence southerly over Forty-second Street to the intersection of Forty-second Street and Spring Garden Street beginning again at the intersection of Thirty-first Street and Spring Garden Street thence easterly over Spring Garden Street to an intersection with the Parkway thence southeasterly over the Parkway to City Hall beginning again at the intersection of the Parkway and Race Street thence easterly over Race Street to the Delaware River Bridge approach beginning again at the intersection of the Delaware River Bridge approach and Vine Street thence westerly over Vine Street to an intersection with the Parkway a distance of about 8.25 miles

Beginning at a point on the Philadelphia City-Millbourne Borough Line thence over Market Street to an intersection with Cobbs Creek Parkway thence southerly over Cobbs Creek Parkway to an intersection with Chestnut Street thence easterly over Chestnut Street to an intersection with Fifth Street thence northerly over Fifth Street to an intersection with Spring Garden Street beginning again at the intersection of Spring Garden Street and Sixth Street thence southerly over Sixth Street to an intersection with Walnut Street thence westerly over Walnut Street to an intersection with Cobbs Creek Parkway thence northerly over Cobbs Creek Parkway to an intersection with Chestnut Street beginning again at the intersection of Cobbs Creek Parkway and Walnut Street thence southerly over Cobb's Creek Parkway to an intersection with Sixty-third Street thence southerly over Sixty-first Street to an intersection with Baltimore Avenue a distance of about 14.00 miles

Beginning at a point on the Philadelphia City-Yeadon Borough Line on Sixty-fifth Street thence easterly over Sixty-fifth Street Chester Avenue and Sixty-fifth Street to an intersection with Kingsessing Avenue thence northeasterly over Kingsessing Avenue to an intersection with Fifty-second Street thence northwesterly over Fifty-second Street to an intersection with Chester Avenue thence northeasterly over Chester Avenue to an intersection of Chester Avenue and Forty-second Street thence northerly over Forty-second Street to an intersection with Baltimore Avenue thence northeasterly over Baltimore Avenue to an intersection with Woodland Avenue thence northeasterly over Woodland Avenue to an intersection with Chestnut Street near Thirty-third Street a distance of about 4.00 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Roosevelt Boulevard thence over the Roosevelt Boulevard to an intersection with Hunting Park Avenue thence over Hunting Park Avenue to an intersection with Allegheny Avenue thence westerly over Allegheny Avenue to an intersection with Ridge Avenue thence

over Ridge Avenue and Park Drive to an intersection with City Avenue thence southwesterly over City Avenue to the Philadelphia City-Delaware County Line at Cobb's Creek a distance of about 20.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Lancaster Avenue thence southeasterly over Lancaster Avenue to an intersection with Spring Garden Street near Thirty-ninth Street a distance of about 3.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Conshohocken Avenue thence south-easterly on Conshohocken Avenue to an intersection with Belmont Avenue thence southerly on Belmont Avenue to the intersection of Belmont Avenue and Lancaster Avenue beginning again at the intersection of Thirty-ninth Street and Lancaster Avenue thence southerly over Thirty-ninth Street Filbert Street and Thirty-ninth Street to the intersection of Thirty-ninth Street and Baltimore Avenue thence southeasterly over University Avenue to an intersection with Thirty-fourth Street thence southerly over Thirty-fourth Street to an intersection with Maiden Lane thence southeasterly over Maiden Lane to an intersection with Snyder Avenue thence easterly over Snyder Avenue to an intersection with South Twenty-fourth Street thence southerly over South Twenty-fourth Street to the intersection of South Twenty-fourth Street and Passyunk Avenue Beginning again at the intersection of Thirty-ninth and Filbert Streets thence northerly over Filbert Street Saunders Avenue and Lancaster Avenue to the intersection of Thirty-ninth Street and Lancaster Avenue a distance of about 6.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Old York Road thence southerly over Old York Road to an intersection with North Broad Street thence southerly over North Broad Street to City Hall thence by West Penn Square to the intersection of South Broad Street and South Penn Square a distance of about 8.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Wadsworth Avenue thence southwesterly on Wadsworth Avenue to an intersection with Easton Road thence along Easton Road to an intersection with Mt. Airy Avenue thence along Mt. Airy Avenue to an intersection with Germantown Avenue beginning again at the intersection of Germantown Avenue and Mt. Pleasant Avenue thence southwesterly over Mt. Pleasant Avenue to an intersection with Lincoln Drive a distance of about 2.66 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ogontz Avenue thence southerly on Ogontz Avenue to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to the intersection of Stenton Avenue and North Broad Street a distance of about 2.20 miles

Beginning at a point on the Philadelphia City-Bucks County Line on Bustleton Avenue thence southerly on Bustleton Avenue to an intersection with Welsh Road thence over Welsh Road to the intersection of Welsh Road and Roosevelt Boulevard a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Philmont Avenue thence northeasterly over Philmont Avenue to its intersection with Bustleton Avenue a distance of about .70 of a mile

Beginning at a point on the Philadelphia City-Bucks County Line on Frankford Avenue thence southwesterly on Frankford Avenue to an intersection with Levick Street thence northwesterly on Levick Street to the intersection of Levick Street and the Roosevelt Boulevard a distance of about 6.00 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Cottman Avenue thence southeasterly over Cottman Avenue to an intersection with Frankford Avenue beginning again at the intersection of Frankford Avenue and Levick Street thence southeasterly over Levick Street to the approach to the Tacony-Palmyra Bridge a distance of about 4.50 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Eighty-fourth Street thence southeasterly over Eighty-fourth Street to an intersection with Tinicum Avenue thence northeasterly over Tinicum Avenue to an intersection with South 80th Street thence southeasterly over South 80th Street to an intersection with Penrose Ferry Road thence northeasterly over Penrose Ferry Road to an intersection with Penrose Avenue near Schuylkill Avenue thence northeasterly on Penrose Avenue to an intersection with Moyamensing Avenue thence over Moyamensing Avenue to an intersection with South Broad Street thence northerly on South Broad Street to City Hall thence by way of East Penn Square to the intersection of North Penn Square and North Broad Street a distance of about 7.40 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Tinicum Avenue thence northeasterly on Tinicum Avenue to the intersection of Tinicum Avenue and Eighty-fourth Street beginning again at the intersection of Moyamensing Avenue and Oregon Avenue thence easterly on Oregon Avenue to an intersection with Swanson Street thence northerly on Swanson Street to an intersection with Delaware Avenue thence northerly on Delaware Avenue to an intersection with Richmond Street thence northeasterly on Richmond Street to an intersection with Bridge Street thence northwesterly on Bridge Street to an intersection with Tacony Street thence northeasterly on Tacony Street and State Road to the approach to the Tacony-Palmyra Bridge a distance of about 12.70 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Germantown Avenue thence southeasterly over Germantown Avenue to an intersection with Mt. Pleasant Avenue thence northeasterly on Mt. Pleasant Avenue to Chew Street thence southeasterly on Chew Street to an intersection with Olney Avenue thence easterly over Olney Avenue to an intersection with Rising Sun Avenue beginning again at the intersection of Rising Sun Avenue and Adams Avenue thence over Adams Avenue to an intersection with the Roosevelt Boulevard a distance of about 8.76 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Bethlehem Pike thence southeasterly on the Bethlehem Pike to an intersection with the Germantown Avenue beginning again at an intersection of Germantown Avenue and Allen's Lane thence southerly over Allen's Lane to an intersection with Lincoln Drive thence southerly on Lincoln Drive to an intersection with Cliveden Street thence southerly on Cliveden Street to an intersection with Park Line thence over Park Line to an intersection with Walnut Lane thence over Walnut Lane to an intersection with Ridge Avenue thence southerly on Ridge Avenue to the intersection of Park Drive and Ridge Avenue beginning again at the intersection of Allegheny Avenue and Ridge Avenue thence southerly on Ridge Avenue to an intersection with Twenty-ninth Street thence southerly on Twenty-ninth Street to an intersection with Girard Avenue thence easterly on Girard Avenue to an intersection with West College Avenue thence southerly on West College Avenue to an intersection with Twenty-fifth Street thence southerly on Twenty-fifth Street to an intersection with Pennsylvania Avenue thence southeasterly on Pennsylvania Avenue to an intersection with Spring Garden Street thence over Spring Garden Street to the intersection of Spring Garden Street and Delaware Avenue beginning again at the intersection of Pennsylvania Avenue and Twenty-fifth Street thence northwesterly on Pennsylvania Avenue to the intersection of Twenty-sixth Street thence northerly over Twenty-sixth Street to the intersection of Twenty-sixth Street and Girard Avenue beginning again at the intersection of Girard Avenue and Twenty-ninth Street thence westerly on Girard Avenue to an intersection with a park drive near Thirty-first Street beginning again at the intersection of Spring Garden Street and Pennsylvania Avenue thence westerly over Spring Garden Street to an intersection with a park drive a distance of about 11.00 miles

Beginning at a point on the Philadelphia City-Rockledge Borough Line on Oxford Avenue thence southerly on Oxford Avenue to an intersection with Rising Sun Avenue thence southwesterly on Rising Sun Avenue to the intersection of Rising Sun Avenue and the Roosevelt Boulevard a distance of about 3.40 miles

Beginning at a point on the Philadelphia City-Mont-

gomery County Line on Haverford Avenue thence southeasterly on Haverford Avenue to an intersection with Forty-second Street a distance of about 4.25 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Lansdowne Avenue thence northerly over Lansdowne Avenue to an intersection with Haverford Avenue beginning again at an intersection of Haverford Avenue and Girard Avenue thence easterly over Girard Avenue to an intersection with a park drive near Thirty-first Street thence southerly over the park drive to an intersection with the Parkway at Spring Garden Street a distance of about 4.80 miles

Beginning at a point on the Philadelphia City-Delaware County Line on Seventy-first Street thence northerly over Seventy-first Street to an intersection with Lansdown Avenue a distance of about 0.50 of a mile

Beginning at a point on the Philadelphia City-Montgomery County Line on East Washington Lane thence southwesterly over East Washington Lane to an intersection with Stenton Avenue thence southeasterly on Stenton Avenue to an intersection with Washington Lane thence southwesterly on Washington Lane to an intersection with Wayne Avenue thence northwesterly on Wayne Avenue to the intersection of Wayne Avenue and Lincoln Drive a distance of about 3.20 miles

Beginning at a point on the Philadelphia City-Montgomery County Line on Ridge Avenue thence southeasterly on Ridge Avenue to an intersection with Walnut Lane beginning again at the intersection of Allegheny Avenue and Hunting Park Avenue thence easterly over Allegheny Avenue to an intersection with Sedgley Avenue thence northeasterly on Sedgley Avenue to an intersection with Ninth Street thence southeasterly on Ninth Street to an intersection with Allegheny Avenue thence easterly over Allegheny Avenue to an intersection with Richmond Street a distance of about 9.00 miles

Beginning at the Philadelphia City-Darby Borough Line on Woodland Avenue thence northeasterly on Woodland Avenue to an intersection with Island Avenue thence southeasterly on Island Avenue to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with Buist Avenue thence northeasterly on Buist Avenue to an intersection with South Sixty-third Street thence southeasterly on South Sixty-third Street to an intersection with Passyunk Avenue thence northeasterly on Passyunk Avenue to an intersection with South Broad Street beginning again at the intersection of Washington Avenue and South Broad Street thence easterly on Washington Avenue to the intersection of Washington Avenue and Delaware Avenue a distance of about 6.25 miles

Provided however that no part or portion of any street hereinbefore described shall be taken over as a State highway under the provisions of this act until after such part or portion shall have been legally opened by the city authorities in the same manner as other streets are now open which form a part of the same route as herein described

Section 3 The city streets or sections thereof hereinbefore described shall be taken over by the Commonwealth through the Department of Highways not later than the first day of January one thousand nine hundred thirty-eight subject however to the following exceptions

(a) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if an order or decree for the improvement thereof has been issued until there has been full compliance with the terms of such order or decree

(b) No city street or part thereof described in section two of this act shall be taken over by the Commonwealth if a contract for the improvement thereof has been entered into between a contractor and the Commonwealth or the city authorities or both until the contract has been completed

(c) No city street or part thereof described in section two of this act shall be taken over if an agreement has been entered into between the city authorities and the Commonwealth or any other party for the maintenance or construction of such street even though no formal contract has been executed pursuant to such agreement and no work has been done until the terms of the agreement have been fulfilled

Section 4 This act is not intended and shall not be construed

(a) To place upon the Commonwealth any duty to regulate traffic or police the streets herein taken over by the Commonwealth but such duty shall be and remain the obligation of the cities

(b) To place upon the Commonwealth any obligation for the maintenance construction reconstruction or resurfacing of said streets other than the base or surface courses

(c) To place upon the Commonwealth through the Department of Highways any obligation to maintain construct or reconstruct any structure of any kind or character whatsoever situate upon or forming part of any city street or section thereof described in section two of this act except that the Secretary of Highways may assume the obligation to maintain construct or reconstruct drainage structures with a total spanned length not exceeding ten feet measured along the center line of the street other than storm or sanitary sewers and which were the sole obligation of the city prior to the passage of this act Responsibility for the construction reconstruction and maintenance of any other structures shall remain with the city person association or corporation responsible therefor at the date of the approval of this act

(d) To authorize any assessment to be made against the Commonwealth by reason of or to assist in the elimination of any grade crossing or the alteration or reconstruction of an existing overhead or undergrade crossing on any street described and designated in section two of this act and no such assessment shall hereafter be made under any act of Assembly heretofore enacted

(e) To place upon the Commonwealth any obligation under any franchise or franchises heretofore or hereafter granted by the city to any public utility company nor to transfer to the Commonwealth from the city any rights under any such franchise or franchises heretofore granted

(f) To place upon the Department of Highways any authority to regulate traffic parking or the general use by the traveling public of the streets or sections thereof taken over by the Commonwealth for maintenance or improvement under the provisions of this act Provided however That the Department of Highways shall be and is hereby authorized to close to traffic all of the streets or sections thereof described in section two of this act during such time as improvements are being made thereon and in such case the city shall establish and maintain a suitable detour in accordance with the provisions of section ten of this act

Section 5 After the streets described in section two of this act shall have been taken over by the Commonwealth they shall be maintained constructed reconstructed and resurfaced by the Department of Highways at the expense of the Commonwealth and such construction reconstruction and resurfacing shall be of such type as shall be determined by the Secretary of Highways with the approval of the Governor and repairs and maintenance shall be of such type as shall be determined by the Secretary of Highways The obligation of the Commonwealth in the construction reconstruction resurfacing or maintenance as hereinbefore provided shall be limited to that part of the street or section thereof between curb lines as established at the time of passage of this act but shall not include the portions of such streets which are or may be used and occupied by the structures or surface facilities of any public utility company Provided That it shall nevertheless be lawful for the Department of Highways to enter into agreements in the discretion of the Secretary of Highways with the cities or with persons associations or corporations for the sharing with the Commonwealth of the cost of construction reconstruction or resurfacing of the streets or sections thereof taken over by the Commonwealth under this act

Section 6 The maintenance of said streets authorized under the provisions of this act shall not include snow removal or street cleaning and shall be limited to the portions of the street between existing curb lines available to vehicular traffic

Section 7 The Department of Highways shall not change the width lines or grades of the streets taken over

under the provisions of this act or any section thereof but such changes as may be approved or recommended by the Secretary of Highways shall be made by the city as heretofore by an ordinance duly passed in accordance with laws applicable thereto and in the event of any change of width lines or grades in accordance with the provisions of this section the city shall be responsible for the payment of any damages which may be occasioned thereby in the manner provided by low such damages to be as certained and paid in accordance with the laws applicable thereto.

Section 8 Before the Department of Highways shall proceed with the construction reconstruction or resurfacing of any of the streets or sections thereof as described in section two of this act the city after being notified of the contemplated improvement shall take the necessary steps to compel all public utility companies to make any necessary replacements or renewals of any of their structures located within the lines of the improvement prior to the commencement of work and shall agree that the said street or sections thereof when completed shall not be torn up or opened for a period of five years except in emergency cases and subpect to the same conditions and restrictions as are now provided by law with reference to the opening of State highways in boroughs

Section 9 No opening shall be made in the surface of any improved street which is maintained by the Department of Highways under the authority of this act until and unless a permit has been obtained for such opening from the Department of Highways Any person firm or corporation opening the improved surface of any street or highway without having first obtained a permit as hereinbefore provided shall upon summary conviction before a magistrate be sentenced to pay a fine of not more than twenty-five ($25.00) dollars and in addition thereto the costs of prosecution and surface restoration charges and in default of the payment thereof shall undergo imprisonment for not more than five days

Section 10 Before the commencement of any work authorized under the provisions of this act the city shall upon notice from the Secretary of Highways so to do establish and thereafter maintain at its own expense an adequate detour for the accommodation of the traveling public for such length of time as may be necessary or until the improvement contemplated has been completed and accepted and the street or sections thereof opened and made available to public travel Such detour when established as herein provided shall be marked and posted by the Department of Highways at the expense of the Commonwealth

Section 11 Cities are hereby authorized to incur or to increase their indebtedness by the issue and sale of obligations of the city in the manner and subject to the limitations provided by law for the purpose of assistaing in the improving constructing reconstructing or resurfacing any of the streets or sections thereof the improvement of which is authorized in accordance with the provisions of this act

Section 12 All moneys received by the Commonwealth under any contract or agreement for sharing the cost of the maintenance construction reconstruction or resurfacing of any street or section thereof under the provisions of this act shall be deposited in the Motor License Fund and as much of the money in the Motor License Fund as may be necessary to carry out the provisions of this act is hereby specifically appropriated to the Department of Highways for the purposes of this act

Section 13 It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as though the part or parts held unconstitutional had not been included herein

Section 14 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 15 This act shall become effective the first day of January one thousand nine hundred thirty-eight

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Lanius,	Rice,
Buckman,	Henney,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Rupp,
Chapman,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Wolfenden,
Gelder,	Kunkel,	Reed,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 671, as follows:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 DEFINITIONS The term "establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable except farms or private dwellings and shall include those owned or under the control of the Commonwealth and any political sub-division thereof as well as school districts

The term "department" shall mean the Department of Labor and Industry

Section 2 GENERAL SAFETY AND HEALTH REQUIREMENTS (a) All establishments shall be so constructed equipped arranged operated and conducted as to provide reasonable and adequate protection for the life limb health safety and morals of all persons employed therein

(b) All belts pulleys gears chains sprockets shafting and other mechanical power transmission apparatus stationary engines electrical equipment and apparatus shall be properly guarded to protect workers from injury.

(c) All cranes hoists steam or electric shovels plant railroads and other apparatus or devices used for moving lifting lowering and transporting material shall be designed constructed equipped and operated as to eliminate dangerous conditions

(d) The point of operation on all saws planers jointers or other power driven woodworking machines and all power presses planers shapers and other power driven machine tools and dangerous parts of any other machines or devices shall be provided with guards of a type approved by the department Laundry machines extractors washers ironers and other machines or apparatus shall be provided with guards where because of accident hazard they are required by the department

(e) All toxic and noxious dusts fumes vapors gases fibres fogs mists or other atmospheric impurities created in connection with any manufacturing process emitted into or disseminated throughout areas where persons are employed in such quantities as in the opinion of the department would injure the health of employes or create other dangerous conditions shall be removed at the point of origin or where this is impractical personal protective devices shall be provided and worn by persons subjected to such hazards

(f) All pits quarries mines other than coal mines trenches excavations and similar operations shall be properly shored braced and otherwise guarded operated and conducted as to provide reasonable and adequate protection to workers employed therein

(g) All building construction demolition and cleaning including window cleaning shall be conducted in a manner as to avoid accident hazards to workers or the public Scaffolds ladders material hoists window cleaning devices safety belts and other equipment used in such operations shall be designed manufactured constructed and erected as to be safe for the purpose intended All stairs open-sided floors platforms and runways shall be provided with proper railings and toeboards

(h) When employes due to the nature of employment are subject to injury from flying particles falling objects hot corrosive or poisonous substances acids or caustics and injurious light rays they shall be provided with and shall wear goggles other head and eye protectors gloves leggings and other personal protective devices

Section 3 LIGHTING HEATING VENTILATION AND SANITARY FACILITIES All establishments shall be adequately lighted heated and ventilated Proper sanitary facilities shall be provided in sufficient number for the persons employed and shall include toilet facilities washing facilities dressing rooms retiring rooms for women and wholesome drinking water of approved quality

Section 4 FIREWORKS AND EXPLOSIVES PLANTS Establishments where fireworks or explosives are manufactured or stored shall be located at a safe distance from other buildings highways or railroads for the protection of the public Such establishments shall be located erected operated and conducted as to provide adequate and reasonable protection to persons employed therein

Section 5 FLOOR SPACE The floor space of workrooms in any establishment shall not be so crowded with machinery as to thereby cause risk to the life or limb of any employe Proper clear aisle space shall be maintained where necessary for employes to walk between machines equipment or material Machinery shall not be placed in any establishment in excess of the sustaining power of the floors and walls thereof

Section 6 REMOVAL OF GUARDS No person shall remove or make ineffective any safeguard safety appliance or device attached to machinery except for the purpose of immediately making repairs or adjustments and any person or persons who remove or make ineffective any such safeguard safety appliance or device for repairs or adjustments shall replace the same immediately upon the completion of such repairs or adjustments

Section 7 PROHIBITED USE OF DANGEROUS MACHINERY If any machinery or any part thereof is in a dangerous condition or is not properly guarded the use thereof may be prohibited by the Secretary of Labor and Industry or his authorized representative and a notice to that effect shall be attached thereto Such notice shall be removed only by an authorized representative of the department after the machinery is made safe and the required safeguards are provided and in the meantime such unsafe or dangerous machinery shall not be used

Section 8 AIR SPACE FOR WORKROOM The owner agent lessee or other person having charge or managerial control of any establishment shall provide or cause to be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment where persons are employed

Section 9 CANNERIES AND LABOR CAMPS All canneries for the canning or preserving of fruits vegetables and meats shall be kept in a clean and sanitary condition and all labor camps operated in connection with such canneries and all other labor camps shall be located constructed maintained and operated in all respects as to provide for the health safety and comfort of occupants of such camps

Section 10 SAFE PRACTICES The department may prepare and publish for the use of industry recommendation for safe practices as a guide in the elimination of accidents

Section 11 INDUSTRIAL HOME WORK Industrial home work shall be conducted in such manner as to insure the safety and health of all persons so employed

Section 12 RULES AND REGULATIONS The Department of Labor and Industry shall have the power and its duty shall be to make alter amend and repeal rules and regulations for carrying into effect all the provisions of this act and applying such provisions to specific conditions

Section 13 ENFORCEMENT RIGHT OF ENTRY The provisions of this act shall be enforced by the Department of Labor and Industry For the purpose of enforcing the provisions of this act the Secretary of Labor and Industry or his duly authorized representative shall have the power to enter any room building or place where labor is employed and to issue the necessary instructions to the superintendent manager or responsible agent of the employer to correct violations of this act or regulations based on this act

Section 14 PROCEDURE IN PROSECUTION Prosecutions of the department as herein provided for or who shall hinder or delay or interfere with any person charged with the enforcement of this act in the performance of his duty shall upon conviction in a summary proceeding be sentenced for a first offense to pay a fine of not less than twenty-five dollars and not more than one hundred dollars and in default of the payment of such fine and costs shall be imprisoned for a term of not more than thirty days and upon conviction for a second offense shall be sentenced to pay a fine of not less than fifty or more than two hundred dollars and in default of the payment of such fine and costs shall be imprisoned for a term not exceeding sixty days Any person guilty of a third offense under the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not more than five hundred dollars or to undergo imprisonment not exceeding six months or both at the discretion of the court Each violation shall be deemed to constitute a separate offense

All fines collected under this act shall be forwarded to the Department of Labor and Industry who shall transmit the same to the State Treasury through the Department of Revenue

Section 16 REPEALER (a) The following acts are hereby repealed

The act approved the second day of May one thousand nine hundred and five entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety of all employes in all industrial establishments and of men women and children in schoolhouses academies seminaries colleges hotels hospitals storehouses office buildings public halls and places of amusement in which proper fire escapes exits and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the chief factory inspector shall constitute the Department of Factory Inspection to enforce the same and providing penalties for violations of the provisions thereof fixing the term and salaries of the chief factory inspector and his appointees" and all amendments thereto

(b) All acts and parts of acts inconsistent with this act are hereby repealed

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Chapman,	Homsher,	McGinnis,	Salus,
Dando,	Howell,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Woodward,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS OVER IN ORDER

Mr. MALLERY. Mr. President, I ask unanimous consent that Senate Bill No. 9, on third reading, entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUPP. Mr. President, I ask unanimous consent that Senate Bill No. 20, on third reading, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties and for the revocation of licenses and permits

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I understand that Senate Bill No. 69, on third reading, entitled:

An Act to protect the obligors or guarantors of bonds and mortgages and owners of property affected thereby and others indirectly liable for the payment thereof the sale of mortgaged property at less than its fair market value and prescribing the method of fixing the fair market value of said property

was reported from committee with the understanding that it should be recommitted. In the absence of the sponsor of the bill, I move it be recommitted to the Committee on Judiciary General.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 388, entitled:

An Act to further amend sections two three and four of the act, approved the eighth day of May, one thousand nine hundred and nine (P. L. 470), entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs; defining the word "drug"; prescribing penalties for violation of this act, and the method of its enforcement," by further defining the standards for drugs and adulteration of drugs.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. MALLERY. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Henney, who is the sponsor of this bill.

The PRESIDENT. Will Senator from Allegheny, Mr. Henney, permit himself to be interrogated?

Mr. HENNEY. Mr. President, I will.

Mr. MALLERY. Mr. President, I have no particular interest in this bill, but I would like to ask the sponsor, Mr. Henney, whether there is any provision in this bill which would prohibit the sale of drugs now in stock. It occurred to me that there might be a considerable loss by just junking these drugs, I mean the drugs that are on hand as I said before, I have no particular interest in this bill but this matter just occurred to me and I would like the Senator's viewpoint.

Mr. HENNEY. Mr. President, it does not prohibit the sales of drugs that are already purchased, not if they comply with the law.

Mr. MALLERY. Mr. President, supposing they do not comply with the law, with the setup in this new bill as it now exists, that it did not meet the requirements of the law as this bill provides?

Mr. HENNEY. Mr. President, it is not the intention to confiscate the drugs. The intention of the bill is to protect the public and to protect the manufacturer who is really living up to the present law.

Mr. MALLERY. Mr. President, I understand that, but suppose there are medicines in existence now that do not measure up to the requirements of the new law, would the sale of those drugs be permitted.

Mr. HENNEY. Mr. President, not unless they measured up, they would have to come up to the standards of the law, that is the reason for the bill.

BILL OVER IN ORDER

Mr. MALLERY. Mr. President, I would like to ask the Senator if he would agree that the bill go over in its order and I make that request.

Mr. HENNEY. Mr. President, I do not object.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. CAVALCANTE. Mr. President, I move that Senate Bill No. 572, on third reading, entitled:

An Act creating the Brandywine Battlefield Park Commission as a departmental administrative commission in the Department of Forests and Waters defining its powers and duties and making an appropriation.

be recommitted to the Committee on Appropriations, for the reason that it contains a provision for an appropriation.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 643, entitled:

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Lanius,	Rice,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Scarlett,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Wolfenden,
Gelder,	Kunkel,	Reed,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL POSTPONED

Mr. KILGALLEN. Mr. President, I move that further consideration of Senate Bill No. 713 (House Bill No. 904), on third reading entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties.

be postponed for the present.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 716 (House Bill No. 1038), entitled:

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—46

Bean,	Haluska,	Law,	Rodgers,
Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Howell,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Homsher,	Mundy,	Scarlett,
Deitrick,	Huffman,	Owlett,	Sipe,
Dent,	Jacobs,	Pierson,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Sordoni,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 731 (House Bill No. 1322), on third reading, entitled:

An Act to repeal sections two thousand ninety, two thousand ninety one, two thousand ninety-two, two thousand ninety-three, two thousand ninety-four, two thousand ninety-five, and two thousand ninety-six of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," by abolishing the right of taxpayers to furnish all the materials and labor necessary for opening, making, amending and repairing the public highways and bridges of townships by petition and contract.

be recommitted to the Committee on Municipal Government for the purpose of further study and a hearing.

Mr. KILGALLEN. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 740 on third reading, entitled:

An Act to re-enact and amend the act approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21) entitled, "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing method for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 771 on third reading, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 796 (House Bill No. 917) on third reading, entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or on farms requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 893 on third reading, entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, terminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes, property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 895, entitled:

An Act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings monuments and bridges.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Haluska,	Lanius,	Sipe,
Buckman,	Henney,	Law,	Sones,
Cavalcante,	Heyburn,	Mallery,	Stiefel,
Chapman,	Homsher,	McCreesh,	Wolfenden,
Dando,	Howell,	McGinnis,	Woodward,
Deitrick,	Huffman,	Mundy,	Pierson,
DiSilvestro,	Jacobs,	Owlett,	Pytko,
Eroe,	Jaspan,	Rupp,	Rankin,
Frey,	Kahle,	Ruth,	Reed,
Gelder,	Kilgallen,	Salus,	Rice,
Gilson,	Kunkel,	Scarlett,	Rodgers,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 911, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock, and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corporations doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Department of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, I ask unanimous consent to amend page 4, section 3 (1) line 5—strike out the word "three" and insert the word "six" ;line 8—strike out the word "three" and insert the word "six"; section 3 (2), line 14—strike out the word and figure "three (3)" and insert in lieu thereof the word and figure "six (6)"; page 5, section 3 (4), line 3—strike out the word "three" and insert the word "six".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

Mr. JACOBS. Mr. President, I ask unanimous consent to amend page 4, section 3, line 5 by striking out the words "not paid" and inserting in lieu thereof "unclaimed"; amend page 4, section 3, line 7 by inserting after the word "creditor" the following "for the payment of which debts or interest thereon funds have been provided by the copamny where said payments have been unclaimed"; amend page 4, section 3, line 8 by striking out the words "and not paid"; amend page 6, section 4, line 2 by striking out the words "Power to" and inserting in lieu thereof "Powers of".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 928 (House Bill No. 2118), entitled:

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (Pamphlet Laws, one hundred eighty-four), entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods, wares and merchandise, and providing for the collection of said tax," by clarifying the provisions relating to appeals.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Henney,	Law,	Rice,
Cavalcante,	Heyburn,	Mallery,	Rodgers,
Chapman,	Homsher,	McCreesh,	Rupp,
Dando,	Howell,	McGinnis,	Ruth,
Deitrick,	Huffman,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Eroe,	Jaspan,	Pierson,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson,
Gelder,	Kilgallen,	Rankin,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1004, entitled:

An Act declaring bonds issued by The General State Authority legal investments for the investment of certain funds and moneys.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. WOODWARD. Mr. President, as I understand it the Commonwealth is not responsible for these bonds, and I therefore do not see what right the Commonwealth has to declare them to be a legal investment.

Mr. THOMPSON. Mr. President, in answer to the interrogation of the Senator from Philadelphia, Mr. Woodward, I would reply that the Commonwealth is in no way responsible for the payment of these bonds, of the City of Philadelphia, but at the same time they are legal investments of the fiduciary.

Mr. WOODWARD. Mr. President, my understanding is that the favorite method of circumventing the constitutional limitation of a bond debt, it seems to me, should be regarded with some suspicion.

Mr. THOMPSON. Mr. President, I think that the Senator from Philadelphia misunderstands the philosophy of the whole institution. It is just simply that the Commonwealth creates another municipal agency, just the same as townships, boroughs and cities.

Mr. REED. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. REED. Mr. President, I would like to ask the Senator if these bonds provide on their face the fact that the Commonwealth is in no way responsible or liable.

Mr. THOMPSON. Mr. President, in answer to the interrogation to the Senator from Washington, Mr. Reed, I would say that the face of the bond and the legend on the face of the bond will entirely depend upon what is written into that legend by the action of the State Authority. I would also say, professionally speaking, that it is not necessary to do that to make the bond a valid instrument and yet at the same time if the Authority authorizing the issuance of the bond would decide to put that in the legend of the bond, I see no reason why they could not.

Mr. REED. Mr. President, the reason I raised that question is that these bonds may get into the hands of unscrupulous bond salesmen, and they might go out to unsuspecting and not highly intelligent women representing that they are State bonds, and in view of that they might purchase them with the erroneous idea that they are State bonds, and that is the reason I asked that question, because I can see that a lot of unsuspecting people might be misled into believing that these are State obligations, guaranteed by the State.

Mr. THOMPSON. Mr. President, they will not be the obligation of the State.

Mr. OWLETT. Mr. President, I would like to interrogate the Senator from Centre, Mr. Thompson.

The PRESIDENT. Will the Senator from Centre, Mr. Thompson, permit himself to be interrogated?

Mr. THOMPSON. Mr. President, I will.

Mr. OWLETT. Mr. President, in leasing this State Authority to a municipality, is it not true that a municipality has power to tax in order to pay the debts, while this Authority does not?

Mr. THOMPSON. Mr. President, in answer to the interrogation to the Senator from Tioga, I would reply that this Authority has power, so to speak, to traffic in the assets of the Authority to lease them for revenue purposes, which municipalities ordinarily do not have.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Heyburn,	Law,	Rodgers,
Dent,	Huffman,	McCreesh,	Rupp,
DiSilvestro,	Jacobs,	McGinnis,	Ruth,
Eroe,	Jaspan,	Mundy,	Sipe,
Frey,	Kahle,	Pytko,	Sones,
Gilson,	Kilgallen,	Rankin,	Stiefel,
Haluska,	Kunkel,	Rice,	Thompson,
Henney,	Lanius,		

NAYS—13

Bean,	Gelder,	Mallery,	Reed,
Buckman,	Homsher,	Owlett,	Wolfenden,
Chapman,	Howell,	Pierson,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. REED. Mr. President, in accordance with the agreement when this bill was released from Committee, I move that Senate Bill No. 144, on second reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309), entitled "An act to estabilsh a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by increasing the powers and duties of district superintendents, supervising principals and county superintendents; changing the qualifications of county, district, assistant and associate superintendents and supervising principals; increasing the terms of county and district superintendents; and conferring powers and imposing duties on the State Council of Education.

be recommitted to the Committee on Education.

Mr. GELDER. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 289 (House Bill No. 150), on second reading entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 295, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any county city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the assessed value of the taxable property therein but the debt of the county of Allegheny may be increased in an amount that the total county debt of such county shall not exceed ten (10) per centum upon the assessed value of the taxable realty therein and the debt of the city and county of Philadelphia may be increased in such amount that the total city and county debt of said city and county shall not exceed fifteen (15) per centum upon the assessed value of the taxable realty therein nor shall any municipality or district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of taxable property or taxable realty without the consent of the electors thereof at a public election in such manner as shall be provided by law In ascertaining the borrowing capacity of the city and county of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and county as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any other public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the city and county of Philadelphia may issue its obligations maturing not later than fifty (50) years from the date thereof with provision for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said city and county of Philadelphia for the purpose of the construction or improvements of public works or utilities of any character from which income or

revenue is to be derived by said city and county or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city and county such obligations may be in an amount sufficient to provide for any may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said city and county shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however That any county city borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 411, on second reading, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments, county officers, poor directors and courts of common pleas ; creating county assistance boards and prescribing their powers and duties and prescribing penalties.

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 776, on second reading, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, one hundred seventy-seven), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, by modifying the procedure for the sale of unserviceable property and enlarging the scope of the appropriation of the Manufacturing Fund; clarifying the provisions pertaining to the furnishing of State automobiles from the temporary fleet; authorizing the purchase of liability insurance covering State officers or employes operating vehicles loaned by the Federal government; prohibiting contractors with the Commonwealth from requiring or receiving refunds of part of any premium, wage or wages required by their contract to be paid to their employes; providing for the demolition or destruction of certain military stores in certain cases; authorizing the transfer of surplus products between State institutions; further defining the working hours and duties of State employes; amplifying the supervision of the Department of Welfare over inmates in, and the transfer of inmates from, State penal and correctional institutions; empowering the Department of Welfare to enforce compliance with its orders to remedy unfavorable conditions in State and supervised institutions; eliminating the office of business manager in State institutions under the Department of Welfare; authorizing the Department of Welfare to fix and establish service charges at State-owned medical and surgical hospitals; authorizing the Department of Property and Supplies to establish standards for the operation of certain State equipment, and to make periodical surveys of the buildings, equipment, land, and improvements of State institutions; further modifying and regulating the procedure to be followed for construction projects; making further provision for bid performance bonds of bidders for State contracts; extending the scope of the work of the State Park Commission; further regulating purchases made directly by departments, boards and commissions; requiring counties to pay compensation and expenses of special attorneys in criminal cases; authorizing the Governor to grant commissions to State pilots; providing for the disposal of accumulated files of papers no longer needed or useful in the Commonwealth; providing for the promulgation of rules and regulations by, and enlarging the powers of, the Department of Forests and Waters and the Water and Power Resources Board; further regulating the maximum price that may be paid for land acquired for State forestry purposes; prescribing the membership and powers and duties of the State Park Commission; creating and prescribing the powers and duties of Regional State Park Boards; eliminating the limitation on the amount per acre that may be paid for land acquired for State park purposes; eliminating the Board of Game Commissioners and extending the provisions of the Code to its successor, the Pennsylvania Game Commission; eliminating the Public Service Commission of the Commonwealth of Pennsylvania, and extending the provisions of the Code to its successor, the Pennsylvania Public Utility Commission; transferring the State Athletic Commission from the Department of Military Affairs to the Department of Revenue, and the State Board of Undertakers from the Department of Public Instruction to the Department of Health; eliminating the State Aeronautics Commission, the Pennsylvania Alcohol Permit Board, and the Board of Trustees of Cumberland Valley State Institution for Mental Defectives, and the Anatomical Board; and generally further reorganizing and clarifying the conduct of the administrative work of the Commonwealth.

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 876, on second reading, entitled:

An Act creating in each county (except of the first class) as a separate corporation and in each city of the first and second class as a part of the city government an institution district for the care and maintenance of certain indigent persons prescribing the powers and duties of county commissioners county treasurers city departments of public welfare the State Department of Welfare and the State Department of Public Assistance in respect thereto abolishing certain poor districts and terminating the terms of directors overseers guardians and managers of the poor and poor district auditors and providing for the temporary employment of certain of them providing for the transfer vesting sale and disposition of the property of poor districts and the payment of their obligations revising amending changing and consolidating the law relating to the care of the poor and repealing existing laws

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 877, on second reading, entitled:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined", as amended, by establishing a Department of Public Assistance and a State Board of Public Assistance, and defining their powers and duties; providing for the employment and removal of all persons employed by the Department of Public Assistance, by the State board of Public Assistance, and by any board established by law and authorized to provide assistance in one or more counties only; and by changing the powers of the Department of Welfare.

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 878, on second reading, entitled:

An Act relating to the support of indigent persons publicly cared for or assisted; providing for the support of such persons by certain relatives and for the recovery of public moneys expended for care and assistance from the property and estates of such persons; providing for guardians of the person and property of such persons; providing for the arrest and seizure and sale of the property of deserters; and providing procedure.

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 882, on second reading, entitled:

An Act to amend section seventeen of the act approved the twenty-fifth day of June, one thousand nine hundred thirty-six (P. L. 28), entitled, "An act providing for and regulating assistance to, and the burial of, certain aged indigent persons and the administration of this act by the Department of Welfare and the boards of trustees of the mother's assistance funds of the several counties; authorizing the Department of Welfare to cooperate with and to accept and disburse moneys received from the United States Government for assistance to such persons; authorizing the appointment of trustees for certain persons; providing for the recovery of moneys expended for assistance in certain cases; prohibiting political activity by employes of the board; providing substitute provisions in case Federal grants for old age assistance shall fail for any reason; providing penalties; and repealing inconsistent acts," by making further provision for the cost of administering the act.

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 883, on second reading, entitled:

An Act relating to public assistance; providing for, and regulating, assistance to certain classes of persons designated and defined as dependent children, aged persons, blind persons, and other persons requiring relief; providing for the administration of this act by the Department of Public Assistance and county boards of assistance hereby created for this purpose; authorizing the Department of Public Assistance to cooperate with, and to accept and disburse moneys received from, the United States government for assistance to such persons; providing for the liquidation of the State Emergency Relief Board, Boards of Trustees of the Mothers' Assistance Fund; and Boards of Trustees of Pension Fund for the Blind; and repealing laws relating to mothers' assistance, pensions for the blind, old age benefits, and the State Emergency Relief Board.

be recommitted to the Committee on Welfare.

Mr. WOODWARD. Mr. President, I second the motion.

The motion was agreed to.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 413, on second reading, entitled:

An Act to amend section six as amended in part, and section ten of the act, approved the thirty-first day of May one thousand nine hundred and twenty-three (P. L. 481), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foreman ,and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 414, on second reading, entitled:

An Act placing certain restriction and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines; providing for the safe periodic removal of dust accumulations from dry coal cleaning plants, tipples and screening plants at or near bituminous coal mines; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 415, on second reading, entitled:

An Act providing for the examination and certification of, and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines; imposing duties upon the Secretary of Mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 416, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 464 (House Bill No. 565), entitled:

An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a college prescribed by the State Council of Education and providing for injunctions and penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 492 (House Bill No. 390), entitled:

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees thereof conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue and prescribing penalties

Sections one to twenty-five, inclusive, of the bill were read as follows and agreed to.

Section 1 Legislative Purpose This State has long recognized that employment of men women and children under conditions detrimental to health and general welfare results in injury not only to the workers immediately affected but also to the public interest as a whole This recognition has produced a broad program of regulatory legislation to conserve the public welfare The continuance of an unregulated industrial homework system in this State runs counter to that program since it is usually accompanied by excessively low wages long and irregular hours and unsanitary or otherwise inadequate working quarters Employment of young children in industrial homework occupations is frequent but effective supervision of this child labor evil has not been attainable under present statutes The dangerous consequences of this system may fall upon the consumer of its products as well as upon the men and women who are its work force The preservation of the system moreover endangers the protection of the workers in factory industries which being forced to compete with industrial homework are under pressure to relax the established safeguards of life health and the public welfare After study of experience and reported investigations the legislature is convinced that industrial homework must eventually be abolished and that during a period of adjustment it must be strictly controlled in the interest of the wage-earners of this State and of the public at large This act is the product of that conviction

Section 2 Short Title This act shall be known and may be cited as the "Industrial Homework Law"

Section 3 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Contractor" Any person who for the account or benefit of an employer representative contractor or other person distributes to a home-worker or any other person not recruited or engaged by such employer representative contractor or other person articles or materials to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions

(b) "Department" The Department of Labor and Industry of this Commonwealth

(c) "Employer" Any person who for his own account or benefit directly or indirectly or through an employe agent independent contractor or any other person

(1) Delivers or causes to be delivered to another person any articles or materials to be manufactured in a home and thereafter to be returned to him not for the personal use of himself or of a member of his family or thereafter to be disposed of otherwise in accordance with his directions or

(2) Sells to another person any materials or articles for the purpose of having such articles or materials manufactured in a home and of then re-buying such materials or articles after such manufacture either by himself or by someone designated by him

(d) "Home" Any room house apartment or other premises whichever is most extensive used in whole or in part as a place of dwelling and including outbuildings upon premises that are primarily used as a place of dwelling where such outbuildings are under the control of the person dwelling on such premises

(e) "Home-worker" Any person engaged in manufacturing in a home articles or materials for an employer a representative contractor or a contractor

(f) "Industrial Homework" Any manufacture in a home of articles or materials for an employer a representative contractor or a contractor

(g) "Manufacture" To prepare alter repair finish or process in whole or in part or handle in any way connected with the production wrapping packaging or preparation for display of an article or materials

(h) "Person" An individual partnership firm association domestic or foreign corporation the legal representatives of a deceased individual or the receiver trustee or successor of an individual partnership association or corporation

(i) "Representative Contractor" Any person who receives from an employer or contractor not within the State articles or materials to be distributed by him to any homeworker or other person not recruited or engaged by such employer or contractor to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Prohibited Homework It shall be unlawful to manufacture in a home for an employer contractor or representative contractor any of the following articles or to perform in a home for such persons any of the following work and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work

(a) Articles of food or drink

(b) Articles for use in connection with the serving of food or drink

(c) Toys and dolls

(d) Tobacco

(e) Drugs and poisons

(f) Bandages and other sanitary goods

(g) Explosives fireworks and articles of like character

(h) The tearing or sewing of rags Provided That the word "rags" shall not be deemed to apply to new remnants clippings or selvages which are the by-products of manufacturing processes

(i) Articles the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed

Section 5 Power to Prohibit (a) The department shall have the power upon its own initiative to make an investigation of that portion or branch of any industry which employs home-workers in order to determine

(1) Whether the wages and conditions of employment are injurious to the health and welfare of home-workers in such portion or branch or

(2) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law or regulation for the industry of which such portion or branch is a part thus jeopardizing wages or working conditions of the factory workers in such industry

(b) If on the basis of information in its possession with or without an investigation as provided in this section the department shall find that industrial homework cannot be continued within any industry without injuring the health and welfare of the home-workers within that industry or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry the department shall by order require all employers representative contractors or contractors in such industry to discontinue the furnishing within this Commonwealth of articles or materials for industrial homework and no permit issued under this act shall be deemed thereafter to authorize the furnishing of articles or materials for industrial homework prohibited by such order

(c) All power machines used in conduct of industrial home work shall be guarded in accordance with the laws and regulations of the Department of Labor and Industry

Section 6 Procedure (a) Before making such order the department shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer or representative of employers and any home-worker or representative of home-workers and any other person or persons having an interest in the subject matter of hearing A public notice of such hearing shall be given in such manner as may be fixed by the department Such notice shall be made at least thirty days before the hearing is held Such hearing or hearings shall be in such place or places as the department deems most convenient to the employers and home-workers to be affected by such order

(b) The department shall determine the effective date of such order which date shall be not less than ninety days after the date of the promulgation of its order The order shall set forth the type or types of manufacturing which are prohibited after its effective date

Section 7 Permit Required by Employers and Representative Contractors (a) Every employer and every representative contractor within this Commonwealth must procure from the department an employer's permit Application for such permit shall be made on a form prescribed by the department Such permit shall be in writing dated when issued and signed by the Secretary of Labor and Industry or his duly authorized representative. It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked

(b) No such permit shall be issued to any person or to the successor in interest of any person whose employer's permit has been revoked by the department within two years prior to the last application for such a permit

(c) Any employer or a representative contractor who delivers to another person any articles or materials for manufacture by industrial home-work without having in his possession a valid employer's permit from the department shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 8 Injunction against Continued Violations Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit the department may apply to the court of common pleas of any county in which such employer or representative contractor has a place of business for an injunction and such court shall upon such application issue an injunction to restrain such employer or representative contractor from further violating the provisions of this act

Section 9 Permit Required by Contractors (a) Every contractor must procure from the department a contractor's permit Application for such permit shall be made on a form prescribed by the department Such permit shall be in writing and signed by the Secretary of Labor and Industry or his duly authorized representative it shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked

(b) No such permit shall issue to any person who or whose predecessor in interest held an employer's permit which within two years prior to the application for a contractor's permit was revoked by the department

(c) Any contractor who delivers or causes to be delivered to another person any articles or materials for manufacture by industrial home-work without having in his possession a valid contractor's permit shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 10 Fees (a) A fee of two hundred dollars ($200.00) shall be paid to the department for the original issuance of an employer's permit

(b) For each annual renewal of such permit the employer or representative contractor shall pay to the department a fee of

(1) Fifty dollars ($50.00) where at no time during the preceding year did the employer or representative contractor directly or indirectly have business relations simultaneously with more than one hundred home-workers

(2) One hundred dollars ($100.00) where at any time during the preceding year the employer or representative contractor directly or indirectly had business relations simultaneously with more than one hundred but less than three hundred home-workers

(3) Two hundred dollars ($200.00) where at any time during the preceding year the employer or representative contractor directly or indirectly had business relations simultaneously with three hundred or more home-workers

(c) A fee of twenty five dollars ($25.00) shall be paid to the department for the issuance of a contractor's permit

Section 11 Home-Worker's Certificate (a) Every person desiring to engage in industrial home-work within this Commonwealth must procure from the department a home-worker's certificate which shall be issued without cost and which shall be valid for a period of one year from the date of its issuance unless sooner revoked or suspended Application for such certificate shall be made in such form as the department may by regulation prescribe Such certificate shall be valid only for work performed by the applicant himself in his own home and in accordance with the provisions of this act

(b) No home-worker's certificate shall be issued

(1) To any person under the age of sixteen years or

(2) To any person known to be suffering from an infectious contagious or communicable disease or known to be living in a home that is not clean sanitary and free from infectious contagious or communicable diseases

(c) The department may revoke or suspend any home-worker's certificate if he finds that the holder is performing industrial home-work contrary to the conditions under which the certificate was issued or to any provision of this act or has permitted any person not holding a valid

home-worker's certificate to assist him in performing his industrial home-work

Section 12 Records to be Kept No person having an employer's or a contractor's permit shall deliver or cause to be delivered or received any articles or materials for or as a result of industrial home-work unless he shall keep in such form and forward to the department at such intervals as it may by regulation prescribe and on such blanks as it may provide a complete and accurate record of all persons engaged in industrial home-work on articles or materials furnished or distributed by him of all places where such persons work of all articles or materials furnished and distributed to such persons described as the department may require of all goods which such persons have manufactured of the net cash wages received by each home-worker and of all contractors to whom he has furnished articles or materials to be manufactured for him in any home

Section 13 Conditions of Manufacture Industrial home-work on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed

(a) Only by a person possessing a valid home-worker's certificate

(b) Only by persons over the age of sixteen years

(c) Only by persons resident in the home in which the work is done

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home-worker and

(e) Only in a home that is clean and sanitary and free from any infectious contagious or communicable disease

Upon the issuance of an employer's permit to an employer or representative contractor or a contractor's permit to a contractor such employer representative contractor or contractor shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section and each of such conditions shall be deemed to be a condition of the employer's or contractor's permit to the same extent as though it were expressly set forth therein

Section 14 Labels Required No employer or representative contractor or contractor shall deliver or cause to be delivered any articles or materials to be manufactured by any home-worker unless there has been conspicuously affixed to each article or material a label or other mark of identification bearing the employer's or representative contractor's name and address printed or written legibly in English but if the articles or materials are of such a nature that they cannot be individually so labeled or identified then the employer or representative contractor shall conspicuously label in like manner the package or other container in which such articles or materials are delivered or are to be kept while in the possession of the home-worker

Section 15 Unlawfully Manufactured Articles Any articles or materials which are being manufactured in a home in violation of any provision of this act may be seized and removed by any agent of the department and may be retained by him until claimed by the employer or representative contractor The department shall by registered mail give notice of such removal to the person whose name and address are affixed to the article as provided by section fourteen Unless the article so removed is claimed within thirty days thereafter it may be destroyed or otherwise disposed of

Section 16 Delivery to Contractors No employer or representative contractor shall deliver or cause to be delivered any material or articles to a contractor who is not in possession of a valid contractor's permit

Section 17 Violations (a) If the department has reason to believe that a person having an employer's or contractor's permit is not observing the provisions of this act or of a regulation or order authorized by it to be issued by the department or the conditions of such permit the department may on ten days' notice summon such person to appear before it to show cause why the department should not find that he has failed to observe such provisions or conditions

(b) If after such hearing the department finds as a fact that such person has failed to observe or comply with a provision of this act his permit or a regulation or order issued by the department under authority of this act the department may

(1) Revoke the permit of such person the order of revocation to be effective on a date fixed by the department not more than thirty days after the date of its issuance

(2) Cause to be published in a newspaper or newspapers circulating within this Commonwealth or in such other manner as the department may deem appropriate the name of such person as having failed in the respects stated to maintain the standards established under authority of this act Such publication may contain an identification by trade name or otherwise of the products manufactured or sold by such persons Neither the department nor any authorized representative of the department nor any newspaper publisher proprietor editor nor employe thereof shall be liable to an action for damages for publishing the name of any person as provided for in this act unless guilty of some wilful misrepresentation

[Section 18 Homework Tax (a) Each employer and each representative contractor shall be liable for and shall be required to pay quarterly on or before January fifteenth April fifteenth July fifteenth and October fifteenth of each year an excise tax of two dollars and fifty cents. ($2.50) for each home-worker to whom materials have been sent or delivered directly or indirectly by such employer or representative contractor during the preceding quarter and who was employed at any time during the quarter ending with the month preceding the date of payment

(b) The Department of Revenue is hereby charged with the enforcement of this section

(c) Each employer and each representative contractor shall file quarterly with the Department of Revenue on a form to be prescribed by it a return showing the number of home-workers to whom material has been sent or delivered by him during the preceding quarter together with such other information as the department may require At this time of filing this return the employer or representative contractor shall compute and pay to the State Treasurer through the Department of Revenue the tax imposed

(d) If a return as required by this section is not filed within thirty days after it is due or if when filed a return is incorrect or insufficient and the maker fails to file a corrected or sufficient return within thirty days after the same is required by the Department of Revenue such department shall determine the amount of the tax due from any information within its possession or that shall come into its possession Promptly after the date of any determination the Department of Revenue shall send by mail or otherwise a copy thereof to the person liable therefor

(e) Within thirty (30) days after the date of such determination the person against whom it is made may petition the Department of Revenue for a redetermination. Notice of the action taken upon and petition for redetermination shall be given to the petitioner by the Department of Revenue promptly after the date of determination shall be given to the petitioner by the Department of Revenue promptly after the date of redetermination

(f) Within thirty (30) days notice by the Department of Revenue of the action taken on any petition for redetermination filed with it the person against whom such determination was made may by petition request the Board of Finance and Revenue to review such action and may thereafter appeal to the Court of Common Pleas of Dauphin County in the manner now or hereafter provided by law for petitions for review or appeals in the case of tax settlements

(g) The lien of such tax and the enforcement thereof shall be as provided in The Fiscal Code

Section 19 Penalties for Failure to File Correct Return or to pay Tax Any person failing to file a return or corrected return or to pay any tax within the time required by this act shall be subject to a penalty of]

Section 18 Agreements to Contributions by Employes Void No agreement by a home-worker to pay any portion of a payment required of any person by any provision of this act shall be valid and no person shall make a deduction for such purpose from the wages or salary of any home-worker

Section 19 Filing and Inspection of Records and Returns Records reports applications and returns required to be made by this act shall be kept on file by the Department of Labor and Industry and shall be open to examination and inspection and subject to its regulation They may be used as evidence in any proceeding under this act but shall not otherwise become matter of public record.

Section 20 Fees of Witnesses Each witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow payable from appropriations made to the department for such purposes

Section 21 Penalties In addition to any penalties otherwise prescribed in this act

(a) Any person who wilfully makes a false statement or representation in order to lower the amount of fees due from him under this act or

(b) Any person who makes a deduction from the wages or salary of any home-worker to pay any portion of a payment which such person is required by this act to make or

(c) Any person who refuses to allow the commissioner or his authorized representative to enter his place of business for the purpose of inspecting his payroll or other records or documents relative to the enforcement of this act or who refuses to permit the commissioner to copy such records or documents shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or to undergo imprisonment for a term of six (6) months or both in the discretion of the Court

Section 22 Rules and Regulations Rules and regulations necessary to carry out the provisions of this act shall be made by the department It shall have the power and its duty shall be to enforce all the provisions of this act except as otherwise specifically provided

Section 23 Payment into State Treasury All fees and other moneys derived from the operation of this act shall be paid into the State Treasury through the Department of Revenue to the credit of the General Fund

Section 24 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional or inapplicable to any person or circumstances the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included herein

Section 25 Repeal of Existing Law All acts and parts of acts inconsistent with this act are hereby repealed

The title of the bill was read as follows:

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue and prescribing penalties

On the question,

Will the Senate agree to the title?

Mr. DENT. Mr. President, I move to amend the Title, page 1, lines 11 and 12 by striking out the word "Industry" the following: "and the Department of Revenue"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 566 on second reading, entitled:

An Act relating to the collection of taxes in boroughs, towns and townships; providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies; imposing the cost of collecting delinquent taxes on delinquent taxables; and requiring taxing districts to allow credit for uncollectible per capita, poll and occupation taxes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. LAW. Mr. President, I move that Senate Bill No. 612 (House Bill No. 107), on second reading, entitled:

An Act to safeguard the lives, health and means of livelihood of employes and the property of owners of mines from accumulations of water or poisonous gases in partially or temporarily abandoned mines by requiring the remedying or elimination of such conditions by or imposing the cost thereof on the owners operators or lessees of such mines conferring powers and imposing duties on the Department of Mines and prescribing penalties.

be recommitted to the Committee on Mines and Mining.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 632, on second reading, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 660 (House Bill No. 793), on second reading, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven, (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the requirements for free transportation of pupils; removing certain exemptions from the compulsory attendance act; providing for standards for vehicles used; requiring public liability insurance coverage; and authorizing the withholding of reimbursement in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 672, as follows:

An Act to amend sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" are hereby amended to read as follows

Section 1 Definitions Be it enacted etc That the following terms shall unless the context otherwise indicates have the folowing respective meaning

(a) The term "employment agent" shall mean every person copartnership association or corporation engaged in the business of or maintaining an agency for assisting employers to secure employes and persons to secure employment of whatever nature or of collecting and furnishing information regarding employers seeking employes and persons seeking employment

(b) The term "secretary" shall mean the Secretary of Labor and Indutsry of the Department of Labor and Industry of this Commonwealth or his duly authorized deputy or representative

(c) The term "department" shall mean the Department of Labor and Industry of this Commonwealth

(d) The term "fee" means and includes any money or other consideration paid or promised to be paid for services rendered or to be rendered by any employment agent as above defined Such term includes any excess of money received by any such person over what has been paid out by him for the transportation transfer of baggage or board and lodging for any applicant for employment

(e) The term "persons" shall include persons associations copartnerships and corporations

(f) The term "employer" as used in this act means any person employing or seeking to employ any person for hire

(g) The term "employe" as used in this act means any person performing or seeking to perform work or service of any kind or character whatsoever for hire

Section 2 The term "employment agent" as used in this act shall not apply to

(a) Departments associations or bureaus which are maintained solely for persons in this Commonwealth for the purpose of obtaining employes for themselves or their members and which charge no fee to applicants for employment

(b) Theatrical [managers representatives or agents engaging talent for use in their own performances] or entertainment producers and managers assembling managing and directing their own performances at their own expense and who charge no commissions or fees

(c) Bureaus or agencies procuring employment for school teachers without charge

(d) Bureaus or agencies procuring employment for registered nurses without charge

(e) Employment bureaus maintained by this Commonwealth

(f) Employment bureaus maintained by the United States of America within this Commonwealth

(g) Employment bureaus or agencies maintained by any association of manufacturers within the Commonwealth for the purpose of obtaining employes for their members and which charge no fee to applicants for employment Provided however That persons excluded from licensure under this section shall register with the department as hereinafter provided

Section 12 Every employment agent shall keep a register or registers approved by the secretary in which shall be entered in the English language the date of any application for employment the name and address of the the applicant the amount of the fee received and whenever possible the names and addresses of former employers or persons to whom such applicant is known and the final disposition of the applicant's case and in case of applicants under twenty-one years of age for employment the age of the applicants and the names and addresses of parents or guardians a similar record of all applications of persons seeking employes the date of such application the kind of help required the names of the persons sent the record of the ones so sent if any who were employed as a result thereof the amount of the fee received and the rate of wages agreed upon No person shall make any false entry in such register

It shall be the duty of the employment agent whenever possible to communicate orally or in writing with at least one of the persons mentioned as reference by any applicant for work in private families or to be employed in a fiduciary capacity and the result of such investigation shall be kept on file in such agency Provided That if the applicant for help voluntarily waives in writing such investigation of references the employment agent shall not be required so to do

Section 24 Any person who violates any of the provisions of paragraphs (e) (f) (g) or (h) of section [twenty-three] twenty-two of this act shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be sentenced to pay a fine of not less than one hundred dollars ($100) or more than one thousand dollars ($1,000) and costs of prosecution or undergo imprisonment in the county jail for a period of not more than one year or both at the discretion of the court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 729 (House Bill No. 1320), on second reading, entitled:

An Act to amend section five hundred twenty, section five hundred thirty as amended and sections seven hundred three and two thousand twelve of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for the election of auditors, for vacancies in office of commissioners, for compensation to township commissioners, and fixing the width of public roads, streets, lanes and alleys.

be recommitted to the Committee on Municipal Government for the purpose of further study and a public hearing.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. MUNDY. Mr. President, I move that Senate Bill No. 730 (House Bill No. 1321), on second reading, entitled:

An Act to amend section one thousand eight hundred and two of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as amended, by abolishing the right of taxpayers to prevent the letting of certain contracts and eliminating certain general regulations in the making of insurance contracts by townships.

be recommitteed to the Committee on Municipal Government for the purpose of further study and a hearing.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 733 (House Bill No. 1366), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 745, as follows:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the insurance Commissioner defining non-cancellable health and accident insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section six hundred and sixteen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 616 Copies of Policies to be Filed With and Approved by the Insurance Commissioner No policy of insurance against loss from sickness or loss or damage from bodily injury or death of the insured by accident shall be issued or delivered by any insurance company association or exchange issuing such policies to any person in this Commonwealth until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with and formally approved by the Insurance Commissioner [nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the Insurance Commissioner shall sooner give written approval thereto] If the Insurance Commissioner shall notify in writing the Company corporation association or other insurer which has filed such form that it does not comply with the requirements of law specifying the reason for his opinion it shall be unlawful [thereafter] for any such insurer to issue any policy in such form The action of the Insurance Commissioner in this regard shall be subject to review by the Court of Common Pleas of Dauphin County

Section 2 That Section six hundred and seventeen of said act is hereby amended to read as follows

Section 617 Conditions Subject to Which Policies Are To Be Issued No such policy shall be issued or delivered except subject to the following conditions (a) Unless the entire money and other consideration therefor are expressed in the policy nor (b) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer nor (c) if the policy purports to insure more than one person nor (d) unless every printed portion thereof and of any edorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten point nor (e) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point nor (f) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply Provided however That any portion of such policy which purports by reason of the circumstances under which a loss is incurred to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances shall be printed in bold face type and with greater prominence than any other portion of the text of the policy nor (g) if such policy is entitled or referred to as "non-cancellable" unless such "non-cancellable" policy is automatically renewable until age sixty upon payment of the required premiums by the insured

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 746, as follows:

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and

exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring monies and securities against all risk

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection (c) paragraphs (3) (6) and (8) of section two hundred two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" be and they are hereby amended to read as follows

Section 202 (c) (3) To insure [glass] against loss of and damage to glass including lettering and ornamentation thereon and the frame in which the glass is set resulting from breakage of the insured glass

(6) To insure against loss or damage by burglary [or] larceny [or] theft robbery [or] forgery fraud vandalism or malicious mischief (or any one or more of such hazards) and to insure against any and all kinds of loss or destruction of or damage to moneys securities currencies scrip coins bullion bonds notes drafts acceptance drafts bills of exchange and other valuable papers or documents except while in the custody or possession of and being transported by a carrier for hire or in the mail and against loss or damage to automobiles and aircraft by burglary larceny or theft vandalism or malicious mischief confiscation or wrongful conversion disposal or concealment whether held under conditional sale contract or subject to chattel mortgages or otherwise or any one or more of such hazards

(8) To insure any goods or premises against loss or damage by water or other fluid caused by the breakage or leakage of sprinklers pumps or other apparatus erected for extinguishing fires or of other conduits or containers or of water pipes or caused by casual water entering through leaks or openings in buildings and against accidental injury from causes other than fire or lightning to such sprinklers pumps water pipes conduits containers or other apparatus and against damages from use or occupancy of premises by reason of such [breakage or leakage] loss or damage

Section 2 All acts and parts of acts inconsistent with this act are hereby repealed

Section 3 This act shall become effective immediately

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 747, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing the manner in which dividends on contributory group insurance policies are to be apportioned

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is further amended by adding a new section to be known as Section Three Hundred and Fifty-six which is to read as follows

Section 356 Distribution of Dividends on Group Insurance Policies and Group Annuity Contracts Any dividends hereafter declared or rate reductions hereafter made or continued for the first or any subsequent contract year under any Group Policy or Group Annuity Contract heretofore or hereafter issued may be applied to reduce the employer's part of the Cost provided that if at any time under a policy or contract towards the cost of which the employees contribute the aggregate of any dividends or rate reductions so applied is in excess of the employer's share of the aggregate cost such excess shall be applied by the employer for the sole benefit of the employees

And said bill having ben read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 749, entitled:

An Act to amend Sections Four Hundred Ten and Four Hundred Eleven of the Act approved the Seventeenth Day of May One Thousand Nine Hundred and Twenty-One (Pamphlet Laws Six Hundred Eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Sections Four Hundred and Ten and Four Hundred and Eleven of the Act approved the Seventeenth Day of May One Thousand Nine Hundred and Twenty-One (Pamphlet Laws six hundred eighty-two) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance

carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" be and they are hereby amended to read as follows

Section 410 Uniform Policy Provisions No policy of life or endowment insurance except policies of industrial insurance where the premiums are payable monthly or oftener shall hereafter be issued or delivered by any stock or mutual life insurance company in this Commonwealth unless it contains in substance the following provisions

(a) A provision that all premiums shall be payable in advance either at the home office of the company or to an agent of the company upon delivery of a receipt signed by one or more of the officers of the company who shall be named in the policy

(b) A provision that the insured is entitled to a grace either of thirty days or one month within which the payment of any premium after the first year may be made subject at the option of the company to an interest charge not in excess of six per centum per annum for the number of days of grace elapsing before the payment of the premium during which period of grace the policy shall continue in full force but in case the policy becomes a claim during the said period of grace before the overdue premium or the deferred premiums of the current policy year if any are paid the amount of such premiums with interest on any overdue premiums may be deducted in any settlement under the policy

(c) A provision that the policy shall be incontestable after it has been in force during the lifetime of the insured two years from its date of issue except for nonpayment of premiums and for engaging in military or naval service in time of war without the consent in writing of an executive officer of the company and that at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident may also be excepted

(d) A provision that the policy shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties

(e) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(f) A provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the third policy-year the company will annually determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the dividend arising from such participation paid in cash or applied to the payment of premium or the purchase of paid up additions to the policy as the policyholder may elect

In lieu of the foregoing provisions the policy may contain a provision that the policy shall participate in the surplus of the company and that beginning not later than the end of the fifth policy-year the company will determine the portion of the divisible surplus accruing on the policy and that the owner of the policy shall have the right to have the current dividend arising from such participation paid in cash and that at periods of not more than five years thereafter such apportionment and payment at the option of the policy holder shall be had

Renewable term policies of ten years or less may provide that the surplus accruing to such policies shall be determined and apportioned each year after the second policy-year and accumulated during each renewal period and that at the end of any renewal period or renewal of the policy by the insured the company shall apply the accumulated surplus as an annuity for the next succeeding renewal term in the reduction of premiums

(g) A provision specifying the options to which the policyholder is entitled in the event of default in a premium payment after three full annual premiums shall have been paid

(h) A provision that after three full years' premiums have been paid the company at any time while the policy is in force will advance on proper assignment or pledge of the policy and on the sole security thereof at a specified rate of interest a sum equal to or at the option of the owner of the policy less than the reserve at the end of the current policy year on the policy and on any dividend additions thereto less a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto and that the company will deduct from such loan value any existing indebtedness on the policy and any unpaid balance of the premium for the current policy-year and may collect interest in advance on the loan to the end of the current policy-year which provision may further provide that such loan may be deferred for not exceeding six months after the application therefor is made A company may in lieu of the provision hereinabove permitted for the deduction from a loan on the policy of a sum not more than two and one-half per centum of the amount insured by the policy and of any dividend additions thereto insert in the policy a provision that one-fifth of the entire reserve may be deducted in case of a loan under the policy or may provide therein that the deduction may be the said two and one-half per centum or the one-fifth of the said entire reserve at the option of the company

(i) A provision which in event of default in premium payments after premiums shall have been paid for three years shall secure to the owner of the policy a stipulated form of insurance the net value of which shall be at least equal to the reserve at the date of default on the policy and on any dividend additions thereto specifying the mortality table and rate of interest adopted for computing such reserves less a sum not more than two and one-half per centum of the amount insured by the policy and of any existing divided additions thereto and less any existing indebtedness to the company on the policy Such provision shall stipulate that the policy may be surrendered to the company at its home office within one month from date of default for a specified cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and may stipulate that the company may defer payment for not more than six (6) months after the application therefor is made This provision shall not be required in term insurance of twenty years or less

(j) A table showing in figures the loan value if any and the options available under the policy each year upon default in premium payments during at least the first twenty years of the policy and if the proceeds of the policy are payable in installments or as an annuity a table showing the amount of the installment or annuity payment

(k) A provision that the holder of a policy shall be entitled to have the policy reinstated at any time within three years from the date of default in premium payments unless the policy has been duly surrendered or the extension period expired upon the production of evidence of insurability satisfactory to the company and the payment of all overdue premiums and any other indebtedness to the company upon said policy with interest at the rate of not exceeding six per centum per annum

(l) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death

Any of the foregoing provisions or parts thereof not applicable to single premium or non-participating or term policies shall to that extent not be incorporated therein [and paragraph (h) shall not apply to companies of other States and foreign governments] provided however That the policies of an insurance company organized under the laws of any State or foreign government may contain when issued in this Commonwealth any provision which may be prescribed by laws of the State or government under which the company is organized and the policies of a life insurance company organized under the laws of this Commonwealth may when issued in any other State Territory or foreign country contain any provision required by the laws of such State Territory or foreign country to be contained in policies issued therein

Section 411 Prohibited Policy Provisions No policy of life insurance shall be issued or delivered in this Commonwealth by any stock or mutual life insurance company organized under the laws of any other State or country or be issued by any stock or mutual life insurance company organized under the laws of this Commonwealth except policies of industrial insurance where the premiums are payable monthly or oftener if it contain any of the following provisions

(a) Any provision for forfeiture of the policy for failure to repay any loan on the policy or to pay interest on any such loan while the total indebtedness on the policy is less than the cash value thereof In ascertaining the indebtedness due upon the policy loan the interest if not paid when due shall be added to the principal of such loan and shall bear interest at the rate specified in the note or loan agreement

(b) Any provision limiting the time within which any action at law or equity may be commenced to less than two years after the cause of action shall accrue

(c) Any provision by which the policy shall purport to be issued or take effect [more than six months] before the original application for the insurance was made if thereby the assured would rate at an age younger than his age at date when the application was made according to his age at nearest birthday

(d) Any provision for a mode of settlement at maturity of less value than the face amount insured on the policy plus dividend additions if any less the indebtedness to the company on the policy and less any premiums that may by the terms of the policy be deducted

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company so that the section as amended will read as follows

Section 215 EXAMINATION OF COMPANIES CERTIFICATE TO DO BUSINESS

(a) As soon as the entire amount of the authorized capital of a stock insurance company incorporated under this act has been paid in certificates shall be issued therefor to the persons entitled to receive the same which certificates shall be transferable upon the books of the company and the president or secretary of the company shall notify the Insurance Commissioner that the entire capital of the company has been paid in and that it is ready to commence business Upon receipt of such notice the Insurance Commissioner shall in person or by deputy or examiners examine the company and in case he finds that it has complied with the provisions of this act and is possessed of funds invested in the manner hereinafter specified equal to the amount of its capital he shall issue to said company a certificate showing that it has been organized in accordance with the provisions of this act and that it has the requisite amount of capital for the transaction of business in the Commonwealth which certificate shall empower the company to issue policies and otherwise transact the business of insurance for which it was incorporated

(b) In the case of a mutual life insurance company incorporated under this act upon the receipt of a notice from the president or secretary of such company the Insurance Commissioner shall make an examination and if he finds that the necessary amount of insurance has been applied for and that fifty per centum (50%) of the guarantee capital has been paid in and invested less the necessary expenses of organization and that obligations have been given for the remaining moiety of the guarantee capital he shall issue a certificate authorizing the company to commence business

(c) The Insurance Commissioner shall upon the receipt of a notice from the president or secretary of any mutual company other than a life company incorporated under this act make an examination of such company and if he finds that such company has complied with the provisions of this act he shall issue a certificate authorizing the company to commence business

The Insurance Commissioner may also conduct such examination of any proposed company as may be deemed necessary to determine whether the responsibility character and general fitness for the business of the incorporators and directors named in the articles are such as to command the confidence of the public and to warrant the belief that the business of the proposed company will be honestly and efficiently conducted in accordance with the intent and purpose of this act

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 756, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority so that the amended section will read as follows

Section 209 PENALTY FOR ACTING WITHOUT CERTIFICATE OF AUTHORITY Any insurance company association or exchange doing an insurance business within this Commonwealth without a certificate of authority as required by this act shall forfeit and pay to the Commonwealth the sum of five hundred dollars for each month or fraction thereof in which such illegal business was transacted

Any insurance company association or exchange doing an insurance business within this Commonwealth that shall exceed the powers granted under a certificate of authority shall forfeit and pay to the Commonwealth a sum of not more than five hundred dollars ($500) for each and every policy issued in violation of this section

Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held After such hearing or failure of the accused to appear at such hearing the Insurance Commissioner shall impose such penalty as he deems advisable

Any person negotiating or soliciting any policy of insurance or suretyship in this Commonwealth collecting or forwarding premiums or delivering policies for any company association or exchange to which a certificate of authority has not been granted shall be deemed to be the agent of the company association or exchange in any legal proceeding brought against it

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 759, on second reading, entitled:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

go over in its order

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 787, as follows:

An Act to amend paragraph (a) of section eight of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties' 'by requiring additional tests of milk so as to further protect the public against milk-borne diseases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph (a) of section eight of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" is hereby amended to read as follows

(a) "Raw Milk" shall be milk from a cow or cows determined by physical examination and tuberculin tests conducted in accordance with the rules regulations and practices of the State Department of Agriculture pertaining to the individual accredited herd plan [of the modified accredited area plan to be free from] and by appropriate agglutination tests for Bang's disease also conducted in accordance with the rules regulations and practices of the State Department of Agriculture to be free from tuberculosis contagious abortion and other communicable disease

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 790, entitled:

An Act creating and appropriating a fund for the purpose of re-building restoring and replacing real and personal property of the Commonwealth damaged or destroyed by fire or other casualty and for insuring the Commonwealth against losses of public moneys due to embezzlement or theft thereof by or malfesasance of State officers and employes providing for the investment of the moneys in such fund prohibiting (with certain exceptions) the purchase of insurance or surety bonds for the above purposes and making a repeal

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of creating a fund for the re-building restoration and replacement of any structures buildings equipment or other property owned by the Commonwealth of Pennsylvania and damaged or destroyed by fire or other casualty and for the purpose of insuring the Commonwealth against losses of public moneys or securities arising from embezzlement or theft thereof by or the malfeasance of its officers and employes the following moneys income and revenue of the Commonwealth of Pennsylvania are hereby specifically

dedicated appropriated and set apart to constitute a fund separate and apart from all other funds of the Commonwealth to be known as the State Insurance Fund to wit

(a) All moneys and securities now in the custody of the State Treasurer belonging to the State Insurance Fund created by the act repealed by this act

(b) Any proceeds arising from the salvage of property of the Commonwealth damaged or destroyed by fire or other casualty

(c) All moneys collected by the Commonwealth from persons held responsible for damages to or destruction of State-owned property

(d) All income arising from interest upon deposits of the moneys of such fund in bank or upon securities in which the moneys in such fund may be invested

(e) Any moneys recovered or collected by the Commonwealth following any defalcation embezzlement or theft of State moneys or securities by any officer or employe of the Commonwealth whose bond was not required by the Executive Board to be executed by a surety or sureties satisfactory to the Department of Justice

Section 2 The fund created by this act and all interest increments and additions thereto shall be and remain in the custody of the State Treasurer and subject to the approval of the Governor shall be invested and re-invested by the Board of Finance and Revenue in securities in which such board may lawfully invest moneys other than those in the State Sinking Fund Provided however That current receipts and income applicable to such fund shall be deposited at interest in the legal depositories of the public funds until the same shall accumulate in sufficient amount to justify the investment thereof in interest-bearing securities as hereinbefore provided

Section 3 The fund hereby created shall be available for expenditure in the manner hereinafter provided for the rebuilding restoration or replacement of buildings structures equipment or other property owned by the Commonwealth and damaged or destroyed by fire or other casualty for the indemnification or reimbursement of the Commonwealth for any loss of public moneys or securities due to the embezzlement or theft thereof by or the malfeasance of State officers or employes whose bonds were not required by the Executive Board to be executed by a surety or sureties satisfactory to the Department of Justice and for no other purpose whatsoever The Board of Finance and Revenue is hereby authorized and directed to make sale from time to time of such part of such securities as may be necessary for the purposes of this act

Section 4 Whenever loss or damage by fire or other casualty shall occur to any structure building equipment or other property owned by the Commonwealth of Pennsylvania the administrative department board or commission or other branch of the State government having control or custody thereof shall make report of such loss or damage to the Department of Property and Supplies Provided That departmental administrative or advisory boards or commissions shall make such report to the Department of Property and Supplies through the administrative department with which they are respectively connected Such report shall set forth specifically the use and the character of the structure building equipment or other property damaged or destroyed the original cost thereof the estimated amount of the loss or damage the cost of restoration rebuilding or replacement and such other data and information as may be required by the Department of Property and Supplies which department shall make such examination and investigation thereof as may be necessary and transmit a report of the result thereof to the Governor whereupon the Department of Property and Supplies in its discretion subject only to the approval of the Governor may rebuild restore or replace the property damaged or destroyed and for that purpose is hereby authorized to have plans and specifications prepared and contracts executed and to supervise the erection construction or replacement thereof such rebuilding restoration or replacement to be in substantial accord with the original character use and purpose of the property damaged or destroyed

Section 5 Whenever any monetary loss is sustained by the Commonwealth due to the embezzlement or theft of public moneys or securities by or the malfeasance of any State officer or employe whose bond was not required by the Executive Board to be executed by a surety or sureties satisfactory to the Department of Justice the department board or commission or other branch of the State government with which such officer or employe is connected shall make report of such loss to the Department of Property and Supplies and the Governor Provided That departmental administrative or advisory boards and commissions shall make such report through the department with which they are connected Upon the receipt of such report the Governor shall call upon the Auditor General to promptly make a special audit of any books records and accounts necessary to ascertain the amount of loss sustained and copies of said audit shall be promptly submitted to the Governor the Department of Property and Supplies and the agency of the government concerned

Section 6 Whenever bonds are required to be given by State officers or employes under existing laws and the Executive Board does not require such bonds to be executed by a surety or sureties satisfactory to the Department of Justice the fund created by this act shall stand in the place of such surety or sureties and shall bear all losses which such surety or sureties otherwise would be required to bear if any of such officers and employes shall become liable upon their bonds Provided That the carrying of such surety liability by this fund shall not be construed as exempting any such officer or employe from prosecution under the penal laws of the Commonwealth and the Commonwealth shall have all the rights of a surety against such officers and employes and the Attorney General is hereby empowered to enforce such rights at law or in equity

Section 7 The cost of the materials furnished or work and labor performed under any contracts executed under the authority of this act or any monetary loss sustained by the Commonwealth and ascertained in the manner hereinbefore provided shall be certified by the Department of Property and Supplies to the Auditor General who shall issue his warrant against the State Insurance Fund of this Commonwealth in accordance with a requisition therefor prepared by the aforesaid department which warrant shall be paid by the State Treasurer in the manner provided by law Provided That whenever the Department of Property and Supplies shall have taken such action as shall involve expenditures from said fund it shall forthwith certify the probable amount of expenditure to the Board of Finance and Revenue which board shall forthwith take such action as is necessary to provide funds sufficient to meet the obligations so entered into or incurred

Section 8 From and after the adoption and approval of this act

(a) It shall be unlawful for any administrative department board or commission any departmental administrative or advisory board or commission or other branch of the State government having control or custody of State property to purchase secure or obtain any policy of insurance on any property whatsoever owned by the Commonwealth covering losses payable out of the fund created by this act except to the extent any such department board or commission or other agency is permitted to do so under the provisions of The Administrative Code of 1929 or The Fiscal Code

(b) It shall be unlawful for any administrative department board or commission any departmental administrative or advisory board or commission or other branch of the State government to purchase secure or obtain any surety bonds for State officers or employes covering losses payable out of the fund created by this act except in those instances where the Executive Board in the manner provided by law requires bonds of such officers or employes to be executed by a surety or sureties satisfactory to the Department of Justice

Section 9 All expenses incurred in the administration of the fund created by this act and any expense connected with the investigation of any fire or casualty including the inspection of any premises structure building equipment or other property damaged or destroyed by fire or other casualty shall be defrayed from appropria-

tions made to the Department of Property and Supplies but all expenses incurred in connection with the actual rebuilding restoration or replacement of property as provided in this act including the cost of necessary plans specifications and architectural and engineering fees shall be paid from the fund created by this act and for such purposes the moneys from time to time in said fund are hereby appropriated

Section 10 The State Treasurer and his surety or sureties if any shall be responsible for the safe-keeping of and accounting for such funds in the same manner and under the same penalties as for the safe-keeping of and the accounting for the other funds of this Commonwealth

Section 11 That the act approved the fourteenth day of May one thousand nine hundred fifteen (Pamphlet Laws five hundred twenty-four) entitled "An act creating a fund for the purpose of rebuilding restoring and replacing buildings structures equipment or other property of the Commonwealth of Pennsylvania damaged or destroyed by fire or other casualty and regulating the placing of insurance thereon and providing penalties for any violation of the provisions of this act" as amended be and the same is hereby repealed

Section 12 This act shall become effective on the first day of June one thousand nine hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. PYTKO. Mr. President, I move that Senate Bill No. 790, the Bill just read, be recommitted to the Committee on Insurance.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

Mr. MUNDY. Mr. President, I move that Senate Bill No. 793 (House Bill No. 132), on second reading, entitled:

An Act to prohibit the continuous operation of the underground workings of anthracite coal mines.

be recommitted to the Committee on Mines and Mining.

Mr. OWLETT. Mr. President, I second the motion.

The motion was agreed to.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 797 (House Bill No. 1560) on second reading entitled:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 814, as follows:

An Act to amend the Act approved the seventeenth day of July One Thousand Nine Hundred and Thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violation of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report and be supervised by the Insurance Commissioner and repealing existing laws" be amended to read as follows

Section 19 Examination The Insurance Commissioner or any person or persons he may appoint shall have the power of visitation and examination into the affairs of every domestic society He may employ such additional assistance from time to time as he may deem necessary or expedient for the purpose of such examination and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers and employes or other persons in relation to the affairs transactions and conditions of the society Such examinations shall be made every three (3) years or oftener as he deems it to be necessary

Whenever after examination the Insurance Commissioner is satisfied that any domestic society is exceeding its powers or is transacting business fraudulently or is in such condition that its further transaction of business will be hazardous to its members or to the public or shall determine to discontinue business the Insurance Commissioner may present the facts relating thereto to the Attorney General who shall if he deem the circumstances warrant proceed against such society in the method prescribed by the laws of this State providing for the liquidation of insolvent or delinquent companies orders or associations transacting any class of insurance

No such proceedings shall be commenced by the Attorney General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it on a date to be named in said notice to show cause why such proceedings should not be commenced No application for injunction against or proceedings for the dissolution of or appointment of a receiver for any domestic society or branch thereof shall be entertained by any court of this Commonwealth unless the same is made by the Attorney General

Section 24 Examination of Foreign Societies The Insurance Commissioner or his deputy or examiner or any

person or persons whom he may appoint [may] shall examine [any] every foreign society transacting [or applying for admission to transact] business in this Commonwealth Such examinations shall be made every three years or oftener if he deems it to be necessary He shall also require an examination to be made of every foreign society applying for admission to transact business in this Commonwealth The said Insurance Commissioner may employ assistants and he or any person or persons he may appoint shall have free access to all the books papers and documents that relate to the business of the society He may summon and qualify as witness under oath and examine its officers agents and employes and other persons in relation to the affairs transactions and condition of the society He may in his discretion accept in lieu of such examination the examination of the Insurance Department of the state territory district province or country where such society is organized The actual expense of the examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner

If any society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto the authority of such society to write new business in this Commonwealth shall be suspended or license refused until satisfactory evidence is furnished the Insurance Commissioner relating to the condition and affairs of the society and during such suspension the society shall not write new business in this Commonwealth

Section 28 Annual Statement Every society transacting business under this act shall annually on or before the first day of March file with the Insurance Commissioner in such form as he may require a statement under oath of its president and secretary or corresponding officers of its transactions for the calendar year ending December thirty-first preceding and of its condition and standing on that date and shall include therein all accrued liability under unpaid claims [where notice was received by the society at its home office before the end of such calendar year No society shall be required to include in such report any claim or claims notice of which had not been received by the society at its home office before the end of such year] It shall also within thirty days after requested by the Insurance Commissioner render such additional statement or statements concerning its affairs and financial condition as the Insurance Commissioner may in his discretion require [furnish such other information as the Insurance Commissioner may deem necessary to a proper exhibit of its business and plan of working The commissioner may at other times require any further statement he may deem necessary to be made relating to such society]

Any such society which neglects to make and file its annual statement or other statements that may be required in the form or within the time herein provided shall forfeit one hundred dollars ($100) for each day during which such neglect continues and upon notice by the Insurance Commissioner its authority to do new business shall cease while such default continues

For wilfully making a false annual or other statement required by law a society and the persons making oath to or subscribing to the same shall severally be punished by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) A person who wilfully makes oath to such false statement shall be guilty of perjury

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 826, as follows:

An Act to further amend sections one thousand five hundred one and one thousand five hundred five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring school districts of the first second and third class to provide medical inspection of all pupils of elementary and secondary private schools

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one thousand five hundred one and one thousand five hundred five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inoonsistent therewith" as last amended by sections one and two of the act approved the twentieth day of May one thousand and twenty-one (Pamphlet Laws 939) are hereby further amended to read as follows

Section 1501 Every school district of the first second or third class in this Commonwealth shall annually provide medical inspection of all the pupils of its public schools and may upon request inspect all pupils of all elementary and secondary private schools located within the district by proper medical inspectors to be appointed by the board of school directors of the district in sufficient number to conduct the required inspection in conformity with the standard requirements prescribed by the [Commissioner] Secretary of Health for medical inspection of schools in such district Such medical inspection shall be made in the presence of the parent or guardian of the pupil when so requested by parent or guardian All such medical inspectors shall be physicians legally qualified to practice medicine in this Commonwealth who have had at least two years' experience in the practice of their profession and shall be paid such amounts as the boards of school directors may determine Provided That nothing in this act shall preclude the appointment of health officers of municipalities as medical inspectors in the school districts of this Commonwealth

Section 1505 The medical inspectors shall at least once each year inspect and carefully test and examine all pupils in the public schools of their district and in school districts of the first second and third class all pupils of all elementary and secondary private schools located within the district giving special attention to defective sight hearing teeth or other disabilities and defects specified by the [Commissioner] Secretary of Health in his directions and requirements for medical inspection of schools and shall make such additional inspections and examinations as shall be provided for in said directions or required by the [Commisioner] Secretary of Health the principal or the district superintendent of schools Each medical inspector shall make to the teacher or if the board of school directors so directs to the principal or district superintendent of schools a written report concerning all pupils found to need medical or surgical attention and giving careful directions concerning the care of each pupil who needs special care while in school The teacher principal or district superintendent shall promptly send a copy of the medical inspector's report upon each child requiring treatment to the parents or guardian therof and shall keep the report concerning the pupils found to need medical or surgical attention until the last month of the school term carrying out as carefully as possible the medical inspector's directions concerning the special care of pupils while in school noting any corrections of defects reported and in fourth class school districts shall return the

report to the [Commissioner] Secretary of Health in first second and third class school districts to the district superintendent of schools or to the principal of schools if no district superintendent who shall make such reports to the [Commissioner] Secretary of Health as he may require

And said bill having been read it length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 834 (House Bill No. 114), on second reading entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 835, (House Bill No. 196), entitled:

An Act to amend sections one and two of the act approved the thirty-first day of May one thousand eight hundred and nintey-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 868, (House Bill No. 1779), as follows:

An Act to amend section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds Associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 354 Prohibiting the use of policies contracts etc unless approved Penalty It shall be unlawful for any insurance company association or exchange doing business in this Commonwealth to issue sell or dispose of any policy contract or certificate covering life health accident personal liability fire marine title and all forms of casualty insurance or contracts pertaining to pure endowments or annuities or any other contracts of insurance or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner and copies filed in the Insurance Department except riders and endorsements relating to the manner of distribution of benefits under any such policy and used at the request of the individual policyholder and except any forms which in the opinion of the Insurance Commissioner do not require his approval

Such approval granted by the Insurance Commissioner shall become void upon any subsequent notice from the Insurance Commissioner or upon any subsequent withdrawal of license or refusal of the Insurance Commissioner to relicense any such company association or exchange or upon the subsequent passage of an act which would no longer make such contracts or related forms a fit subject for approval except that this provision shall not affect contracts issued prior thereto

Any person corporation insurance company exchange order or society that shall either as principal or agent issue or cause to be issued any policy or contract of insurance within the Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

Upon satisfactory evidence of the violation of this section by any such person corporation insurance company exchange order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation insurance company exchange order or society (2) refuse for a period of not to exceed one year thereafter to issue a new license to such person corporation insurance company exchange order or society (3) impose a fine of not more than one thousand dollars ($1,000.00) for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation insurance company exchange order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 885, as follows:

An Act providing for special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in co-operation with employment and re-employment offices for the training retraining instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Superintendent of Public Instruction shall have power to investigate the need for establish supervise and conduct special vocational trade industrial and commercial schools and classes and occupational adjustment offices through public school districts and in co-operation with employment and re-employment offices for the training retraining instruction and occupational adjustment of persons over sixteen years of age who have left school or who are about to leave school and who due to changing conditions are in need of training retraining and instruction and occupational adjustment in order to enter or re-enter employment or to continue in employment and for such purposes shall have power to employ the necessary teachers supervisors and co-ordinators to conduct such special schools classes and adjustment offices in the effective manner and to pay from the appropriation made by this act and from other available State funds appropriated to aid school districts in the establishment and maintenance of vocational schools or departments and from Federal funds provided for the development and further development of vocational education the salaries of said teachers supervisors and co-ordinators

Section 2 No vocational trade industrial or commercial school or class established by a school district under the provisions of this act shall be deemed to replace supplant or discontinue any vocational trade industrial and commercial school or class established by a school district under the provisions of the act approved May first one thousand nine hundred and thirteen (Pamphlet Laws one hundred thirty-eight) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State-aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" and the amendments thereto unless a school district presents evidence satisfactory to the Superintendent of Public Instruction that it is no longer able to share the expense incident to the payment of salaries of teachers in such schools and classes as required by said act and nothing herein contained shall be construed to alter amend repeal or suspend any of the provisions of said act of May first one thousand nine hundred and thirteen and its amendments

Section 3 The total expenditure from State and Federal funds for salaries of teachers in schools and classes established under the provisions of this act shall not exceed in any one year the following amounts School districts of the first class ten thousand dollars ($10,000) school districts of the second class five thousand dollars ($5,000) school districts of the third class two thousand five hundred dollars ($2,500) and school districts of the fourth class six hundred dollars ($600) except where classes are conducted in co-operation with a school district and pupils are admitted in such classes from other school districts where such classes are not conducted in which case an additional amount may be expended for salaries of teachers in said school district in proportion to the number of pupils served from such other school districts Provided That the additional sum so expended shall not exceed the amount that could have been expended in such other school districts under the provisions of this act Provided further That if during the first fiscal year any of the appropriation allocated by the Department of Public Instruction for that year is not expended such remaining portion of the appropriation may be allocated to other school districts or to districts which have exceeded the amounts allocated to them in Section 3 of this act on the basis of need and in such amounts as the Superintendent of Public Instruction may direct Salaries of teachers of classes and activities authorized by this act for which no Federal contribution is made shall be paid from State funds

Section 4 The sum of one hundred thousand dollars ($100,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Public Instruction to carry out the provisions of this act for the payment of salaries of teachers supervisors and co-ordinators for necessary traveling and hotel expenses and for the payment of all other necessary and proper expenses incidental to carrying into effect the provisions of this act

Section 5 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven and shall remain in force until May thirty-first one thousand nine hundred and thirty-nine

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 885, the bill just read, be recommitted to the Committee on Appropriations.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 897 (House Bill No. 1561), entitled:

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (P. L. 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 900 (House Bill No. 1766), entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added of the act approved the eighteenth day of

May one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tution

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 903 (House Bill No. 1043), entitled:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing permanent annual taxes for county purposes and in cities coextensive with counties for city and county purposes and by imposing for two years annual taxes for State purposes imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes and concerning the distribution of the proceeds thereof providing that the existing and future borrowing capacity and the obligations and security of the outstanding bonds and other securities of the several counties and cities coextensive with counties of the Commonwealth shall not be impaired

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Departmnet of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exceptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other preson copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation [and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom] is hereby made taxable annually for State purposes] purposes at the rate of [four] four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by the solvient debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution [building and loan association] corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers

or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor in interest-bearing accounts in any bank or banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free fro mthe said [four] four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] four mills tax on any of the said securities bonds or other evidence of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint-stock associations liable to [tax on capital stock] a tax on their shares or a capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or educational purposes"

[The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in the case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein]

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to the department upon a form prescribed prepared and furnished by the department a return in duplicate the original in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possessed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned or held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through

inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therefrom or to petition for a reassessment and in any suit for the collection of a tax so assessed shall not be permitted to set up as a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter or defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonmealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at Any Time Within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of fact shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground or defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in this office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgagee or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties there-

to which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgagees assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgagee assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department.

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office. Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and dedendant thereto which shall have been that day satisfied. The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each month

Section [11] 10 Compensation of Recorders and Prothonotaries The several recorders of deeds prothonotaries and court clerks as aforesaid shall be entitled to receive ten cents for each and every mortgage judgment or lien assignment or satisfaction thereof reported to the department as heretofore required in this act Such fees shall be paid by the respective county treasurers on the presentation of proper vouchers certified by the department and shall be applied in like maner as other fees received by such recorders prothonotaries or clerks Provided That no fee shall be allowed in any case where the residence of any plaintiff mortgagee or assignee is omitted in such reports And provided further That the amount allowed any prothonotary or clerk or recorder of deeds under this act shall not exceed the sum of six hundred dollars ($600.00) per annum

Section 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section 13] 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act shall as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowances of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fraudulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affidavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigation hearings or verifications required or authorized by this act [and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department] shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

on the first days of June and December in the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine one-half and in the year one thousand nine hundred forty and thereafter all of the amount then standing in the Personal Property Tax Fund shall be payable to the respective counties and to cities coextensive with counties as their share of the tax herein imposed in proportion to the amount of the tax imposed by the third section of this act which is collected in each such county of city during the preceding half year except that from the money so payable to each such county or city there shall be deducted

(1) In the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine one-half and in the year one thousand nine hundred forty and thereafter all of the amount of any refunds of tax imposed by the third section of this act obtained by residents of such county or city since the last periodical distrbution to it whether or not during such period any tax was actually collected from such residents and

[(b) Upon reciept of such authorities of each counyt or city coextensive with a county of the amount of such total taxable valuation set forth in subsection (a) hereof it shall be the duty of the proper officials of such county or city coextensive with a county charged by law with the assessment of property therein for taxation to make an assessment on the basis of such total taxable valuation and to add the same to the total assessed value of the taxable property in such county or city coextensive with a county and such assessment shall thereupon become a part of the assessed value of the taxable property therein

(c) Nothing contained in this act shall in any way impair the obligation or security of bonds or other securities issued by any county or city coextensive with a county of the Commonwealth where the assessed value of the property made taxable under the provisions of section one of the act approved the sventeenth day of June

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine and every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on each dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty-six[thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred [thirty-five] thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-five thirty-seven] and for every year thereafter [at the rate of one mile on each dollar lar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (P. L. 507) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidence of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidence of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebted-

ness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any de duction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the [four mills] tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the [four mills] tax imposed herein on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and benefical societies labor unions and labor unions relief associations and all benefical organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Tax The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obilgations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (P. L. 511) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be the duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and co-operative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificates or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations.

Section [20] 19 Disposition of Tax Interest Fees Fines Forfeitures and Penalties All taxes and interest that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section 20 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with coun-

ties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Saving Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundread seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for rasing revenue for State purposes" and their amendments are hereby repealed but this act shall not be construed to repeal any of the remaining provisions of said act

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest imposed by section one of the said act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) as amended for the year one thousand nine hundred thirty-seven on assessments made during or as of the year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by section seventeen of the said act of June seventeenth one thousand nine hundred and thirteen (Pamphlet Laws 507) on reports for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest improsed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery f taxes penalties and interest due or owing to the Commonwealth under such acts

Section [23] 21 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the value thereof] years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-ve and one thousand nine hundred and thirty-six] for the calendar [year one thousand nine hundred thirty-eight on reports filed] year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

On the question,

Will the Senate agree to the section?

Mr. RANKIN. Mr. President, I move to amend page 9, line 12, by inserting after "HC [[]]" and before the word, "and", the following: "except for county purposes, and in cities coextensive with counties, for city and county purposes as now provided by law."

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. OWLETT. Mr. President, I move to amend section 1 (Section 3), page 7, line 13, by striking out the following: S "and the principal value of"; amend Section 1, (Section 3), page 7, line 13, by striking out with light-faced brackets the following: S "all annuities."

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, for the information of the Senate, these amendments take out a provision making all this tax. I would like to call the Senate's attention to the fact that the present bill taxes incomes yielding annually over $200.00 At present, in the act as it has been re-drawn contains no exemptions on annuities, and all annuities are taxable. I would like to call the Senate's attention to the effect of this bill, for instance, as to the retirement pay of letter-carriers. If this bill is not amended, if this amendment is not accepted by the Senate, the letter-carriers will have to pay from $75.00 to $120.00 a year tax on their annual pension after retirement. To have the exact figures, a letter carrier who retires at the age of 63, pays $75.04 a year tax on his annuity in his old age. I do not think there is anybody in this Senate who wants to make this pension taxable under this act, and to make this four-mill tax apply to those annuities. This amendment would take out all annuities and make them exempt form this tax.

Mr. LAW. Mr. President, I do not believe that this would apply in any way to a pension, or to an annuity in the nature of a pension, and I cannot see where the present language of the act will make this applicable to letter-carriers or any federal employe drawing a pension.

Mr. OWLETT. Mr. President, I would like to state for the information of the Senate that I have those figures furnished by the Department of Revenue. I am advised by the Department of Revenue that the annual pension of a letter-carrier is an example and is taxable under this act the way it is drawn.

Mr. LAW. Mr. President, I desire to interrogate the Senator for Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, very glad to.

Mr. LAW. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, as to who in the Department of Revenue furnished that information?

Mr. OWLETT. Mr. President, I cannot tell.

Mr. HUFFMAN. Mr. President, I do not agree with the

information given by the Senator from Tioga, Mr. Owlett, that the annuity of a letter-carrier would be subject to this tax. A letter-carrier gets his money from the United States Congress, and we have never had any legislation in Pennsylvania that would impose a tax on the annuity of a letter-carrier.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN, and were as follows, viz:

YEAS—15

Bean,	Gelder,	Howell,	Salus,
Buckman,	Gilson,	Mallery,	Scarlett,
Chapman,	Heyburn,	Owlett,	Wolfenden,
Deitrick,	Homsher,	Pierson,	

NAYS—30

Cavalcante,	Huffman,	McCreesh,	Rodgers,
Dando,	Jacobs,	McGinnis,	Rupp,
Dent,	Jaspan,	Mundy,	Ruth,
DiSilvestro,	Kahle,	Pytko,	Sipe,
Eroe,	Kilgallen,	Rankin,	Sones,
Frey,	Kunkel,	Reed,	Stiefel,
Haluska,	Lanius,	Rice,	Thompson,
Henney,	Law,		

So the question was determined in the negative.

Mr. OWLETT. Mr. President, I move to amend sec. 1 (sec. 3), page 5, line 6, by inserting after the word "enumerated" the following: on which interest or a dividend was paid within one year from the listing date as provided for in this act; amend sec. 1 (sec. 3), page 7, line 13 by striking out the following: "and the principal value of"; amend sec. 1 (sec. 3), page 7, line 13 by striking out with light-faced brackets the following: "all annuities"; amend sec. 1 (sec. 3) page 10, by inserting between lines 12 and 13 a new paragraph as follows: The value of the classes of personal property so made taxable shall be determined for the purposes of this act by multiplying the income received therefrom during the year immediately preceding the listing date by twenty, except where the value so determined would exceed the market value, in which case the value for taxation purposes shall be the market value"; amend sec. 1 (sec. 4), page 11, line 1, by striking out with light-faced brackets the word: "aggregate"; amend sec. 1 (sec. 4), page 11, line, by inserting after the word "act" the following: "computed as provided in said section"; amend sec. 1 (sec. 4), page 11, lines 14 and 17, by striking out the folowing: "each of the" in line 14, and all of lines 15, 16, and 17 and inserting in lieu thereof: "such property".

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, for the information of the Senate I desire to state that these amendments classify all personal property as income and non-income producing property, and exempt entirely from the Personal Property tax non-income producing securities, and provide for the taxing of income producing securities by setting up a formula for arriving at their value based on the income received the previous year.

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interogated?

Mr. OWLETT. Mr. President, I will be very glad to.

Mr. CAVALCANTE. Mr. President, will the Senator from Tioga, Mr. Owlett, state whether or not the classification of the time proposed by his amendments will be constitutional?

Mr. OWLETT. Mr. President, I can only say that Mr. Fertig, of the Legislative Reference Bureau, believes that it is proper classification, and the other lawyers whom I have consulted about this all agree that it is proper classification.

Mr. CAVALCANTE. Mr. President, I beg to differ with the Senator form Tioga and those who might state that this classification is constitutional. The subject matter of taxation here is personal property, irrespective of whether it is income-producing personalty or not. The subject matter is personal property, and under the constitution that particular subject, personal property, must be taxed generally in order to be constitutional, and any classification of it ,that is, a classification as suggested in the amendment by the Senator from Tioga, would render this entire act unconstitutional.

Mr. LAW. Mr. President, I want to say that I am inclined to agree with the Senator from Fayette, Mr. Cavalcante, in that regard, and to say further that I believe a classification such as this amounts to an exemption, and that I believe would be unconstitutional and would tend to void the whole act.

Mr. OWLETT. Mr. President, I do not wish to carry on this discussion any longer than necessary, because I have no doubt that the majority in this Senate has already agreed to vote these amendments down. However, I do not want them to vote under any misapprehension. I think that any lawyer who has made a study of the taxing laws will agree that this is classified properly to levy a tax on any general class of property that comes within that class, and to not tax property that does not come within the class that is left out. Now, we have examples of it in real estate. There are any number of classes of real estate exempt from taxation at the present time. This is a Personal Property tax act and classifies all personal property into income producing and non-income producing property. These amendments just offered to this Senate raise the question,"are we going to tax the savings of the people of this State?" In many cases it amounts practically to confiscation, a tax which violates the principle that we have heard about for the last four years, about taxing those with ability to pay. This is a tax that taxes all income and takes the bread out of the mouths of the thrifty people of this State who have saved property to live on the income in their old age, and taxes them whether they get any income from it or not. In many cases it amounts to confiscation. I know several instances, in my community, of widows who have found their income reduced one-half through this personal tax, and it has been heralded all over the State of Pennsylvania as an act taxing the rich. I know a case where a former school teacher who has nothing to live on but the income from some few securities, and she has found that this tax amounts to 43% of her income. There is nothing fair about it. These amendments would, to some extent, clarify this damnable personal property tax act. I think you cannot fix this up so that it is a good act in

any way, but you can certainly get rid of some of the inequalities that are in it now, and if this Senate wishes to face this thing in an honest way, I say here and now that we should pass an income tax right now, and that we provide that the state employes and everybody else pay a flat income tax until we have our constitution amended so that we can have a graduated income tax, because, Mr. President, this personal property tax law is an annual income tax, except that it taxes people who have no income, as well as those who do. It does not tax the rich man in any greater proportion than it taxes a man who saves up five or ten thousand dollars.

Mr. President, these amendments put this squarely up to this Senate. Do you want to save the people of this State who are finding their property confiscated by this tax, or do you want to wipe out some of the inequalities that exist now in this personal property tax?

Mr. McGINNIS. Mr. President, this is like it always has been when you begin to tax wealth. Now, it is not the widow who is going to howl about the tax, because we have had the 4-mill tax for a great many years, and this merely increases it. The taxing system of Pennsylvania has been so drawn that it taxes real estate, and, if you travel about Pennsylvania, you see the enormous wealth in land and buildings, and we glory in the wealth of Pennsylvania. When we stop to think that what we see in land and buildings is only 40% of the wealth of Pennsylvania, that means that 60% of the wealth of Pennsylvania is the real wealth, that is, the income producing wealth. We tax land up to probably 80% or 90% of the tax of Pennsylvania. Whether it is income-producing or not, we do not ask the owner of the real estate, or of the home in Pennsylvania, whether there is any income or not. A man may be losing on his real estate, and yet he has to pay a real estate tax. In the city of Pittsburgh it runs as high as 40 mills on real estate, even though there is not a penny of income, and here is a tax of 8 mills on real wealth, and I will say 90% of it is income producing wealth, owned by the well-to-do.

Mr. LAW. Mr. President, I want to say in regard to the question of constitutionality of this question, that it seems to me that if you classify personal property on the basis of whether it does actually yield an income it is an arbitrary classification. It would be an ideal situation, of course, if all taxes could be collected from income, because then we would know that there is some measure of ability to pay, but for years we have had our real estate taxes relying equally upon those who received an income from their property and upon those whose property yielded no income, the value of the property, of course, being determined with some reference to its income-producing or at least its potential income-producing value, and I think there is more protection in the matter of personal property than there is in the matter of real property, because there you can only consider potential income-producing values, but in the case of personal property its value for taxing purposes is always affected by the fact that it produces no income, and for that reason I cannot see why we should say that it is unconstitutional as regards real estate and yet say that it is constitutional in the other respect.

With reference to these other exemptions that have been referred to as to classes of real estate, I am not so sure, if they were brought to a test fairly on their merits before the court, but what there might be considered a question as to the constitutionality of some of our present exemptions. At least they are only there because the legislature has failed to act in the protection of the public interest, and I think in this case, if we permit any other arbitrary distinction to come in that we would be derelict in our duty. I should be glad, as soon as possible, to have our revenues raised entirely on an income basis. Personally, I would not say that there was anything so horrible about the flat income as a democratic proposition, but if we are going to have our tax on the basis of a capital levy, then we have to stick to that basis of what the value is, and not make an exemption on the question of income.

Mr. GILSON. Mr. President, I am in sympathy with a general income tax. I do not believe that the legislature has the authority to lay down a canon or a matter of fixing values. Property, whether it is real or personal, must be assessed in some manner or another, and a tax based upon that value, I think it is entirely without authority in the legislature to prescribe how a value shall be fixed, and for that reason I feel that these amendments should be opposed.

Mr. MALLERY. Mr. President, I certainly realize that two wrongs do not make a right. I should like very much to vote for this bill, for the reason that the purpose of it, I believe, is to supply funds for relief, but I cannot see the wisdom in voting a tax on people who have no income. I recall having been told by a member of this Senate, on the left, that he has had quite a considerable sum invested upon which he has received no interest, a mortgage, and I know countless numbers of people in my own district who have money at interest in mortgages and in stocks, widows and other people who invested their savings in order that they might have an income to support themselves, and I believe in the policy of taxation on ability to pay. I should like very much to vote for this bill. for the reason that it is intended to provide money for those who are on relief, but I see the utter futility in taxing people when they cannot pay. Now, whether or not this is constitutional, I have the assurance of the sponsor of this amendment, that Mr. Fertig, who is possibly better able than I am to judge, thinks that it is constitutional, and I present that as my reason, if this amendment is not accepted, for voting against the bill.

Mr. JACOBS. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. JACOBS. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, whether he has been able, since he presented the amendment last week, to find out from the Department of Revenue just what difference this will make in the amount of revenue the State will collect, and just what increase in cost it would mean in the administration of the act.

Mr. OWLETT. Mr. President, the only information that I have been able to get from the Department of Revenue was through one of the majority members of this Senate, whom I asked whether the Department had calculated as to the effect on the revenue of this bill. He told me that a Department official advised him that it was too much

trouble to figure and they had not been able to compute it. That is all the information I have.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN, and were as follows, viz:

YEAS—16

Bean,	Gelder,	Jacobs,	Rupp,
Buckman,	Heyburn,	Mallery,	Salus,
Chapman,	Homsher,	Owlett,	Scarlett,
Deitrick,	Howell,	Pierson,	Wolfenden,

NAYS—29

Cavalcante,	Henney,	Law,	Rice,
Dando,	Huffman,	McCreesh,	Rodgers,
Dent,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Sipe,
Eroe,	Kilgallen,	Pytko,	Sones,
Frey,	Kunkel,	Rankin,	Stiefel,
Gilson,	Lanius,	Reed,	Thompson,
Haluska,			

So the question was determined in the negative.

And the question recurring,

Will the Senate agree to the Section as amended?

Mr. OWLETT. Mr. President, I move to amend sec. 1 (sec. 3), page 5, line 12, by striking out: the light-faced bracket before the word "and"; amend sec. 1 (sec. 3), page 5, line 19, by striking out: the light-faced bracket after the word "from"; amend sec. 1 (sec. 3), page 10, line 13, by striking out: the light-faced bracket before the "The" where it appears the first time in said line; amend sec. 1 (sec. 3), page 10, line 20, by striking out: the light-faced bracket after the word "therein"

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

Mr. OWLETT. Mr. President, for the information of the Senate, these amendments are on page 5, line 12. When this Personal Property Act was passed and the rate increased from one mill to four mills for State purposes, the Senate inserted a clause providing that the equitable interest in any personal property of the classes hereinafter enumerated, owned, held or possessed by any resident where the legal title to the personal property is vested in a trustee, agent, attorney in fact, and where such resident is entitled to receive all or any part of the income therefrom, was made taxable.

Mr. President, that clause was inserted last year to prevent wealthy people, who have large estates, and who were able to hire expensive lawyers, took their property over to Delaware and created a trust to avoid this personal property tax. Mr, President, there was a great question as to whether we could prevent that. It has always been considered very doubtful as to whether the legislature could prevent the removal of property outside of this State and set up a trust outside of the State by a resident to avoid this tax. Nevertheless, realizing how doubtful it was that we could enforce that, it was thought by the Senate that that clause inserted in the act would be a deterrent and would prevent it, the very fact that the property that was claimed so to be taxed by this bill, that is, the property of the rich, was being taken out of the State of Pennsylvania. And what do we find? We find that this clause was taken out of the bill, notice is served on the wealthy people of this State "you can take your property out, set up a trust in Delaware, receive the income on it in this State, and you can do it with complete immunity from this tax." Mr. President, I do not know why that amendment was taken out of this bill. I do not know whether these stories that are going around that high officials in this state government have moved their property over to Delaware to escape this tax that they advocate were true, but certainly, Mr. President, when we find a clause inserted for the very purpose of preventing property being taken out of this State to avoid taxation, when we find instead of re-enactment that they have put some brackets in and taken those clauses out, I say it is suspicious.

Mr. President, the amendments I have just offered take out the brackets and restore those clauses in this bill, and continue the notice that we inserted two years ago; it means that you cannot take your property out of Pennsylvania and escape this tax. That is all these amendments do.

Mr. HUFFMAN. Mr. President, I am convinced now that the Senator from Tioga, Mr. Owlett, is not desirous of adding anything on this subject. He is going over the same ground that we went over two years ago. It took us weeks, in fact months, two years ago, to get this bill together in a satisfactory way and in a manner that we hoped it would pass the courts, and that is what has been done this year. This bill has been built up for the purpose of trying to make it constitutional and legal, and it ought not to be necessary to come in here with a legal brief on every point involved in the case. The very matter that has been talked about has been decided recently in the courts, and for that reason we may not continue what has been suggested by the Senator from Tioga in his amendments. There is no ulterior reason, and it is unfair to make that kind of a statement in the Senate. The United States Courts have decided the question and we may not continue it, and we do not want to imperil the bill.

Mr. OWLETT. Mr. President, I desire to interrogate the Senator from Monroe, Mr. Huffman.

The PRESIDENT. Will the Senator from Monroe, Mr. Huffman, permit himself to be interrogated?

Mr. HUFFMAN. Mr. President, I will.

Mr. OWLETT. Mr. President, will the Senator from Monroe, Mr. Huffman, name the case to which he refers, and will he state when and where that case was decided?

Mr. HUFFMAN. Mr. President, the case was a United States case against the State of Maryland.

Mr. OWLETT. Mr. President, I would like to ask if it is not a fact that the case of U. S. vs. Maryland, to which he refers, was decided two or three years ago, and followed a Virginia case; and it is not a fact that the U. S. Supreme Court, in those decisions, indicated that where a trust was a cestui que trust, that this rule applies, and was silent on the question whether you could tax the corpus under a personal property tax law when it was removed under a revocable trust.

Mr. HUFFMAN. Mr. President, I have already said I have not come in here with a legal brief, I did not anticipate that we would meet this problem. The bill has been built up so that it complied with the recent decision in the Maryland case, U. S. vs. Maryland, and for that reason elimination has been made in the bill.

Mr. OWLETT. Mr. President, the Senator from Monroe, Mr. Huffman, is correct. I think he and I both worked on this bill at the last session in the Senate Finance Com-

mittee. I would like to ask if it is not a fact that the clause which has now been removed from this bill, was inserted, as I have said, for the purpose and in the hope that it would act as a deterrent on wealthy people from removing their personal property from the State of Pennsylvania.

Mr. HUFFMAN. Mr. President, it is difficult for me to remember. I do remember we had a discussion about it, but just how it was handled I am not familiar with any more.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Monroe if it is not a fact that in the Maryland case that it attempted to tax the personal property itself, and by an amendment that we carried through last year we attempted to tax the equitable interest only in such personal property; in other words, there was a cestui que trust equitable interest, and I would like to ask the Senator from Monroe if it is not a fact that that question was not determined at all by the Maryland court.

Mr. HUFFMAN. Mr. President, the difficulty is that I have not gone over those cases in two years and I am not able to answer that.

Mr. THOMPSON. Mr. President, I desire to interrogate the sponsor of these amendments.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. THOMPSON. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, as to whether or not there has been any litigation or adjudication under the clauses which he proposes to re-insert in this bill?

Mr. OWLETT. Mr. President, I know of none.

Mr. THOMPSON. Mr. President, has the matter ever been drawn into question?

Mr. OWLETT. Mr. President, so far as I know the question of whether the state can tax an equitable interest, under an act worded as is the clause which they now have taken out of this bill, has never been passed on.

Mr. THOMPSON. Mr. President, will the Senator from Tioga inform the Senate as to whether there is really any good reason to doubt the ability of the State at the present time to tax this equitable interest?

Mr. OWLETT. Mr. President, I think that there is a good reason to doubt the ability of the State to tax this equitable interest, and the Senate Finance Committee two years ago recognized that there was a serious question whether this equitable interest should be taxed, and I again repeat that in spite of that fact it was held that the insertion of this clause would give notice to the people that they must not try to move their property out of this State to escape taxation, and now, if this bill passes in the form that the administration has drawn it, you have given notice to those people that we taking away that provision, "take your property out' you can hire a lawyer and find a Trust Company in Philadelphia," so that only poor people will have to pay this tax.

Mr. THOMPSON. Mr. President, will the Senator from Tioga inform the Senate as to whether or not other provisions of the bill are properly drawn, so that in the event that this section with these amendments should be declared unconstitutional.

Mr. OWLETT. Mr. President, the bill with this last amendment adopted by the Senate would restore the bill, as I understand it, to the position under which we are now paying the tax, and that question has never been raised.

Mr. BUCKMAN. Mr. President, I had not intended to speak on these amendments, but since I have listened to this very able legal discussion, it occurred to me that on this roll call will be determined which side of this Chamber is the real friend of the poor man, and which, Mr. President, is the real friend of the rich. If the amendments offered by the Senator from Tioga are allowed to re-insert this clause in the bill, it will surely be a tax on the rich. Apparently our friends on the Democratic side do not want to tax the rich; apparently our friends on the Republican side do want to tax the rich; this roll call will determine that question. It seems to me very clear tonight that the Democratic Party has made itself the party of taxation, of taxing the poor man and exempting the rich.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Mr. OWLETT and Mr. BUCKMAN and were as follows, viz:

YEAS—26

Bean,	Haluska,	McGinnis,	Salus,
Buckman,	Heyburn,	Owlett,	Scarlett,
Chapman,	Homsher,	Pierson,	Sipe,
Dando,	Howell,	Reed,	Sones,
Deitrick,	Jacobs,	Rodgers,	Thompson,
Gelder,	Kunkel,	Rupp,	Wolfenden,
Gilson,	Mallery,		

NAYS—18

Cavalcante,	Henney,	Lanius,	Rankin,
Dent,	Huffman,	Law,	Rice,
DiSilvestro,	Jaspan,	McCreesh,	Ruth,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,		

So the question was determined in the affirmative.

The second section of the bill was read as follows and agreed to.

Section 2 This act shall become effective immediately upon its final enactment.

The title of the bill was read as follows and agreed to:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 904, as follows:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in wills deeds of trust or other instruments creating trusts becoming effective hereafter provisions directing that extraordinary dividends declared upon corporate stock held in trust whether payable in cash stock rights to subscribe to stock of the issuing of another corporation or otherwise or directing that profits realized from such stock either upon its sale or upon the sale or dissolution of the issuing corporation or otherwise shall be treated in whole or in part either as principal or income shall be valid and enforceable

Section 2 Section 9 of the act approved the eighteenth day of April one thousand eight hundred and fifty-three (Pamphlet Laws five hundred three) entitled "An act relating to the sale and conveyance of real estate" as amended and all other acts and parts of acts inconsistent herewith are hereby repealed insofar as they are inconsistent herewith

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 905, as follows:

An Act to authorize boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the borough incorporated town township or school district has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or in the case of a tax claim has not within said period of five years filed a suggestion of nonpayment and an averment of default or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings judgment has not been entered within the period of five years after the date on which such writ was issued or whenever any such tax or municipal claim have been reduced to judgment and the borough incorporated town township or school district has not within the period of five years after the date on which such judgment or judgments were entered or within five years after the date on which such judgment was last revived filed a suggestion of nonpayment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such borough incorporated town township or school district may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in the case of a tax claim where no judgment has been entered file a suggestion of nonpayment and an averment of default or in case judgment has been entered on a tax or municipal claim either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected Provided however That the lien of any such claim or judgment shall not re-attach against any real estate transferred to any purchaser during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the borough incorporated town township or school district to sue out a writ of scire facias or file a suggestion or nonpayment and an averment of default within the five year period or was entered of record during the time the lien of such tax or municipal claim or judgment was lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 906, as follows:

An Act regulating procedure in actions of assumpsit and trespass

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no praecipe or writ of summons shall be required in any action of assumpsit or trespass but any such action may be commenced by filing the statement of claim

Section 2 In any action so commenced a copy of the statement of claim shall be served upon the defendant and shall be returnable and served as are writs of summons in such actions return of service shall be made by affidavit not attached to the statement of claim in the same manner as affidavits of service of copies of the statements of claim are made

Section 3 In any action so commenced the statement of claim shall have endorsed upon it in addition to such other endorsements as may be required by law or rule of court the date upon which return of service shall be made and a notice to the defendant in substantially the following form

"You are required within fifteen days after service hereof upon you to file or cause your attorney to file on your behalf a written appearance in this case otherwise judgment may be taken against you"

If the defendant fails to appear as required by such notice judgment for want of an appearance may be taken against him

Section 4 Nothing in this act shall change the existing law as to practice in actions of assumpsit and trespass except as herein expressly provided

Section 5 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 907, as follows:

An Act to repeal certain parts of acts relating to struck juries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following parts of acts of assembly are hereby repealed absolutely

Section seventeen of the act approved the nineteenth day of March one thousand seven hundred and eighty-five (Two Dallas Laws two hundred sixty-two) entitled "An act for the better regulation of juries"

Section three of the act approved the twenty-seventh day of March one thousand seven hundred and eighty-nine (Two Smith's Laws four hundred eighty-three) entitled "An act for granting trials at Nisi Prius in the County of Philadelphia"

Sections one hundred twenty-four one hundred fifty-seven one hundred fifty-eight and one hundred fifty-nine of the act approved the fourteenth day of April one thousand eight hundred and thirty-four (Pamphlet Laws three hundred thirty-three) entitled "An act relative to the organization of the Courts of Justice"

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 908, as follows:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter shall be judicial records and subject to the control of the court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" is hereby amended to read as follows

Section 6 Place of Filing The conditional sale contract or copy shall be filed in the office of the prothonotary in the county in which the goods are first kept for use by the buyer after the sale and shall be a judicial record and be subject to the control of the court of common pleas thereof It shall not be necessary to the validity of such conditional sale contract or in order to entitle it to be filed that it [may] be acknowledged or attested This section shall not apply to the contracts described in section eight

Section 2 The provisions of this act shall be retroactive and shall apply to all contracts or copies heretofore filed in accordance with the provisions of the act to which this is an amendment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 923 (House Bill No. 1125), entitled:

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred ninety-two) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" by providing educational recreational and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 927 (House Bill No. 1692), on second reading, entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County providing for trial without jury and for the filing of agreements therefor providing for the payment of jury fees

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 957, as follows:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County providing for trial without jury and for the filing of agreements therefor providing for the payment of jury fees

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in all civil actions hereafter brought in any of the Courts of Common Pleas in and for the Judicial District comprising Philadelphia County the statement of claim before it shall be received by the prothonotary shall contain on the back thereof an indorsement signed by plaintiff or his counsel as follows "Jury trial demanded" or "It is agreed that this case be tried by a judge without a jury" If plaintiff demands a jury trial he shall at the time of filing his statement pay to the prothonotary a jury fee of four dollars Every affidavit of defense where plaintiff has not demanded a jury trial shall contain on the back thereof a similar indorsement and if defendant demands a jury trial he shall at the time of filing his affidavit of defense pay to the prothonotary a jury fee of four dollars If both parties as aforesaid have filed agreements that the case may be tried by a judge without a jury it shall be so tried under such rules of procedure as the said several Courts of Common Pleas shall prescribe

Section 2 The Act approved the twenty-second day of April one thousand eight hundred seventy-four (Pamphlet Laws one hundred nine) in so far as it relates to trials by Court without a jury in the Courts of Common Pleas of Philadelphia County is hereby repealed

Section 3 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 975 (House Bill No. 1572), entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

The first to thirteenth sections, inclusive, of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler and shall also be construed to include unfired pressure vessels except where the context clearly indicates otherwise

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association or municipality

"Place of public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academics colleges and universities

Wherever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

Section 8 Frequency of Inspection Every boiler shall be inspected both internally and externally while not under pressure at least once in every twelve months and while under operating conditions at least once in every twelve months minature boilers shall be inspected at least once in every twelve months unfired pressure vessels shall be inspected as required by the rules and regulations of the department except that in no case shall regular inspections be required more than once in every twelve months

Section 11 Fees for Inspection and Certificate The fee for the certificate of operation for all insured and uninsured boilers shall be one dollar When boilers are inspected by inspectors of the department the following fee shall be charged in addition to the certificate fee

For the internal and external inspection while not under pressure of a boiler having a grate area of not more than ten square feet the fee shall be five dollars For the internal and external inspection of a boiler while not under pressure having a grate area of more than ten square feet the fee shall be five dollars and in addition ten cents for every square foot of grate area in excess of ten square feet

For the external inspection of a boiler while under operating conditions the fee shall be two dollars and fifty cents

For the inspection of a miniature boiler the fee shall be two dollars

For a hydrostatic test of any boiler a fee of five dollars shall be charged in addition to the inspection fees hereinbefore provided for

For unfired pressure vessels the fee for an external inspection shall be two dollars

For the internal inspection of an unfired pressure vessel having a superficial area of not more than forty square feet the fee shall be two dollars and fifty cents

For the internal inspection of an unfired pressure vessel having a superficial area of more than forty square feet the fee shall be two dollars and fifty cents and in addition five cents for every square foot of superficial area in excess of forty square feet not to exceed a maximum fee of fifteen dollars

Section 13 Registration of Boilers The owner or user of every boiler in this Commonwealth except as exempted from the provisions of this act in section two shall prior to December thirty-first one thousand nine hundred and twenty-nine register with the Department of Labor and Industry every boiler operated by him giving the type size description name of manufacturer and purpose for which each is used except that unfired pressure vessels shall be registered before June first one thousand nine hundred thirty-eight Such registration shall be on forms to be furnished by the department If the location of any boiler is subsequently changed such change of address shall be registered with the department within ten days from that shown on the original registration the department shall be notified within ten days of such change

Mr. DENT. Mr. President, I move to amend the bill by adding the following section:

Amend page 5 by adding an additional Section—"Section 14. The provisions of this act shall not apply to any person or corporation subpect to the provisions of the Interstate Commerce Act."

Mr. KUNKEL. Mr. President I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for vio-

lations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1028, (House Bill No. 1028), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examinating Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as dental hygienists

The first and second sections of the bill were read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two clause (i) of section three and section five ten and eleven of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 216) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" are hereby amended to read as follows

Section 2 Definitions A person engages in the "Practice of Dentistry" within the meaning of this act who diagnoses treats operates on or prescribes for any disease pain or injury or regulates any deformity or physical condition of the human teeth jaws or overlaying tissues or who fits constructs and inserts any artificial appliance plate or denture for the human teeth or jaws or who holds himself or herself out as being able or legally authorized to do so the term "Practice of Dentistry" does not include

(a) The practice of any of the healing arts by duly licensed practioners

(b) The extracting of teeth or relieving pain by a licensed physician or surgeon in emergencies or the making of applications for such purposes

(c) The taking of X-ray pictures of the human teeth jaws or adjacent structures

(d) The calling into this Commonwealth for consultation of a duly licensed practitioner of dentistry of any other state or country with respect to any case under treatment or demonstrating before any duly authorized dental society in this Commonwealth

(e) The practice of dentistry by bona fide students of dentistry in clinical departments and laboratories of approved dental colleges

A "Dental Hygienist" is one who is legally licensed as such by the said dental council and examining board to remove tartar deposits accretions and stains from the exposed surfaces of the teeth and directly beneath the free margin of the gums in the office of a dentist or any public or private institutions such as schools hospitals orphan asylums and sanitoriums or State health cars [but] under the general supervision of a licensed and registered dentist and not otherwise and who does not perform any other operation or work on the teeth jaws gums or mouth whatever

The third section of the bill was read as follows:

Section 3

(i) To suspend and revoke by majority action of the board the license or registration of any licensee who has been guilty of a crime or misdemeanor involving moral turpitude or of a violation of any of the provisions of this act or of fraudulent or unlawful practices or fraudulent misleading or deceptive representations or of unprofessional conduct detrimental or dangerous to the public health safety morals or welfare or of wilful or gross malpractice or neglect or of false misleading or deceptive advertising as respects the skill of the operator the quality of materials drugs or medicines used or methods practiced or of employing or making use of solicitors or free public press agents or of advertising by means of signs posters handbills circulars slides motion pictures radio newspapers magazines or other publications or advertising media (1) professional superiority (2) the performance of professional services in a superior manner (3) the character or durability of his work (4) to guarantee any dental service (5) to perform any dental operation painlessly (6) prices for professional services (7) free dental work or (8) free examinations or (9) by display of a tooth teeth bridge work or any portion of the human head or (10) by means of large glaring or conspicuous light or other signs Provided however that the foregoing shall not prevent the use of signs containing the name of any licensee and the word dentist or any abbreviation thereof or of habitual intemperance or who is addicted to the use of narcotic drugs or is insane and to reinstate licenses and registrations in any cases where a majorty of the entire board shall determine the same to be just and proper

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President I move to:

Amend Section 3, on Page 4, by inserting in line 27, after the word "signs," the following: Provided however that the foregoing shall not prevent the use of signs containing the name of any licensee and the word dentist or any abbreviation thereof

Mr. JASPAN. Mr. President I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth to the twelfth sections inclusive of the bill were read as follows and agreed to.

Section 5 Hearing on Suspensions and Revocation of Licenses and Registrations Appeals Before the license of any licensee or any registration is suspended or revoked by the board a written copy of the complaint made shall be furnished to the licensee or registrant against whom the same is directed and an opportunity be afforded him or her to be heard before the board personally and by counsel At least ten days' written notice of the time and places of such hearing shall be given the licensee or registrant by registered mail addressed to the post office address as shown on the annual registration or other record or information in possession of the board

Any person aggrieved by the action of the board in suspending or revoking a license or registration or by any other action of the board which is alleged to be improper unreasonable or unlawful may appeal from such action of the board in writing to the court of common pleas of Dauphin County

Appeals from suspensions and revocations of licenses and registrations must be taken within thirty days after such suspension or revocation of which action immediate notice shall be given the licensee or registrant by registered mail addressed as above provided In the case of appeals from other actions of the board the appeal may be taken at any time by the person aggrieved by such

action No such appeal shall act as supersedeas except on special allowance of the court before which the appeal is pending

Appeals shall be taken by serving upon the department written notice of such appeal together with reasons for such appeal Such service shall be made either by filing the said notice of appeal in the office of the department or in the event that a hearing has been had by delivering the same to the deputy whether general or special before whom the hearing in the case was had

Within thirty (30) days aftert he service of such notice of appeal the department shall file with the prothonotary of the said court of common pleas a transcript of the records of the proceedings if any in its office duly certified over the seal of the department which record shall include all papers on file with the department affecting or relating to the inquiry or investigation if any conducted by the department and all evidence taken in the hearing if any including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee or registrant and as well as to the party or parties if any upon whose complaint the proceedings before the department were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The court upon application by the board or the appellant shall fix a time and place for hearing at which time or at any adjournment thereof the appeal shall be heard by the judge or judges of the court without a jury by whom the proceedings before the department if any its findings and rulings shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four and its supplements After hearing the court may sustain modify or reverse the action of the board as in its judgment the facts shall warrant

Either party may appeal from the decision of the court of common pleas of Dauphin County to the Superior Court but not later than thirty days after the entry of the decree by said court Such appeals shall be taken and prosecuted in the same manner and with like effect as is provided by law in other cases of appeal to the Superior Court and the records certified to the Superior Court shall contain all that was before the court of common pleas The decree of the Superior Court shall be final and conclusive

Section 10 Penalties It is unlawful for any person to practice dentistry or to hold himself or herself out as a practitioner of or entitled or authorized to practice dentistry or to assume any title of "dentist" "dental surgeon" or other letters or titles in connection with his or her name which in any way represent him or her as being engaged in the practice of dentistry or authorized so to do unless he or she has been duly licensed registered and authorized to engage in such practice under the provisions of this act

It is unlawful for any person to practice dentistry or as a dental hygienist under a name other than that on his or her license and annual registration or to practice under the name on his or her license and annual registration with any addition thereto except a purely technical appellation such as "Dentist" D D S" "Orthodontist" or other word or letters pertaining strictly to the practice of dentistry or to induce any person to practice dentistry or as a dental hygienist in violation of this act

It is unlawful for any person to sell offer to sell or barter or exchange any diploma or document conferring or purporting to confer any dental degree or any license or registration certificate issued according to law regulating the licensing of dentists or dental hygienists or to alter any such document with fraudulent intent or to use it as a license or registration certificate to practice dentistry under an assumed name or to make any false statement in an affidavit relating to or in an application for a license

It is unlawful for any person to practice dentistry or as a dental hygienist unless his or her license and annual registration certificate are displayed [in his or her regularly established place of business] in the office in which he or she is practicing dentistry or as a dental hygienist

It is unlawful for a person practicing dentistry to employ a dental hygienist as his or her assistant unless such assistant is licensed and registered a a dental hygienit as required by this act and the rules and regulations of the board

It is unlawful for any dentist to permit any dental hygienist operating under his general supervision to perform any operation other than those included within practice as a "Dental Hygienist" as defined by section two of this act

It is unlawful for any dental hygienist to perform any of the operations included in practice as a "Dental Hygienist" as defined by section two of this act except under the general supervisions of a licensed and registered dentist

Any person violating any of the provisions of this section or any other provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars or to suffer imprisonment not exceeding six months or both in the discretion of the court

Section 11 Right of Dentists to Practice as Dental Hygienists [Rights of Dental Laboratories and Mechanics] Dental Supplies Nothing contained in this act shall be construed as prohibiting a duly licensed and registered dentist from performing the work of a dental hygienist Nothing contained in this act shall be construed to prevent any [dental laboratory or dental mechanic] person copartnership association or corporation from manufacturing and furnishing to or repairing for licensed and registered dentists artificial teeth crowns bridges prosthetic work and regulating appliances but it shall be unlawful and constitute the practice of dentistry for any [dental mechanic or person employed in a dental laboratory or for any other] person to fit or attempt to fit or to furnish to or repair for any other person artificial teeth crowns bridges prosthetic work or appliances

Section 12 The provisions of this act are severable and if any of its provisions are declared unconstitutional the decision so holding shall not be construed as impairing any other provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

The title of the bill was read as follows and agreed to.

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "An act relating to dentistry; defining and providing for the licensing and registration of dentists and dental hygienists, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction; providing penalties; and repealing existing laws" by limiting the scope of practice as a dental hygienist; providing additional causes for the revocation and suspension of licenses and registrations; making appeals from actions of the board a supersedeas in the discretion of the court; making additional penal provisions; and further regulating the practice of dentistry and as dental hygienists.

And said bill having been real at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for fifteen minutes.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

BILLS INTRODUCED

Mr. FREY. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY read in his place and presented to the Chair Senate Bill No. 1075, entitled:

An Act to protect the public health and welfare by regulating employment in this Commonwealth, with respect to hours and conditions of employment; providing for certain exceptions; imposing duties, liabilities and conditions on employers; defining the powers and duties of the Department of Labor and Industry and its officers and representatives; and providing penalties.

Which was committed to the Committee on Labor and Industry.

Mrr. PYTKO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. PYTKO read in his place and presented to the Chair Senate Bill No. 1076, entitled:

An Act to amend section one as amended, and sections two and three of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (P. L. 129), entitled "An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same." requiring cities to make certain appropriations to the police retirement fund; increasing the maximum payments by members; and generally clarifying the provisions of said act.

Which was committed to the Committee on Municipal Government.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Appropriations reported as committed, Senate Bill No. 1064 (House Bill No. 2162), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, defining the purposes for which such moneys may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State departments, prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

Mr. RICE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE from the Committee on State Boards reported as committed, Senate Bill No. 1066 (House Bill No. 1574), entitled:

An Act relating to milk and the products thereof, creating a Milk Control Commission, establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof, providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers, authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts, requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing, authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products, subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals, prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder and making appropriations.

Mr. RICE. Mr. President, Senate Bill No. 1066, House Bill No. 1574, just reported from Committee is reported with the understanding that it shall be committed to the Committee on State Boards after second reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 233, entitled:

An Act providing medical aid for certain pupils in public and private schools; apportioning funds to various school districts through the Department of Public Instruction; and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 684, entitled:

A Joint Resolution proposing an amendment to article nine, section eight, of the Constitution of the Commonwealth of Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture, keeping and storing of explosives; requiring permits for magazines and prescribing permit fees; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 788, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled, "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws;" providing for a minimum fee for the valuation of life policies.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 867 (House Bill No. 1754), entitled:

An Act to amend the act, approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," by providing for, and regulating the incorporation of, nonprofit corporations organized to provide hospital care and service for subscribers; and conferring powers on the Insurance Department with respect thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 942, entitled:

An Act to amend subsection third of section one of the act approved the ninth day of July, one thousand nine hundred and one (P. L. 614) entitled, "An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 945, entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof, to the City Council, the Mayor and the City Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 946, entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine (P. L. 1773) entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy- four (P. L. 65) entitled, 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such property or bonds refunding such original issue, shall have been redeemed and paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 951, entitled:

An Act providing for the service of process in civil actions on nonresident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a nonresident; and making the ownership, possession, occupancy, control, maintenance and use of such real estate, footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said nonresident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 953, entitled:

An Act providing for the commencement of civil actions for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, the footways and curbs adjacent thereto, and providing for the service of process in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits, to acquire property within and without their corporate limits by purchase, lease, gift and the power of eminent domain, for such purposes; to generate power and erect power plants, stations, and lines in connection within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages; and repealing inconsistent laws.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 995, entitled:

An Act to further amend the act approved the fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled, "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1005, entitled:

An Act to amend section one of an act approved the thirtieth day of March, one thousand nine hundred and thirty-seven number forty-one entitled, "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, 'An act for the better government of cities of the first class of this Commonwealth', as amended by changing the number and method of appointment of the civil service commissioners in said cities," abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June, one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1021, entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems; and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1031, (House Bill No. 1477), entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1064, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief and expenses, defining the purposes for which such moneys may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State departments, prohibiting political activity by employes of the State Emergency Relief Board and prescribing penlaties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1066, entitled:

An Act relating to milk and the products thereof, creating a Milk Control Commission, establishing its jurisdiction, powers and duties, regulating the production, transportaton, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof, providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers, authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts, requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing, authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products, subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals, prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights, duties and proceedings thereunder and making appropriations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct, the titles were publicly read as follows:

Senate Bill No. 22 entitled:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial and agricultural educational interest and other facilities, advantages and attractions of the Commonwealth, to provide for programs of information advertising and publicity, to co-ordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations,

House Bill No. 515 entitled:

An Act making an appropriation to the Wyoming Valley Homeopathic Hospital, Wilkes-Barre, Pennsylvania.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Insurance will hold a Public Hearing on Senate Bill No. 790, in the Senate Caucas Room, on Tuesday, May 4th, at 4.30 p. m.

The Committee on State Boards will meet in Room 265, on Tuesday, the 27th, at 3:00 p. m.

The Committee on Finance will meet in Room 400, on Wednesday the 28th, at 11:00 a. m.

The Committee on Public Health will meet in Room 402, on Wednesday, the 28th, at 11:30 a. m.

Other Meetings scheduled for tomorrow, are listed on the mimeograph copy of meetings on your desks.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn, until tomorrow at twelve o'clock noon.

The motion was agreed to.

Mr. McCREESH. Mr. President, I second the motion.

The Senate adjourned at 11:59 p. m. until twelve o'clock noon tomorrow, Tuesday, April 27th, 1937.

HOUSE OF REPRESENTATIVES

MONDAY, April 26, 1937

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Our Heavenly Father, we do thank Thee for the fine spirit that prevails among the members of this body tonight, who have come again to assume the part of their task with joy and with apparent feeling of thanksgiving, which should be. But, our Heavenly Father, our hearts are heavy tonight as in parts of this State people are facing devastating floods, thier property being destroyed and taken away from them. They are looking into the world with sadness and defeat, but, our Heavenly Father, may this body make them feel that in their suffering we suffer with them also, and that anything that can be done by us individually in prayer, in thought, and in giving shall be done with haste anh with feeling of sympathy with them in their losses.

In Christ's name we ask it. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Thursday, April 22, 1937.

The Clerk proceeded to read the Journal of Thursday, April 22, 1937, when, on motion of Mr. PEALE the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

CIVIL SERVICE

A communication from the Conference of Pennsylvania Sections, National Council of Jewish Women, urging favorable consideration of House Bill No. 1758.

Referred to the Committee on State Government.

RELIEF

A resolution from the Central Labor Union of Philadelphia and Vicinity favoring passage of House Bills Nos. 1030 and 1892.

Referred to the Committee on State Government.

LEGISLATION

A resolution from the League of Women Voters of Allegheny County opposing passage of House Bill No. 1449; favoring passage of House Bill No. 500; favoring passage of House Bill No. 881; opposing passage of the eight mill tax on Personal Property; and favoring passage of House Bill No. 1817.

LEAVES OF ABSENCE

Mr. Haberlen asked and obtained leave of absence for Mr. PERSHING on account of flooded conditions.

Mr. Piole asked and obtained leave of absence for Mr. PEARSON on account of illness in the family.

Mr. TUMELTY asked and obtained leave of absence for himself tonight and tomorrow, on account of other legislative business.

Mr. Long asked and obtained leave of absence for Mr. SCANLON on account of illness in the family.

REPORTS FROM COMMITTEES

Mr. JIROLANIO, from the Committee on Cities, reported as amended, House Bill No. 1234, entitled:

An Act to amend section five hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amendments, revising, and consolidating the law relating thereto," by changing the requirements relating to the annexation of boroughs and townships to cities of the third class; and defining the phrase "Taxable inhabitants."

Mr. HOLSTROM, from the Committee on State Boards, reported as amended, House Bill No. 1411, entitled:

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith;" by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, cancelling, revoking or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

Mr. HARKINS, from the Committee on Education, reported as amended, House Bill No. 1055, entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added, prohibiting the payments of appropriations to school districts failing to pay minimun salaries and increments prescribed for members of teaching and supervisory staffs.

Mr. ELPERN, from the Committee on Labor, re-reported as amended, House Bill No. 2172, (Senate Bill No. 639), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board, conferring powers and imposing duties upon the Pennsylvania Labor Relations Board, officers of the State government and courts, providing for the right of employes to organize and bargain collectively, declaring certain labor practices by employers to be unfair; further providing that representatives of a majority of the employes be the exclusive representatives of all the employes, authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining; empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board of petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

Mr. MARINO, from the Committee on Labor, re-reported as amended, House Bill No. 2173, (Senate Bill No. 640), entitled:

An Act to encourage the making and maintaining of agreements concerning wages, hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration, conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that Senate Bill No. 22, together with the message from the Senate which was laid on the table, be takn from the table.

The motion was agreed to.

SENATE MESSAGE

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 22.

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand three hundred forty-eight) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendments the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 9, by inserting after the word "industrial" the word "educational; also in same line by striking out after the word "agricultural" the word "educational".

Amend Section 1, page 2, line 22, by inserting after the word "industrial" the word "educational"; also in line 23, by striking out at the beginning of said line the word "educational".

Amend section 2, page 3, line 13, by inserting after the word 'industrial" the word "educational"; also in same line by striking out after the word "agricultural" the word "educational"; also in line 19, by inserting after word "industrial" the word "educational"; also in line 20, by striking out after the word "agricultural" the word educational.

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flannery,	McElroy,	Simon,
Alexander,	Flinchbaugh,	McFall,	Simpson,
Allen,	Ganser,	McGee,	Skale,
Allmond,	Gerard,	McKinney,	Sloan,
Arnold,	Gillette,	McShane,	Smith, John A.,
Atkins,	Gorski,	Melchiorre,	Smith, James A.,

Aukerman,	Habbyshaw,	Mellott,	Snyder,
Baine,	Haberlen,	Merrell,	Sollenberger,
Baker, F. T.,	Hagerty,	Mihm,	Spengler,
Baker, J. J.,	Hall,	Moomaw,	Sproul,
Balthaser,	Hamilton, F. P.,	Mooney,	Stackpole,
Bierly,	Hamilton, R. S.,	Moran,	Stank,
Blank,	Harkins,	Moul,	Stewart,
Bohn,	Harmuth,	Muir,	Stockham,
Boles,	Hays,	Munley,	Strode,
Boltz,	Hering,	Murrin,	Terry,
Boose,	Hess,	Nagel,	Thomas,
Boyer,	Hetrick,	O'Brien,	Thompson,
Bradley,	Hindman,	O'Connor,	Toole,
Brancato,	Hirsch,	O'Keefe,	Tronzo,
Brigerman,	Holland,	Ominsky,	Trout,
Broad,	Holmes,	O'Neill,	Tumelty,
Brown,	Holstrom,	Ostroff,	Turner,
Brownfield,	Hontz,	Patterson, C. S.,	Vallbus,
Burrows,	Horting,	Patterson, J. W.,	VanAllsburg,
Cadwalader,	Huntley,	Peale,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Piole,	Wagner,
Chervenak,	Kane,	Powers,	Wall,
Coakley,	Keenan,	Preston,	Walsh,
Cohen, H. B.,	Kelso,	Readinger,	Wampole,
Cohen, R. E.,	Kilroy,	Reese,	Watkins,
Coleman,	Kline,	Reising,	Webster,
Coolahan,	Kroll,	Richter,	Weidemann,
Corrigan,	LaRue,	Robinson,	Weiss, D. H.,
Costanzo,	Leisey,	Rothenberger,	Weiss, S. A.,
Davies,	Levy,	Royer,	Welliver,
Decker,	Lewis,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Schor,	Whitenight,
Dougherty,	Lovett,	Schrock,	Wilson,
Downey,	Lyons,	Schrope,	Winner,
Dubbs,	Mallen,	Schumacher,	Wood,
Dyson,	Marino,	Serrill,	Woodside,
Eckels,	Matthews, H. T.,	Shaw,	Wright,
Elpern	Matthews, J. F.,	Shea,	Yanoshat,
Falkenstein,	McArdle,	Shepard,	Yeakel,
Finnerty,	McCullough,	Shoemaker,	Yourishin,
Fiss,	McDermott,	Shugarts,	Zappala,
Fitch	McDevitt,	Siegel,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

RESOLUTION

RECALLING HOUSE BILL No. 190 FROM THE GOVERNOR

Mr. MOOMAW offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 26, 1937.

Resolved, (if the Senate concur), That House Bill No. 190, Printer's No. 650, entitled 'An act to amend clauses (i) and (j) of section four, clauses (e), (f) and (j) of section two hundred eight, and sections three hundred nine and five hundred seven of the act approved the fifth day of December, one thousand nine hundred thirty-six (Act No. 1 entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry, and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for cooperation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties," * * * ," which was recalled from the Governor for the purpose of amendment, and which was amended by the House and transmitted to the Senate on April 21st for concurrence, be recalled from the Senate for the purpose of further amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILL ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1839, entitled:

An Act to limit the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1783, entitled:

An Act fixing the compensation of the Officers and members of the Fire Protection Force of the Cities of the first class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cities of the first class the annual salary or compensation of the officers and members of the Fire Protection Forces shall not be less than the following

Battalion Chiefs Two thousand nine hundred and fifteen dollars ($2,915)

Captains Two thousand four hundred and seventy-five dollars ($2,475)

Lieutenants Two thousand three hundred and sixty-five dollars ($2,365)

Hosemen and Ladderman

(a) First year of service One thousand eight hundred and twenty-five dollars ($1,825)

(b) Second year of service Two thousand and seven dollars and fifty cents ($2,007.50)

(c) Third and any subsequent year of service Two thousand one hundred and ninety dollars ($2.190)

The salary or compensation of such officers and members of the Fire Protection Force shall be paid out of the moneys in the City Treasury as may be provided by law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Miss BRANCATO. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2073, as follows:

An Act limiting the duration of any franchise given or granted by any city of the first class

Section 1 Be it enacted by the Senate and House of

Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same. That no franchise or consent to occupy the public streets highways or other places in any city of the first class shall be given or granted by any such city to any person or persons railroad railway gas water light telephone or telegraph company or to any public service corporation or any other copartnership association or corporation for a period in excess of ten years from the date of such gift or grant

Section 2 After the expiration of the term of any franchise the same shall have no value in itself and any other public service corporation which to the satisfaction of the governing body of such cities of the first class can furnish the same or better service or commodity at a lower cost shall be free to so operate and sell its service or product in such cities without interference or restraint from any previous franchise holder

Section 3 It is the intention of this act that no city of the first class or its citizens shall ever be obliged to pay more for a service or a product because of the existence of any franchise which it previously granted

Section 4 All acts or parts of acts inconsistent herewith are hereby repealed

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 2039, as follows:

An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (P. L.599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" further providing when referendums may be held and making persons filing petitions liable for the cost of printing ballots

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvanaia in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" is hereby amended to read as follows

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in [five] two years be ascertained and the question as provided in section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitioners equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which motion picture exhibitions are permitted from and after two o'clock postmeridan on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in section four of this act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock postmeridan on Sunday but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock postmeridan on Sunday or which has not therefore voted on such question are in favor of such exhibitions then upon the certification of such fact to be acting chief executive officer of such municipality as is provided in section 4 of this act such exhibitions shall thereafter be lawful

The person or persons filing any such petition for an election shall be liable for the cost of printing the ballots to be used at any such election which expense shall be paid to the county upon bills rendered by the county commissioners who may require a bond or deposit of money to assure the payment thereof before accepting such petition for filing

Section 2 It is the intent of this act that the will of the electors of any municipality may be ascertained at the municipal election in the year one thousand nine hundred and thirty-seven said election being two years from any election which may have been held in the year one thousand nine hundred and thirty-five

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1462, as follows:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens and restoring the treasurer's right to sell such lands in certain cases and saving the rights of intervening purchasers mortgagees lien holders and other encumberance holders

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any county city borough town township school or poor taxes on seated lands for the tax year one thousand nine hundred and thirty-four or any previous year have been returned to the county commissioners and such taxes have not been

paid in full and no sale for such taxes has been held all such taxes so returned shall be liens on the real estate upon which they were liens at the time of such returns for a period of five years from the effective date of this act and the county treasurer may sell the lands on which such taxes are liens at any time until the expiration of said lien

Section 2 Whenever any county city borough town township school or poor taxes for the tax year one thousand nine hundred and thirty-four or any previous year have been heretofore returned to the county commissioners and the lien of such taxes still unpaid has been lost or the right of the county treasurer to sell the real estate upon which such taxes were liens at the time of such return has expired by reason of the failure or neglect of the county treasurer to revive such liens by filing the same in the office of the prothonotary or to adjourn or readjourn any tax sale or to advertise or give notice of any sale or of any adjournment or of any readjournment of sale as required by law or to secure the consent of the county commissioners or the approval of the court to any adjournment or readjournment of a tax sale or to hold a tax sale at or before the time of holding any tax sale or any other year's taxes the lien of any such taxes is hereby revived and the right of treasurer's sale thereon is hereby restored and such liens shall continue for a period of five years from the effective date of this act and the county treasurer may sell the lands on which such taxes are liens at any time until the expiration of said lien

Section 3 The lien of any such taxes shall not reattach against and the county treasurer shall have no right to sell for such taxes any real estate transferred to any purchaser during the time when the lien of any such taxes was lost nor shall the lien of any such taxes or the right to sell the real estate for such taxes impair or affect the priority of any mortgage lien or other encumbrance which gained priority during the time when the lien for such taxes was lost

Section 4 Where any taxes have heretofore been filed as liens in the office of the prothonotary by the county treasurer and said taxes together with fees and costs are collected or received by the county treasurer the county treasurer shall have the power and his duty shall be to mark satisfied the records of the prothonotary on which such liens have been entered

Section 5 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 905, as follows:

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person employed as an industrial police to carry any firearm or other weapon except when on duty as such industrial police All such weapons carried while on duty shall be left at the place of employment of such industrial police

The term "industrial police" as used in this section shall be construed to mean a police officer or a person employed in any such capacity for the protection of its property by the owner or operator of any colliery furnace rolling mill water company water supply company water power company electric light company electric power company electric transmission company mineral mining or quarrying company or express company

Section 2 Any person violating the provisions of this act shall on summary conviction thereof be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten (10) days

Section 3 All acts and parts of acts inconsistent herewith are hereby repealed

Section 4 This act shall become effective ten days after its final enactment

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1074, as follows:

An Act to amend clause (a) of section one thousand eight hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commisisons and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended limiting the amount which may be expended by the Department of Forests and Waters to acquire interior holdings and farms and marginal farms

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (a) of section one thousand eight hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the maner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act approved the sixteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1052) is hereby further amended to read as follows

(a) With the approval of the State Forest Commission to acquire in the name of the Commonwealth by purchase gift lease or condemnation and hold as State forests sub-

ject to the conditions of any such lease and subject to such reservations if any of mineral rights stumpage rights rights of way or other encumbrances as the department and the State Forest Commission deem to be consistent with such holding any lands which in the judgment of the department the Commonwealth should hold manage control protect maintain utilize and regulate as State forests Provided That the purchase price of any such lands shall not exceed ten dollars per acre and that the amount expended for the acquisition of lands for State forest purposes in any biennial appropriation period shall not exceed the appropriation for that purpose for such period Provided further That the price for interior holdings and farms and for marginal farms along State forest lands shall not exceed twenty dollars per acre

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1221, as follows

An Act providing that any court order or judgment against a husband for the support and maintenance of his wife or children or both or against a son for the support and maintenance of his parent or parents shall include an order to execute an assignment of his salary and wages providing for the collection of the periodical payments due under such order or judgment from the employer of such husband or son relieving such employer from liability therefor and providing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever hereafter an order shall be made by any court of competent jurisdiction against any husband for the support and maintenance of his wife or children or both or against any son for the support and maintenance of his parents or either of them or whenever hereafter a judgment shall be rendered by any court of competent jurisdiction in favor of any wife against her husband or in favor of a parent or parents against their son in any action brought upon any articles of separation or other contract or agreement made between such husband and wife or between such parent or parents and child stipulatory or conditioned for the support and maintenance of such wife or such parent or parents such court shall include in and make part of said order and any such judgment shall necessarily include and contain an order directing such husband or such son as the case may be to execute a lawful assignment to his wife or his parent or parents as the case may be of such portion of his present and future salary or wages as will pay the amount periodically due such wife or such parent or parents under the terms of said order

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1317, (Senate Bill No. 245), entitled:

An Act to amend part of section one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred four) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand and to provide the time for paying the same" by reducing the fee charged for filing municipal or tax liens

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

HOUSE BILL No. 1574 SPECIAL ORDER

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 1574, Printer's No. 693, on page 1 of today's calendar, bill on third reading and final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1574, as follows:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and order and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Table of Contents

ARTICLE I Purpose Short Title Definitions
Section 101 Legislative Purpose
Section 102 Short Title
Section 103 Definitions Construction
ARTICLE II Organization of the Commission
Section 201 Appointment and Terms of Members Quorum
Section 202 Qualifications and Salaries
Section 203 Secretary Administrative Code
ARTICLE III General Powers of the Commission
Section 301 Regulation of Milk Industry

Section 302 Specific Powers not Impairment of General Powers
Section 303 Official Seal Evidence
Section 304 Hearings Witness Fees
Section 305 Subpoenas Oaths
Section 306 Contempt
Section 307 Adoption of Rules Regulations and Orders
Section 308 Posting and Service of Rules Regulations and Orders
Section 309 Certification of Rules Regulations and Orders
Section 310 Entry and Inspection
Section 311 Interstate and Federal Compacts
Section 312 Marketing Area Committees
ARTICLE IV Licenses of Milk Dealers
Section 401 Milk Dealers Required to be Licensed
Section 402 Milk Dealers Subject to Exemption
Section 403 Applications
Section 404 Grounds for Refusal Suspension or Revocation
Section 405 Hearings and Orders
Section 406 Cancellation
Section 407 Transfer
Section 408 License Fees Generally
Section 409 License Fees of Certain Milk Dealers Dealers
Section 410 Computation of License Fees
Section 411 Classification of Licenses
Section 412 Other Licenses
ARTICLE V Bonds of Milk Dealers
Section 501 Milk Dealers Required to File Bonds
Section 502 Computation of Amount of Certain Bonds
Section 503 Time of Filing
Section 504 Requisites of Bonds Substitution
Section 505 Financial Statement
Section 506 Increase or Decrease of Bond
Section 507 Duty of State Treasurer
Section 508 Interest or Dividends upon Securities
Section 509 Suit by Commission
Section 510 Effect of Order by Commission
Section 511 Procedure for Disbursing Proceeds
Section 512 Cooperatives
Section 513 Subdealers' Bonds
ARTICLE VI Weighing and Testing
Section 601 Weighing or Measuring Permits
Section 602 Certified Testers
Section 603 Certified Weighers and Sampless
Section 604 Refusal Suspension and Revocation of Permits and Certificates
Section 605 Transfer
Section 606 Samples Check Tests
Section 607 Violations
Section 608 Payment for Milk Statement
ARTICLE VII Records Reports and Information
Section 701 Records
Section 702 Reports
Section 703 Dissemination of Information Conferences
ARTICLE VIII Prices of Milk
Section 801 Requisites of Orders Fixing Price of Milk
Section 802 Wholesale and Retail Prices
Section 803 Prices to Producers
Section 804 Classification
Section 805 Price Increases
Section 806 Terms and Methods of Payment
Section 807 Violations
Section 808 Prices of Certain Milk
Section 809 Cooperatives
ARTICLE IX Appeals and Review
Section 901 Appeals from General Orders
Section 902 Appeals from Special Orders
Section 903 Supersedeas
Section 904 Pleading and Service
Section 905 Certification of Record
Section 906 Scope of Inquiry
Section 907 Costs
Section 908 Jurisdiction of Superior and Supreme Courts
ARTICLE X Penalties and Remedies
Section 1001 Summary Offenses
Section 1002 Misdemeanors
Section 1003 Actions to Enforce Compliance
Section 1004 Application for Injunction Remedies
Section 1005 Proceedings Before the Commission
Section 1006 Perjury
ARTICLE XI Moneys and Expenses of Commission
Section 1101 Milk Control Fund
Section 1102 Expenses
Section 1103 Refunds
Section 1104 Approval of Governor
Section 1105 Miscellaneous Fees
Section 1106 Appropriations
ARTICLE XII Saving Provisions
Section 1201 Severability
Section 1202 Interstate Commerce
Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly
ARTICLE XIII Repeals and Effective Date
Section 1301 Acts Specifically Repealed
Section 1302 Effective Date

Whereas The production sale and distribution of milk and certain milk products in this Commonwealth are attendant with serious conditions affecting milk producers milk dealers and consumers of milk the following legislative findings of fact with respect thereto are hereby made

1 Milk is the most necessary human food vital for promotion of the public health and for development of strength and vigor in the race It is a most fertile field for the growth of bacteria and therefore its production and distribution have been surrounded by more costly sanitary requirements than those of any other commodity in this the third greatest milk producing and consuming State of the nation

2 Milk consumers are not assured of a constant and sufficient supply of pure wholesome milk unless the high cost of maintaining sanitary conditions of production and standards of purity is returned to the producers of milk If this is not done large numbers dispose of their herds or engage in milk strikes and remaining producers supply unhealthful milk or milk lower quality because of financial inability to comply with sanitary requirements and to keep vigilant against contamination Public health is menaced when milk dealers do not or cannot pay a price to producers commensurate with the cost of sanitary production or when consumers are required to pay excessive prices for this necessity of life

3 Milk dealers must handle constant surpluses to meet the emergency requirements of normal variations in fluid consumption and to meet seasonal variations in production which amounts in excess of fluid requirements must find a market in fluid use or in manufacture and tend to demoralize the industry Only one per centum of the milk dealers of the Commonwealth handle over sixty per centum of the milk sold by producers to dealers and persons have often combined privately to establish practices or fix prices to the detriment of producers or consumers

4 Milk producers must make delivery of their highly perishable commodity immediately after it is produced and must generally accept any market at any price Under the utilization method of payment prevailing in the milk industry particularly in cities the value of this market is unknown until the milk dealer sells the fluid milk and uses or disposes of the surplus Furthermore only the dealers have facilities for accurately weighing and testing milk This knowledge of weights tests and uses is in the exclusive possession of the dealer The producers' lack of control over their market is aggravated by the trade custom of dealers in paying weeks after delivery keeping producers obligated to continue delivery in order to receive payment for previous sales and permitting dealers to operate on the producers' capital without giving security therefor Hence milk producers are subject to fraud and imposition and do not possess the freedom of contract necessary for the procuring of cost of production

Whereas public control of the milk industry in recent years is stabilizing the conditions therein and a relaxation of control will cause a return to the unhealthful uneconomic deceptive and destructive practices of the past with respect to this paramount industry upon which the health and welfare of the Commonwealth largely depends and

Whereas It is necessary to preserve and promote the strength and vigor of the inhabitants of this Commonwealth to protect the public health and welfare and to prevent fraud and imposition upon consumers and producers by continuing to treat the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania as a business affecting the public health and affected with a public interest

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Purpose Short Title Definitions

Section 101 Legislative Purpose In the exercise of the police power of the Commonwealth it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared that this act shall be and is hereby enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the public health and welfare and for the prevention of fraud

Section 102 Short Title This act shall be known and may be cited as the "Milk Control Law"

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer who purchases milk for consumption or use

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk Dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

"Subdealer" means any milk dealer handling milk within the Commonwealth who sells all such milk to consumers or stores in the same containers as those in which he puchased it from other milk dealers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

ARTICLE II

Organization of the Commission

Section 201 Appointment and Terms of Members Quorum There is hereby created an independent administrative commission to be known as the Milk Control Commission The commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate for terms of six (6) years each and until their successors shall have been appointed and qualified except that the terms of the members first taking office shall expire May first one thousand nine hundred thirty-nine May first one thousand nine hundred forty-one and May first one thousand nine hundred forty-three respectively as designated by the Governor at the time of appointed and qualified

The Governor shall designate one of the members of the commission as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside

Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

Section 202 Qualifications and Salaries Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States

No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The chairman of the commission shall receive a salary of six thousand dollars ($6,000) per annum The other members of the commission shall receive salaries at the rate of five thousand five hundred dollars ($5,500) per annum

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

No person employed in the work of the commission as a Deputy Attorney General or as an attorney shall for a period of two years after leaving the service of the commission be eligible to appear before the commission as an attorney representing any person interested in any proceeding pending before the commission

ARTICLE III

General Powers of the Commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent

herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 302 Specific Powers not Impairment of General Powers The operation and effect of any provisions of this act conferring a general power upon the commission shall not be impaired or qualified by the granting to the commission by this act of a specific power or powers

Section 303 Official Seal Evidence The commission may for the authentication of its records process and proceedings adopt keep and use a common seal of which seal judicial notice shall be taken in all courts of this Commonwealth and any process writ notice or other document which the commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the commission and all reports and documents filed with the commission may be proved in any court of this Commonwealth by a copy thereof certified to by the chairman or secretary of the commission with the seal of the commission attached

Section 304 Hearings Witness Fees The commission or any member thereof may hold such hearings at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act Each witness required to attend before the commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All hearings of the commission shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act The commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 306 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the commission to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his lass known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 309 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission to the effect that a general rule regulation or order was duly posted and publicized as provided in this act shall be prima facie evidence of such posting and publicity

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations to exchange information hold joint hearings and issue join complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

"Section 312. Marketing Area Committee.—(a) The commission, upon petition of at least twenty-five per

centum of the producers in any milk maketing area, shall establish a marketing area committee in such area. Each such committee shall consist of five producers, all of whom shall serve for one year. The members of such committees shall be chosen by producers in such manner and in accordance with such procedure as may be provided by rules and regulations adopted by the commission.

(b) Such marketing area committees when constituted shall serve as bargaining agents for producers with dealers, and shall have power to adopt tentative agreements fixing the price to be paid for milk to producers in the marketing area, and such other relevant matters as are deemed proper, and to submit such agreements to the commission for approval. Such committees shall have power to negotiate production agreements seeking to control milk surpluses in order to stabilize milk production and thus to assure an adequate future supply of pure wholesome milk. Every marketing area committee shall aid the commission in the enforcement of this act, and may report to the commission and violations of this act in the area in order that proper steps may be taken by the commission to secure compliance with this act.

(c) When sixty per centum of the producers in any marketing area shall agree to finance any such marketing area committee, said agreement to be obtained under such procedure as may be provided in rules and regulations to be adopted by the commission, the commission shall impose on producers within such area a charge of not more than one cent per hundred pounds of milk sold by producers to dealers in said area. The amount to be paid by producers shall be deducted by the dealers from the price paid to producers, which deductions shall be paid to the treasuer of the marketing area committee to pay the expenses of the members of the committee and any person or persons employed by it. An annual financial statement of receipts and expenditures of any such marketing area committee shall be furnished to each producer in the area, and filed with the commission."

ARTICLE IV

Licenses of Milk Dealers

Section 401 Milk Dealers Required to be Licensed Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

Section 403 Applications An application for a license to operate as a milk dealer shall be completed and filed by the dealer with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer after determination by the commission that the dealer

(1) Has rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) Has without reasonable cause failed to account and make payment for any milk purchased from a producer

(3) Has committed any act injurious to the public health or public welfare or to trade or commence in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of dealing of such nature as to satisfy the commission of an intent of the milk dealer to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish ac-

curately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period unless the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 406 Cancellation Where the commission declines to grant a license to an applicant or revokes a license and the dealer appeals therefrom obtaining a supersedeas the reason assigned for declining to grant or for revoking the license shall not be a reason for declining to grant the same dealer a license for a subsequent license period However in the event that the appeal from the order of the commission is dismissed or otherwise terminated favorably to the commission any license issued for such subsequent period shall be automatically cancelled five days after the termination of the appeal unless the commission otherwise orders

Section 407 Transfer Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the commission to such transfer is obtained but a receiver an executor or administrator who succeeds to the business of a licensee may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the commission Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license Applications for such transfers shall be filed with the commission at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 408 License Fees Generally The commission shall charge and collect license fees from milk dealers on a yearly basis as follows Where a milk dealer received produced or brought within the Commonwealth during the calendar year preceding the period for which the license is issued a daily average total quantity of milk

(1) Not exceeding twenty (20) pounds a license fee of one dollar ($1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a license fee of three dollars ($3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars ($10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars ($15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars ($30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars ($40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars ($50.00)

(8) Exceeding four thousand (4,000) pounds but not exceeding five thousand (5,000) pounds a license fee of seventy-five dollars ($75.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars ($75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars ($100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars ($150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars ($200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars ($300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars ($500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars ($1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars ($1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars ($2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000) pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars ($3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars ($5,000.00)

The commission shall charge and collect license fees from subdealers on a yearly basis of fifteen dollars ($15.00) for each route owned or operated at the commencement of the licenses period

Except as otherwise expressly provided by this act the license fee fixed by this section shall be paid before any license fee or any renewal thereof is issued Where a license is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

Section 409 License Fees of Certain Milk Dealers Milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the annual fee as follows

(1) For a license issued on or after August first but prior to November first three-fourth of the annual fee

(2) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month preceding calendar year shall submit with

their application a license fee in the sum of one dollar ($1.00) and in addition thereto at such time or times as the commision may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated

Section 410 Computation of License Fees Milk sold and distributed out side of this Commonwealth in any state which charges milk dealers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commision shall prescribe Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer from another milk dealer subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer and not sold by him to stores or consumers Applicant milk dealers other than sub-dealers receiving their entire supply from milk dealers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 411 Classification of Licenses The commission may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon January second one thousand nine hundred and thirty-four

Section 412 Other Licenses The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

ARTICLE V

Bonds of Milk Dealers

Section 501 Milk Dealers Required to File Bonds It shall be unlawful for a milk dealer to purchase milk from producers unless the milk dealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission if the milk dealer is delinquent in the payment to producers for milk purchased Except as otherwise herein provided the bond shall be in a sum equal to the highest aggregate amount due in any one month according to lawful prices for milk purchased by the dealer from producers during the preceding calendar year but in any event not exceeding one hundred thousand dollars ($100,000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer of all amounts due including amounts due under this act and the orders of the commission for milk sold by such producers to the milk dealer during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer required to file a bond who pays producers in full each week for milk purchased by him from such producers the bond shall be in a sum equal to fifty per centum of the highest aggregate amount due in any one month according to lawful prices for milk purchased by the dealer from producers during the preceding calendar year but in any event not exceeding fifty thousand dollars ($50,000)

Section 502 Computation of Amount of Certain Bonds Milk purchased by milk dealer from producers outside the Commonwealth and sold by such dealers as fluid milk within Commonwealth shall be included in computing the amount of such bond except where such dealer has filed a bond for the protection of such producers with the state wherein the milk is purchased or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer required to file a bond purchasing or intending to purchase milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission

Section 503 Time of Filing A bond when herein required shall be filed by the dealer on order of the commission

Section 504 Requisites of Bonds Substitution A corporate surety bond shall be executed to the Commonwealth by the milk dealer as principal and by a corporate surety company authorized to do business in this Commonwealth as surety An individual surety bond shall be executed to the Commonwealth by the milk dealer as principal and by one or more individuals as surety or sureties who shall have sole title to real estate the assessed valuation of which free and clear or in excess of all encumbrances shall be at least equal to the amount of the bond A collateral bond shall be executed to the Commonwealth by the milk dealer as principal shall set forth therein the collateral posted with said bond and shall have attached thereto the collateral properly assigned and transfered to the Commonwealth of Pennsylvania The collateral posted with such bond shall be cash in an amount equal to the amount of the bond or such bond shall be secured by an actual deposit with the commission or with a bank bank and trust company or national bank within the Commonwealth of money to full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved bythe commission The security or securities deposited therewith shall constitute a trust fund for producers from whom the dealer purchases milk

The commission may likewise grant to any milk dealer the authority to substitute for any bond surety or any collateral another bond surety or other collateral provided that such other bond surety or collateral meets all the requirements of this act

Section 505 Financial Statement A milk dealer shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased the amount due to the producers and any other relevant facts required by the commision pertinent to the dealer or the dealer's surety or sureties

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling milk to such milk dealers does not adequately protect such producers the commission may require such milk dealer to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which shall not exceed more than fifty per centum of the highest aggregate amount due in any one month according to the applicable prices for milk purchased by the dealer from producers during the preceding or current year and in any event not exceeding fifty thousand dollars ($50,000.00) In the case of a milk dealer who pays producers in full each week for milk purchased by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such amount and in any event shall not exceed twenty-five thousand dollars ($25,000)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk purchases of the milk dealer or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling milk to such milk dealer

Section 507 Duty of State Treasurer All bonds together with any moneys or securities given as collateral therefor

received by the commission from milk dealers pursuant to the provisions of this section shall be transmitted by the commission to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the commission

Section 508 Interest or Dividends upon Securities The milk dealer shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer with the commission and transmitted by the commission to the State Treasurer for safe-keeping in accordance with the provisions of this act Provided however That the milk dealer not shall be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer based on milk sold by such producer to the milk dealer

Section 509 Suit by Commission The commission shall have the power in its discretion to sue on the bond on behalf of producers Suit may be brought in the name of the Commonwealth upon relation of the commission or of the Attorney General in such manner as debts are now by law recoverable

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer to be indebted thereunder such order shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission may prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers based on sales of milk by them to a milk dealer who has posted a bond or collateral Provided however That if the proceeds of a bond which has been posted by a milk dealer shall be insufficient to pay in full the amounts due to producers who have sold milk to such milk dealer the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' Bonds It shall be unlawful for a subdealer to buy milk from a milk dealer who purchases milk from producers unless the subdealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer and shall be conditioned for the payment by the subdealer of all amounts due under this act and the orders of the commission for milk purchased from milk dealer or dealers during the license period subject however to the further condition that if at time of default such milk dealer or dealers are indebted to producers the proceeds thereof shall be held on the account of such dealer or dealers for th benefi of such producers Such bond shall be filed annually with the subdealer's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as provided in the other sections of this article for the bonds of other milk dealers and for suits thereon except where the protection of such milk dealers selling to the subdealer or of producers selling to such milk dealers requires the substitution of such dealers and producers in applying such terms and conditions to the bonds of subdealers

ARTICLS VI

Weighing and Testing

Section 601 Weighing or Measuring Permits It shall be unlawful for any milk dealer to buy or receive milk from producers at any plant station creamery factory or other place within the Commonwealth where such milk is weighed or measured or to sell or deliver milk to stores or consumers unless the milk dealer holds a permit for each place of weighing or measuring such milk issued by the commission as herein provided

The weighing or measuring permit shall be issued by the commission for each such place upon application therefor by the milk dealer on a form prescribed by the commission furnishing information including that pertaining to the apparatus and methods used and persons engaged in weighing or measuring the milk The application shall be accompanied by a fee of five dollars ($5.00) and shall be filed before commencing to weigh or measure milk and annually thereafter on or before December first

Each weighing or measuring permit shall be issued hereunder for the term of one calendar year and shall be posted and kept in plain view of persons delivering milk at the place for which it is issued

Section 602 Certified Testers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the butterfat test thereof is conducted by a tester certified by the commission

The certified tester shall keep an accurate record of all tests made and copies of such record shall be kept for a period of two (2) years by him and by the milk dealer

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk testing issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to the apparatus and methods used in testing be issued a certificate and be designated therein as a certified tester

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a tester's certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in milk testing reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a tester's certificate as herein prescribed

The application for a tester's certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to test milk and annually thereafter on or before December first

The tester's certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the plant in which the certified tester is employed

Section 603 Certified Weighers and Samplers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the samples taken for testing purposes shall be made by a certified tester or certified weigher and sampler and according to the method prescribed in this act

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk weighing and sampling issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to apparatus and methods used in weighing and sampling be issued a certificate and be designated therein as a certified weigher and sampler

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a weighing and sampling certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars

($3.00) The applicant shall be required to pass an examination in weighing and sampling milk reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a certificate as a certified weigher and sampler The application for such weighing and sampling certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to sample milk and annually thereafter on or before December first

The weighing and sampling certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the room in which the certified weigher and sampler is employed

Section 604 Refusal Suspension and Revocation of Permits and Certificates The commission may decline to grant or may suspend or revoke a weighing or measuring permit a tester's certificate or a weighing and sampling certificate where the applicant therefor or holder thereof has violated any provision of this act for the weighing measuring testing or sampling of milk or has violated any rules regulations or orders of the commission respecting the weighing measuring testing or sampling of milk or has engaged in any practice with respect thereto which causes milk producers to be underpaid for their milk or which causes stores or consumers to overpay for such milk or which otherwise defrauds or tends to defraud milk producers stores or milk consumers

The procedure before the commission and of the commission with respect to the refusal suspension or revocation provided for herein and the procedure governing appeals from such action of the commission shall be as that prescribed in this act with respect to milk dealers' licenses issued hereunder

Licenses permits and certificates heretofore issued by the Pennsylvania Department of Agriculture under acts repealed hereby and which are in force upon the effective date of this act shall be deemed permits and certificates issued by the commission hereunder until the expiration dates thereof and the holders shall be subject to all applicable provisions of this act

Section 605 Transfer The permits and certificates herein provided for may not be assigned or transferred

Section 606 Samples Check Tests Milk dealers buying or receiving milk from producers on the basis of or with reference to the amount or percentage of butterfat contained in such milk as determined by the method commonly known as the "Babcock Test" shall make such test at least once every sixteen (16) days The milk from each producer shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk bought or received from said person and shall cover a period of not more than sixteen (16) days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk from each producer concerned and composite samples of all producers concerned shall cover the same period of time

Any person taking a sample or samples of milk either from the aliquot part of each lot of milk sampled or from the composite lot of milk sampled shall thoroughly stir or mix the contents of each and every container immediately before such sample or samples are taken in such manner that the milk is thoroughly mixed in each container before the sample is taken No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which will prevent such thorough stirring or mixing Each composite sample shall be held in an airtight bottle such bottle being plainly showing the name or number of the producer whose milk the composite sample represents and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples

The commission may require that the composite samples be tested on the premises where they are taken After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten (10) days after the rendering of a statement to the producer for milk delivered during such period in order to make possible a check test

Every milk dealer affected by the provisions of this act shall within two (2) days after the day on which the test herein provided for has been made notify the producer or his agent of the result of such test stating the period of time during which said composite samples were taken Notice under this section shall be given by posting of the results of said tests continuously for ten (10) days in a conspicuous place in the plant or receiving station or in writing delivered to the producer or his agent Where a daily test is made on milk and the average of these several tests is used as a basis of settlement there shall also be a composite sample taken covering the period of the first half of the month and a composite sample taken covering the period of the last half of the month and such samples shall be held intact on the premises for a period of not less than ten (10) days after the rendering of a statement to the producers for milk delivered during each such period in order to make possible a check test

The commission shall make check tests and other reasonable tests whenever in its judgment such tests are advisable for the public welfare and may also require additional samples or additional composite samples from time to time

Section 607 Violations It shall be unlawful for any milk dealer or other person engaged or employed in the business of buying or receiving milk from producers or selling or delivering milk to stores or consumers on the basis of or with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample or to underread overread or erroneously manipulate the "Babcock Test" used for determining the amount or percentage of butterfat in such milk or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees (135°) to one hundred forty-five degrees (145°) Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

It shall also be unlawful for such milk dealer or other person so engaged or employed to ascertain the "Babcock Test" of the milk by use of any glassware except standard "Babcock Test" glassware and weights which have been previously inspected and approved by the Department of Internal Affairs If the amount or percentage of butterfat is determined by any method other than the "Babcock Test" no utensil or instrument shall be used in such determination until it has been inspected and approved by the commission

Section 608 Payment for Milk Statement Milk dealers shall determine weight measure and butterfat content of milk as provided in this act or in rules regulations or orders of the commission pertaining thereto and consistent with this act Payment for milk shall be made either upon the basis of weight measure or butterfat content or any combination thereof as the rules regulations or orders of the commission may require

Milk dealers buying or receiving milk from producers shall furnish to each producer or his agent a written statement showing the amount of milk delivered daily during the period for which payment is made and unless the commission otherwise provides the average butterfat test of the milk delivered for such period Such statement shall set forth such information as may be required by the commission shall be furnished periodically at the time of payment prescribed by the commission and in no event less often than monthly Provided however That a written statement of weights may be given daily to the producer or his agent in lieu of such periodic statement of the amount of milk delivered unless the commission otherwise provides

It shall be unlawful to use as the basis of payment for milk any amount or percentage of butterfat therein which has been ascertained from a sample containing milk that

has been so treated as to cause it to test lower or higher than the milk from which it was taken

It shall be unlawfu. for any person including any milk dealer to knowingly fraudulently or negligently weigh measure sample or test milk or cause milk to be weighed measured sampled or tested in such manner as to cause stores or milk consumers or to make any false or misleading statement with respect to the weight measurement sampling or testing of milk

ARTICLE VII

Records Reports and Information

Section 701 Records Milk dealers subject to license by the commission shall keep within the Commonwealth the following records

(1) A record of the quantity of all milk received or produced detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test weights prices paid and deductions or charges made

(2) A record of the quantity of all milk sold detailed as to grade use location market outlet and size and style of container with prices and amounts received therefor and the butterfat test thereof

(3) A record of the quantities of all milk transported shipped or hauled including the distances and the amounts paid for the movement of such milk in all cases where the dealer pays on his own account or on the account of producers for the movement thereof

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk and milk products

(7) A record of all other transactions affecting the assets liabilities or net worth of the dealer

(8) Such other records and information as the commission may deem necessary for the proper enforcement of this act

The records herein required shall be kept in the possession of the milk dealer for a period not less than two years unless the commission otherwise provides

Section 702 Reports Each milk dealer shall from time to time as required by rule regulation or order of the commission make and file a verified report on forms prescribed by the commission of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period specified in the order and shall be filed within a time fixed by the commission

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for the sale of milk

ARTICLE VIII

Prices of Milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested parties shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices fixed by it upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer and to the milk dealer

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time after revise amend or revoke an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable notice thereof to interested persons of whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to such issuance of the order

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 802 Wholesale and Retail Prices The commission may fix by official order where deemed necessary by it the minimum wholesale and retail prices in any milk marketing area and also fix by official order the maximum wholesale and retail prices to be charged for milk sold within any milk marketing area of the Commonwealth wheresoever produced including milk sold by

(1) Milk dealers to other milk dealers

(2) Milk dealers to consumers

(3) Milk dealers to stores either for consumption on the premises or resale to consumers

(4) Stores to consumers except for consumption on the premise where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers Where the commission shall fix by official order the minimum prices to be paid by milk dealers to producers for milk it may exclude from or include in its order the prices to be paid by milk dealers to producers for milk to be used solely in manufacturing

Section 804 Classification When pursuant to any statute or regulations or orders adpoted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commision fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify

milk and milk dealers in any reasonable manner which the commission deems advisable and may vary acording to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is sold and may vary in different areas according to varying classes grades and conditions Each such order may classify milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 805 Price Increases It is hereby declared to be the legislative intent that the benefits of any increase of prices received by milk dealers by virture of the minimum price provisions of this article shall be given to producers except in any case where the commission deems a deviation from this policy necessary in order lawfully to maintain proper milk markets and outlets for producers and consumers The commission shall whenever it deems such action necessary issue orders rules or regulations to effectuate this intent

Section 806 Terms and Method of Payment The commission may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk may prescribe the method of computing payment therefor and may prescribe a form of written statement to be sent to producers with each payment

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or producer to sell buy or offer to sell or buy milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at a price computed upon or erroneous weight butterfats test grade or classification or at aprice from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer of milkproduc ed ouside of the Comm nwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach ..t such restirctions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold in this Commonwealth for shipment into and sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Co-operatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any co-operative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductionsanddifferen tials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or agents thereof shall receive from any producer or from such cooperative association or corporation directly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer for milk purchased by or through such cooperative association or corporation

No provision of this act shall be deemed or constructed to affect the contracts of such cooperative argircultural association or corporation with its producers except as hereinafter specificaly provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers stores or consumers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers with sixty (60) days after the effective date of this act

ARTICLE IX

Appeals and Review

Section 901 Appeals from General Orders Any person aggrieved by an order of the Commission fixing revising or amending the price at or the terms upon which milk may be bought or sold or by any other general action rule regulation or order of the commission may within twenty (20) days after the effective date of such action rule regulation or order file an appeal therefrom in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court Refusal by the commission of any application for revision or amendment filed as provided in section eight hundred one shall constitute an appealable action within the meaning of this section

Section 902 Appeals from Special Orders Any person aggrieved by an order of the commission in which the commission refuses to issue reissue or transfer or revokes or suspend a license to operate as a milk dealer or by any other order of the commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after the service of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a non-resident who has no place of business with-

in the Commonwealth in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 903 Supersedeas A special order of court permitting an appeal to act as a supersedeas may be made only after reasonable notice to the commission and shall provide that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court to be necessary for the protection of producers and others during the pendency of the appeal

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days frorm the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission shall file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision

Upon the filing of an answer by the commission the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

Section 905 Certification of Record The commission shall on the return day of such summons or within a reasonable time thereafter certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the commission a copy of all orders made by the commission pertaining to the proceedings and a copy of the order action or decision of the commission which the petition calls upon the court to reverse

Section 906 Scope of Inquiry Mere technical irregularities in the proceduce of the commission shall not be the basis of the decision of the court

In an appeal from an order or decision of the commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

In an appeal from any general order of the commission the case shall be heard by the court and testimony may be taken Provided however That nothing herein shall be construed as relieving the appellant from submitting all essential facts in the first instance to the commission at its hearing held prior to the issuance of such order All or any relevant part of the record certified to the court shall be admitted in evidence by order of the court or upon motion of either party Wherever the petition and answer raise questions of fact the petitioner or appellant shall proceed with evidence in support of the facts alleged in his petition The commission shall then present evidence in support of the answer which evidence may consist of or include the record or any part thereof Any part of the record certified to the court which is not based on technical rules of evidence customary in actions at law shall not be disregarded by the court merely because of the violation of such rules

Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the commission is unreasonable or illegal If the court shall determine that the order is unreasonable or illegal it shall remit the case to the commission with directions to reform the findings or order or to revoke the order in accordance with the court's opinion

Section 907 Costs The court shall have full power to assess the costs upon either party or to divide them between the parties

Section 908 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal from an order of the commission applying only to the particular person or persons named therein an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law From the decision of a court of common pleas upon an appeal from a general rule regulation or order of the commission an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

ARTICLE X

Penalties and Remedies

Section 1001 Summary Offenses Except as otherwies specially provided in this act any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall for each offense upon conviction thereof in a summary proceeding be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) and in default thereof to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days

Section 1002 Misdemeanors For a third or subsequent offense any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1003 Actions to Enforce Compliance The Commission or any person marketing committee or association composed of persons affected by the orders rules or regulations of the commissions may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 1004 Application for Injunction Remedies In addition to any other remedy at law or in equity or under this act the commission may apply to the Court of Common Pleas of Dauphin County for relief by injunction or to the court of common pleas in the county wherein the defendant resides or has his principal place of business to enforce compliance with or restrain violations of any provision of this act or any rule regulation or order of the commission made pursuant thereto The said Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such actions by the commission regardless of where they may arise in the Commonwealth The commission shall not be required to file any bond in any action under this act

The penalties and remedies prescribed in this act shall be deemed concurrent or contemporaneous and the existtence or exercise of any one remedy herein shall not prevent the commission from exercising any other remedy hereunder

Section 1005 Proceedings Before the Commission Appropriate proceedings against any milk dealer violating this act or the rules regulations or orders of the commission may be instituted before the commission by any producer to whom the lawful price of milk has not been paid or to whom such price has not been fully paid and such

proceedings may also be instituted upon the commisssion's own motion

Section 1006 Perjury Any person who shall wilfully and corruptly make a false oath or affirmation before the commission at any investigation or hearing or in any report or statement authorized or required by this act shall be guilty of perjury and on conviction be subject to the penalties prescribed by law for wilfully and corruptly making false oath or affirmation

ARTICLE XI

Moneys and Expenses of Commission

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund

Section 1102 Expenses As much of the money from time to time in the Milk Control Fund as may be necessary is hereby specifically appropriated to the Milk Control Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol building either in or outside of the capital city occupied by the commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the commission

(4) Premiums for surety bonds for such officers or employes of the commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the commission

(6) Furniture stationery materials supplies and all other overhead expenses of the commission

(7) All other expenses of every kind and description necessary for the performance by the commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

Section 1103 Refunds As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approval claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

Section 1104 Approval of Governor Estimates of the amounts to be expended under this act by the Milk Control Commission either or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Milk Control Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time making of any such requisition

Section 1105 Miscellaneous Fees The commission shall charge and collect the following fees for the following services

For copies of papers testimony and records the fee shall be twenty cents (0.20) per page

For certifying a copy of any paper or testimony two dollars ($2.00)

For certifying a copy of a record for proceedings upon appeal five dollars ($5.00) in appeals from special orders and ten dollars ($10.00) in appeals from general orders

Section 1106 Appropriations The unexpended balance existing on the effective date of this act in the Milk Control Fund under the provisions of the act approved the thirtieth day of April one thousand nine hundred thirty-five (P. L. 96) is hereby transferred to the Milk Control Fund created by this act and is hereby appropriated to the Milk Control Commission for the same purposes for which the moneys in such fund are hereinbefore appropriated by this act

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Commission for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-seven and ending on the thirty-first day of May one thousand nine hundred thirty-nine

The unexpended balance existing on the effective date of this act in any appropriation made out of the General Fund to the Milk Control Board of the Commonwealth of Pennsylvania is hereby transfered and appropriated to the Milk Control Commission for the fiscal period ending May thirty-first one thousand nine hundred thirty-seven for the same purposes as expressed in the act making such appropriation and any such unexpended balance also is hereby appropriated to the Milk Control Commission for the payment of any bills or encumbrances incurred by the Milk Control Board of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

ARTICLE XII

Saving Provisions

Section 1201 Severability It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part sentence or clause hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

It is hereby declared as the intent of the Legislature that every other part sentence or clause of this act would have been enacted had such unconstitutional provision not been included herein

Section 1202 Interstate Commerce No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly All rules regulations orders suits hearings investigations prosecutions and all other proceedings or actions of any kind whatsoever of the Milk Control Board of the Commonwealth of Pennsylvania as created or continued under Acts of Assembly prior to the effective date of this act and repealed hereby in existence or pending prior to or upon the effectiv date of this act and all penalties obligations appeals or violations of milk dealers and others under said rules regulations orders and prior Acts of Assembly incurred pending or accrued prior to or upon the effective date of this act shall be saved and continued in every manner and for all purposes after the effective date of this act and shall be continued under the provisions hereof All employes papers and possessions of such predecessor board shall become the employes papers

and possessions of and subject to the commission created by this act

The repeal by this act of any other act shall not impair repeal or effect any act done bond posted offense commited liability penalty or judgment incurred or rule regulation or order issued prior to the time this act takes effect but the same may be enforced prosecuted or inflicted under the provisions of this act to the same extent as if such other act had not been repealed or had not expired

All licenses permits certificates rules regulations and orders issued or made under any act repealed by this act and in full force and effect upon the effective date of this act shall remain in full force and effect for the term issued or until revoked suspended or superseded under the provisions of this act or rules regulations or orders of the commission made hereunder

ARTICLE XIII

Repeals and Effective Date

Section 1301 Acts Specifically Repealed The following acts are hereby specifically repealed except in so far as necessary to sustain or maintain the validity prosecution or enforcement of an act done bond posted offense committed liability penalty or judgment incurred or rule regulation or order issued thereunder and saved or continued by this act

The act approved the fifteenth day of April one thousand nine hundred seven (Pamphlet Laws sixty-three) entitled "An act regulating the sale of milk skim-milk and cream establishing the standard of measurement and providing for the enforcement thereof

The act approved the sixth day of May one thousand nine hundred twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties"

The act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred twenty-six) entitled "An act requiring certain persons associations copartnerships and corporations to keep full accounts and records with respect to the sales and transactions relating to dairy products and to submit the same to inspection by the Secretary of Agriculture and prescribing the effect of failure to comply with the orders of the Secretary of Agriculture providing penalties and prescribing remedies and by further regulating the issuance and revocation of permits as provided by the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' as amended"

The act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation"

The act approved the thirtieth day of April one thousand nine hundred thirty-five (Pamphlet Laws ninety-six) entitled "An act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled 'An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation' by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation"

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred fourteen) entitled "An act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales of butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations"

Section 1302 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

QUESTION OF PERSONAL PRIVILEGE

Mr. TURNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TURNER. Mr. Speaker, I think almost every member of this House has respect for the Chair, and has respect for the efforts that the Chair continuously has made to secure order. I have heard you during the last ten minutes on three different occasions asking that the space back of the rail be cleared and that there be some semblance of order. Last week we lost from half to three-quarters of an hour every day trying to secure order in the House, and it does not seem to me that we who are here for the purpose of doing business and who want to do it should be continually delayed by conferences being held back of the rail.

The SPEAKER. The remarks of the gentleman on his personal privilege will be spread upon the Journal. The Chair wishes to thank the gentleman from Delaware.

Mr. TURNER. Mr. Speaker, I would like to interrogate the sponsor of the bill.

The SPEAKER. Will the sponsor of the bill, the gentleman from Fayette, Mr. Arnold, permit himself to be interrogated?

Mr. ARNOLD. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the sponsor of the bill how the Milk Control Board is made up under the provisions of this act?

Mr. ARNOLD. Mr. Speaker and members of the House, as the act now stands, the Milk Control Board consist of three men named by the Governor, to be confirmed by the Senate, one for two years, another for four years and another for six years, and after that they will be named for six year terms.

Mr. TURNER. Mr. Speaker, what are the qualifications of the members of the board?

Mr. ARNOLD. As to qualifications, Mr. Speaker, I think they remain, as we intended that they should be residents of the United States. There was an amendment put in but I do not think that effected it in that respect other than that.

Mr. TURNER. Mr. Speaker, was there any other qualification than that?

Mr. ARNOLD. As I understand it, a citizen of the United States.

Mr. TURNER. Not chosen for any particular occupation or qualification, Mr. Speaker?

Mr. ARNOLD. That is naturally presumed, Mr. Speaker.

Mr. TURNER. That is naturally presumed, but it does not follow that the act sets forth any particular qualification other than being a citizen of the United States and I presume that means of the State of Pennsylvania, is that correct?

Mr. ARNOLD. It is, as I understand it, Mr. Speaker.

Mr. TURNER. And that, Mr. Speaker, is the same as in the present Milk Control Act?

Mr. ARNOLD. As I understand, the present Milk Control Act, Mr. Speaker, has some further restrictions, that is with reference to being residents of Pennsylvania for some time past. I don't know for how long.

Mr. TURNER. Mr. Speaker, the Chaplain in his opening prayer tonight before the House remarked on the spirit of good feeling that was in the House and also gave thanks for the opportunities we have. Now, I have an opportunity here tonight to demonstrate further the good feeling that exists in the House. One of the officials of the Commonwealth is laid low tonight with an ailment that some of us have had during our youth, and I think that this bill is entirely unfair to him, and in his stricken condition, suffering from the mumps in the executive mansion, I want to take up the cudgels for the Governor tonight. It is a rather peculiar position for me to be in, and one rather hard for you Democrats to recognize, but just the same I want to carry out the injunction of the Chaplain of this House tonight.

There is no provision in this act that the Governor shall be a member of the Board. During the campaign of 1934 when the Governor was a candidate for his present position he said to the people of Pennsylvania on one occasion, "I pledge a new milk control law with teeth in it which will be fair to consumers and milk producers. I propose the creation of a Milk Control Board, on which I will sit, together with one dairy farmer and one consumer." Then again he said, "As Governor and as a member of the Milk Control Board, I will take full responsibility for the handling of the milk problem." Again he said, "I believe the Milk Control Board is so important that the Governor of the State, in person, should act as its chairman. And that one farmer and one consumer should form the remainder of the board. As I see it, the interests of the farmer and the consumer are really identical in the milk situation. The main objective of both groups is to increase the sale of milk." Of course that is rather interesting to me from the standpoint of a consumer. I am on the consumer's side, I am not interested in the increase in the sale of milk, I like to keep it down in my own home. Again "This can be done by lowering the retail price without lowering the farm price."

I appreciate how much the farmers and their representatives on the Democratic side have labored over this situation. It think it was on the first day of the session they started to work on this bill and every day we had an announcement that the sub-Committee of the Committee on Agriculture on the Milk Control bill would meet tomorrow morning at 8:30 o'clock and at 12:00 noon, when we tried to get into the committee rooms, they were still meeting and considering it, and I know they have labored long on this bill, but it does seem to me unfair,—and I hope none of my Republican friends took part in those considerations and deliberations that excluded the Governor from the Milk Control Board. I understand that he was kept from sitting on the Board in 1935 by a letter from the Attorney General to the effect that the Governor could not sit on the Board. I don't know why Charlie wrote that kind of a letter unless it was to let the Governor out of a hole, but just now, knowing how he is feeling I know how he will be cheered by these words that I am uttering, because I know he wants to get on the Milk Control Board so that he can reduce its price, because he said in 1934 that the retail price of milk would be reduced by one cent a quart to the consumer while the farmer received one cent more per quart from the dealer.

Now, I have made investigation and inquiry and I cannot find that the consumer is getting any lower price. They tell me that in some parts of the state the producer has been benefited somewhat by the Milk Control Act, but as far as the consumer is concerned there has not been any reduction. I feel that if we let the Governor sit on this Board after he gets over the mumps and he can talk again, we can get some action and get a reduction in the price of milk. I think the committee ought to take this

bill back again and amend it and put it in form so that the Governor will have an opportunity to sit on this Board. I notice also there is no provision for the consumer to sit on this Board. It all seems to be for the farmers and distributors of milk, but we consumers who are struggling to pay the price that is being charged by these producers and dispensers ought to have some say in the Milk Control Board, or at least we would be happy if the Governor could sit on the Board because I feel that in his present condition he more than likely will need some milk.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Gerard,	McElroy,	Shoemaker,
Alexander,	Gillette,	McFall,	Shugarts,
Allen,	Gorski,	McGee,	Siegel,
Allmond,	Habbyshaw,	McShane,	Simon,
Arnold,	Haberlen,	Melchiorre,	Simpson,
Baine,	Hagerty,	Mellott,	Skale,
Baker, F. T.,	Hall,	Merrell,	Sloan,
Baker, J. J.,	Hamilton, F. P.,	Mihm,	Smith, James A.,
Balthaser,	Hamilton, R. S.,	Moomaw,	Smith, John A.,
Bierly,	Harkins,	Mooney,	Snyder,
Blank,	Harmuth,	Moran,	Sollenberger,
Bohn,	Hays,	Moul,	Spengler,
Boles,	Hering,	Munley,	Sproul,
Boltz,	Hess,	Murrin,	Stank,
Bradley,	Hetrick,	Nagel,	Stewart,
Brancato,	Hindman,	O'Brien,	Terry,
Brigerman,	Hirsch,	O'Connor,	Thompson,
Broad,	Holland,	O'Keefe,	Toole,
Brown,	Holmes,	Ominsky,	Tronzo,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Wagner,
Chervenak,	Imbrie,	Peale,	Wall,
Coakley,	Jirolanio,	Perry,	Walsh,
Cohen, H. B.,	Kane,	Piole,	Wampole,
Cohen, R. E.,	Keenan,	Powers,	Watkins,
Coleman,	Kelso,	Preston,	Webster,
Coolahan,	Kilroy,	Readinger,	Weidemann,
Corrigan,	Kline,	Reese,	Weiss, D. H.,
Costanzo,	Kroll,	Reising,	Weiss, S. A.,
Davies,	LaRue,	Richter,	Welliver,
Decker,	Leisey,	Robinson,	Welsh,
DeNote,	Levy,	Rothenberger,	Westrick,
Dickinson,	Lewis,	Royer,	Whalen,
Donohoe,	Long,	Ruffennach,	Whitenight,
Dougherty,	Longaker,	Rush,	Wilson,
Downey,	Lopresti,	Sarraf,	Winner,
Dubbs,	Lovett,	Schor,	Woodside,
Dyson,	Mallen,	Schrock,	Wood,
Elpern,	Marino,	Schrope,	Wright,
Falkenstein,	Matthews, H. T.,	Schumacher,	Yanoshat,
Finnerty,	Matthews, J. F.,	Serrill,	Yeakel,
Fitch,	McArdle,	Shaw,	Yourishin,
Flanagan,	McCullough,	Shea,	Zappala,
Flannery,	McDermott,	Shepard,	Furman,
Flinchbaugh,	McDevitt,		
Ganser,			

NAYS—9

Atkins,	McKinney,	Stackpole,	Trout,
Boyer,	Muir,	Thomas,	Turner,
Lyons,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2055, entitled:

An Act authorizing any county and city in any county in which the countyseat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of this Commonwealth where the countyseat is within the limits of any city the county commissioners and the proper corporate authorities of such city shall have the power and they are hereby authorized to agree upon the administration management maintenance control and operation of all city hospitals and institutions and of all county hospitals and institutions within the county under one board of managers and to share the expenses thereof in such manner and proportions as shall be agreed upon

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 4, by inserting after the word: "county" the following: "of the second class"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second section was read as follows:

Section 2 Such board of managers shall consist of five members two of whom shall be appointed by the county commissioners two by the mayor of such city and the fifth by the county commissioners and mayor jointly In acting on the appointment of such last member the three county commissioners together shall have one vote and the mayor shall have one vote

The member of the board shall be appointed for terms of four years and shall serve without compensation

The board shall organize each year by electing one of its members chairman and another member secretary of the board

On the question,

Will the House agree to the section?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, lines 7 to 9, by striking out: "all of lines 7 and 8," and the words "the fifth" in line 9 and inserting in lieu thereof: "seven members. Three members, one of whom shall be a member of the board of county commissioners, shall be appointed by the county commissioners. Two members shall be appointed by the mayor of such city. One member, who shall be a member of city council, shall be appointed by the council of such city. One member shall be appointed"

Amend sec. 2, page 2, line 13, by striking out the word: "member" and inserting in lieu thereof: "members"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections were separately read and agreed to as follows:

Section 3 The board of managers shall employ a superintendent for each hospital and institution under its control and such medical surgical nursing and other staffs and such other employes as they deem necessary for the proper conduct of the activities of the respective hospital or institution

All persons appointed by the board shall be qualified according to standards not inconsistent with law adopted by the board and pursuant to such oral or written examinations as the board shall prescribe In so far as possible vacancies shall be filled by promotions from among the then employes of the board

The salaries or other compensation of all appointees of the board shall be fixed by the board subject to the approval and ratification by the salary board of the county and the proper corporate authorities of the city and shall be paid by the county and city in such proportions as shall be agreed upon by the county commissioners and such corporate authorities

Section 4 The board of managers shall subject to the approval of the county commissioners of the county and the proper corporate authorities of the city make such by-laws rules and regulations for the management of the several hospitals and institutions as it may deem advisable

Section 5 The right of appointment by the board of managers of a superintendent for each hospital and institution surgical nursing and other staffs and other employes shall not be limited or restricted in any manner by the requirements of the present civil service act applicable to any city nor shall any such act apply to any person so appointed

The title was read as follows:

An Act authorizing any county and city in any county in which the countyseat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

On the question,

Will the House agree to the title?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the words: "any city in any" and inserting in lieu thereof; "of the second class and any city in any such"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended,

Ordered, To be transcribed for a third reading.

Agreeably to order

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 666, as follows:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city borough incorporated town township or school district has heretofore filed in the office of the prothonotary of the proper county any tax or municipal claim and the city borough incorporated town or township or school district has not within the period of five years after the date on which any such claim was filed sued out a writ of scire facias to reduce the same to judgment or in the case of a tax claim has not within said period of five years filed a suggestion of nonpayment and on averment of default or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings judgment has not been entered within the period of five years after the date on which such writ was issued or whenever any such tax or municipal claim has been reduced to judgment and the city borough incorporated town township or school district has not within the period of five years after the date on which such judgment was entered or within five years after the date on which such judgment was last revived filed a suggestion of nonpayment and an averment of default or sued out a writ of scire facias to revive the same then in any such case any such city borough incorporated town township or school district may within six months after the passage and approval of this act issue its praecipe for a writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within five years from the date of issuance issue its praecipe for an alias writ of scire facias on any such tax or municipal claim and proceed to judgment in the manner provided by law to obtain judgments upon tax or municipal claims or in the case of a tax claim where no judgment has been entered file a suggestion of nonpayment and on averment of default or in case judgment has been entered on a tax or municipal claim either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claim or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said claim or judgment may be revived or further revived and collected as other claims or judgments upon tax or municipal claims are revived and collected Provided however That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such tax or municipal claim or judgment was lost nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the city borough incorporated town township or school district to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the five year period or was entered of record during the time the lien or such tax or municipal claim of judgment was lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1568, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) to read as follows

Section 420B Definition of Industrial Insurance Industrial life or industrial endowment insurance is hereby declared to be that form of insurance either

(1) Under which premiums are payable weekly or

(2) Under which premiums are payable monthly or oftener but other than weekly if the face amount of insurance provided in the policy is less than one thousand dollars and the words "Industrial Policy" are printed upon the face of the policy

In all such policies as above defined in subdivision one (1) the words "industrial policy" must be printed upon the policy as a part of the descriptive matter

Section 420C Uniform Industrial Policy Provisions From and after the first day of January nineteen hundred and thirty-eight no policy of Industrial Insurance shall be issued or delivered to take effect in this Commonwealth or be issued by a life insurance company organized under the laws of this Commonwealth unless the same shall contain in substance the following provisions

(a) A provision that the insured is entitled to a grace of four (4) weeks within which the payment of any premium after the first may be made except that where premiums are payable monthly the insured shall be entitled to a grace of one month or 30 days During such period of grace the policy shall continue in full force but in case the policy becomes a claim during said grace period before the overdue premiums are paid the amount of overdue premiums may be deducted in any settlement under the policy

(b) A provision that the policy shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and if other than net level premium adopted for computing after it has been in force during the life-time of the insured two years from its date of issue except for non-policy and the application therefor shall constitute the entire contract between the parties

(c) A provision that the policy shall be incontestable in such case the policy shall contain a provision that the payment of premium and except for violation of the conditions of the policy relating to naval or military service in time of war and except as to provisions and conditions relating to benefits in the event of total and permanent disability and those granting additional insurance specifically against death by accident

(d) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(e) A provision that the policy shall participate in the surplus of the company and that the company will annually determine the portion of any divisible surplus accruing on the policy and indicating the conditions under which the company shall aportion such dividends to the policyholder

(f) A provision that in event of default in premium payments after premiums have been paid for three full years there shall be available a stipulated form of insurance effective from the due date of the defaulted premium the net value of which stipulated form of insurance shall not be less than the reserve on the policy (exclusive of reserves if any for provisions relating to benefits in the event of specific types of disability or provisions granting additional insurance specifically against death by accident and for provisions granting benefits in addition to life insurance) at the end of the last completed quarter of the policy year for which premiums have been paid and on any dividend additions thereto if any (the policy to specify the mortality table and rate of interest and also the method of valuation if other than net level premium adopted for computing such reserve) less a specified maximum percentage (not more than two and one-half) of the maximum face amount insured by the policy and of dividend additions thereto if any and less any existing indebtedness to the company on or secured by the policy provided however that the said percentage or other rule of calculation so stated as to permit determination of the values shall be specified for each year for which required values are not included in the policy and provided a company may in lieu of the provision herein permitted for the deduction from the reserve of a sum not more than two and one-half per centum of the maximum face amount insured by the policy and of any dividend additions thereto insert in the policy a provision that a deduction of one-fifth of said reserve may be made or said two and one-half per centum of the maximum face amount insured or one-fifth of said reserve at the option of the company Provided further that after premiums have been paid for five full years the policy may be surrendered to the company at its home office within four weeks of the due date of the defaulted premium for a specific cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and provided further that the company may defer payment of such cash value for not more than six months after application therefor is made In the event that such cash or other non-forfeiture value is not requested within the required period it shall be provided that a stipulated form of insurance shall automatically become effective

(g) A table showing in figures the non-forfeiture options available under the policy at the end of each year upon default in premium payments during the premium payment period but not to exceed the first twenty (20) years of the policy such table to begin with the year in which such values become available and providing that

the company will furnish upon request an extension of such table beyond the years shown in the policy

(h) A provision that the policy if not surrendered for its cash value or if the period of extended insurance has not expired may be reinstated within one year from the date of default in payment of premiums upon payment of all overdue premiums and the payment or reinstatement of any other indebtedness to the company upon said policy and at the option of the company interest thereon at a rate not to exceed six per centum per annum and upon the presentation of evidence satisfactory to the company of the insurability of the insured

(i) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death

(j) A form number and title on the face of the policy clearly and correctly describing its form

Any such policy may be issued or delivered in this Commonwealth which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the policyholder than hereinbefore required The policies of an insurance company organized under the laws of any other State or foreign government may contain when issued in this Commonwealth any provision which may be prescribed by the laws of the State or government under which the company is organized not contrary to the provisions heretofore prescribed and the policies of a life insurance company organized under the laws of this Commonwealth when issued in any other State territory or foreign country may contain any provision required by the laws of such State territory or foreign country to be contained in the policies issued therein

Any of the foregoing provisions or parts thereof not applicable to non-participating or term policies shall to that extent not be incorporated therein and the provisions of this section shall not apply to policies issued or granted pursuant to the non-forfeiture provisions prescribed in sub-section (f) of this section

Section 420D Prohibited Industrial Policy Provisions From and after the first day of January nineteen hundred and thirty-eight no policy of industrial life or industrial endowment insurance shall be issued or delivered to take effect in this Commonwealth or be issued by a life insurance company organized under the laws of this Commonwealth if it contains any of the following provisions

(a) A provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue

(b) A provision by which the settlement on the maturity of any policy shall be of less value than the amount promised on the face of the policy plus dividend additions if any less any indebtedness to the company on or secured by the policy and less any premiums that may be the terms of the policy be deducted payments to be made in accordance with the terms of the policy

(c) A provision to the effect that the agent soliciting the insurance is the agent of the person insured under said policy or making the acts or representations of such agent binding upon the person so insured under said policy

(d) A provision by which the company may pay the proceeds of the policy at the death of the insured to any person other than the beneficiary designated in the policy except that provision may be made so that if there is no beneficiary designated in the policy except that the policy may provide that if the beneficiary does not within the period stated therein which shall not be less than thirty (30) days after the death of the insured submit proof of claim in the manner and form required by this policy or if there is no beneficiary designated in the policy other than the estate of the insured or if the beneficiary is a minor or is not legally qualified to give a valid release or dies before the insured then in any such case the company may pay the proceeds of the policy to the executor or administrator of the insured or to any relative by blood or connection by marriage of the insured appearing to the company to be equitably entitled to the same

(e) A provision by which the company may deny liability under the policy for the reason that the insured has previously obtained other insurance from the same company

On the question,

Will the House agree to the section?

Mr. READINGER. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 1, page 9, lines 7 and 8 by striking out the words "except that provision may be made so that if there is no beneficiary designated in the policy."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1504, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education and enlarging the provisions for State subsidies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" as last amended by section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pam-

phlet Laws 176) is hereby further amended to read as follows

Section 1 That the following words and phrases as used in this act shall unless a different meaning is plainly required by the context have the following meaning

"State Board for Vocational Education" shall mean the State Council of Education herein invested with powers to administer this act under the designation of the State Board of Vocational Education

"Vocational education" shall mean any form of education of less than college grade given in school or elsewhere the purpose of which is to fit an individual to pursue effectively a recognized profitable employment whether pursued for wages or otherwise

"Vocational industrial education" shall mean those forms of vocational education that fit for industrial pursuits It includes occupational training for women and girls other than training for the vocation of homemaking It includes also public and other service occupations

[“Technical industrial education" shall mean that form of vocational industrial education that prepares for occupations of a semi-professional character]

"Vocational agricultural education" shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil the care of domestic animals forestry and other wage-earning or productive work on the farm

[“Vocational commercial education" includes those forms of vocational education the direct purpose of such of which is to fit for some recognized commerical calling]

"Vocational distributive occupational education" includes those form of vocational education designed for those workers engaged in or preparing for employment as distributors to consumers retailers jobbers wholesalers and others the products of farm and industry including also managers operating or conducting a commercial service or personal service business or selling the services of such a business

"Vocational home economics education" shall mean that form of vocational education which has for its controlling purpose the preparation of girls and women for useful employment as house daughters and homemakers engaged in the occupations and the management of the home

"Vocational industrial vocational agricultural or vocational home economics school or department" or "Vocational school or department" shall mean a distinctive organization of courses pupils and teachers approved by the [State Council of Education] State Board for Vocational Education designed to give either vocational industrial vocational agricultural or vocational home economics education as herein defined

"Vocational evening class' shall mean a class [giving such training as can be taken by persons already employed during the working-day and which must in its instruction deal with the subject-matter of and be so carried on as to relate to the day employment] Providing such instruction for persons sixteen years or over who have left full-time school These classes may be conducted in the evening or at hours when workers are able to attend and shall include instruction that will either increase the skill or knowledge of the worker in the occupation in which he is employed or include instruction for those who are unemployed or about to become unemployed because of changing conditions in industry and whose previous experience as a background prepares them for employment in related fields within a limited time

"Vocational evening class" in vocational home economics shall mean a class giving training in homemaking to girls or women over fourteen years of age however they may be employed or engaged during the day

[“General continuation school or class" as used in this act refers to that group of employed minors between fourteen nad sixteen years of age who are required under the provisions of the Child Labor Act to attend school for eight hours each week]

"Vocational home economics school or department" shall mean a vocational school or department designed to develop on a vocational basis the capacity for useful employment as house daughters and homemakers in the occupations and the management of the home

"Part-time schools or classes" shall mean those schools or classes which provide instruction in subjects given to enlarge the civic or vocational intelligence of workers over fourteen years of age who have entered upon employment Such schools must be so organized as to permit workers who are qualified for admission to spend part of their time during the day week month or year in employment and part of the time in school

"Part-time cooperative vocational education" refers to that form of vocational instruction that involves attendance on alternate equal periods of school and work at the vocation during the school year given in accordance with as agreement by which the school and industry cooperate and coordinate in making available the combined educational and training facilities of both

"Practical" The term "practical" as used in the act to which this is an amendment refers to the manipulative or "practice-of-the-trade" aspects of a vocation It includes such work given in shops laboratories mines drafting rooms and other places and is used to distinguish such work from "academic" or "non-vocational" education

"Public service-school" refers to schools departments classes and conferences for the in-service training of public and other service occupations including policemen firemen finance officers school board officials and others

Section 2 Sections two and three of said act as amended by sections two and three of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 418) are hereby further amended to read as follows

Section 2 The State [Council of Education] Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational education to assist in the establishment of schools and departments for the aforesaid forms of education and to inspect and approve such schools or departments as are hereinafter provided The State [Council of Education] Board for Vocational Education shall make a report annually to the Governor and Legislature describing the condition and progress of vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational education during the year and shall also make such recommendations as the [Council] State Board may deem advisable

The State Superintendent of Public Instruction shall be the executive officer of the State [Council of Education] Board for Vocational Education for the administration of this act He as executive officer shall appoint from time to time with the approval of the State [Council] of Education] Board for Vocational Education such expert assistants other than those already provided for by law as may be necessary in vocational industrial vocational home economics vocational agricultural or vocational [commercial] distributive occupational education and all clerical and other agents necessary in carrying out the provisions of this act

In carrying out the provisions of this act the State Board for Vocational Education shall provide for State regional and county vocational schools or classes with the necessary staffs in accordance with the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Section 3 In order that instruction in the principles and the practice of arts may go on together vocational industrial vocational agriculture [and] vocational home economics and vocational distributive occupational schools or departments may offer instruction in day part-time and evening classes Attendance upon such day evening or part-time classes shall be restricted to those over fourteen years of age

Section 3 Section four of said act as last amended by section two of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pam-

phlet Laws 176) is hereby further amended to read as follows

Section 4 Any school district may through its board of school directors

(a) Establish and maintain vocational industrial vocational agricultural vocational home economics and vocational [commercial] distributive occupational schools or departments

(b) Receive any donation made to said school district for the conduct of any vocational school or department or vocational evening classes The donation shall be administered by or under the direction of the board of directors of the district to which it is made subject to the approval of the Superintendent of Public Instruction Provided That the board of school directors in any district shall not be obliged to accept any such donation unless it seems proper so to do

(c) Require a deposit fee of a sum not to exceed ten dollars ($10.00) from each person enrolling in evening vocational schools or classes Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five (75) per cent or more of the class sessions of said terms Provided That nothing herein shall be construed as prohibiting the return of said deposit fee because of death sickness or any other cause which the board may deem justifiable

Section 4 Sections five and six of said act as amended by sections five and six of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 418) are hereby further amended to read as follows

Section 5 Two or more districts may as provided in article eighteen sections one thousand eight hundred and one to one thousand eight hundred and eight inclusive of the school laws of Pennsylvania of one thousand nine hundred eleven entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" through a joint school committee establish and maintain vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational schools or departments to be known as joint vocational schools or departments

Section 6 Local school boards and joint school committees administering approved vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational schools or departments may under a plan to be approved by the State [Council of Education] Board for Vocational Education appoint an advisory committee composed of members representing local trades industries and occupations It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees and other school officials having the management and supervision of such schools

Section 5 Section seven of said act as last amended by section one of the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws 670) is hereby further amended to read as follows

Section 7 Any resident of any school district in Pennsylvania which does not maintain an approved vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational education school or department offering the type of training which he desires may make application to the school board of any other district for admission to such school or department maintained by said board In case said board refuses him admission he may apply to the State [Council of Education] Board of Vocational Education for admission to such school or department The State [Council of Education] Board for Vocational Education decision of which shall be final may approve or disapprove such application In making such decision the State [Council of Education] Board for Vocational Education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides the financial status of the community the age sex preparation aptitude and previous record of the applicant and all other relevant circumstances

Where any child of school age in any school district in this Commonwealth resides by the nearest traveled road three miles or more from the nearest vocational high school in any district in this Commonwealth such child unless proper free transportation be furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to a more convenient school in another state Provided That the consent of the proper school officials in charge of such school in another state to such an arrangement be permitted by the laws of such state and is agreed to by such officials

The school district in which the person resides who has been admitted as above provided to an approved vocational industrial vocational agricultural vocational home economics vocational high or vocational [commercial] distributive occupational school or department maintained by another school district shall pay a tuition fee or be determined after the same manned provided for the high schools in article seventeen section one thousand seven hundred and eleven of the schools laws of Pennsylvania for one thousand nine hundred and eleven entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof provding revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" If any school district neglects or refuses to pay for such tuition it shall be liable therefor in an action of contract to the school district or school districts maintaining the school which the pupil with the approval of the board attended

The board of school directors in any school district in this Commonwealth situate adjacent to another state may admit to the vocational high school in such district pupils resident in such other state and may receive tuition for such pupils as in the case of pupils admitted from other districts in this Commonwealth

Section 6 Section eight of the said act as amended by section eight of the act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 418) is hereby further amended to read as follows

Section 8 Vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational schools or departments shall so long as they are approved by the State [Council of Education] Board for Vocational Education as to organization control location equipment courses of study qualifications of teachers methods of instruction conditions of admission employment of pupils and expenditures of money constitute approved local or joint vocational schools School districts maintaining such approval local or joint vocational schools or departments shall receive reimbursement as hereinafter provided

Section 7 Section nine of said act as last amended by section three of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 9 The Commonwealth in order to aid in the maintenance of the approval local or joint vocational industrial vocational home economics [and] vocational agricultural and vocational distributive occupational schools or departments shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining such school or departments by order on the State Treasurer signed by the Superintendent of Public Instruction from funds appropriated by the Legislature for that purpose or otherwise available and in addition to the amounts paid to such school districts under the provisions of section one thousand two hundred and ten of an act approved the eighteenth day of May one

thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended amounts computed in accordance with the following schedules

Districts of the First Class The Commonwealth shall reimburse as hereinafter provided districts of the first class to the extent of [twenty-five per centum (25%)] thirty-five per centum (35%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments

Districts of the Second Third and Fourth Classes The Commonwealth shall reimburse as hereinafter provided districts of the second third and fourth classes [which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars ($200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars ($100,000) and not more than two hundred thousand dollars ($200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction practical and related technical subjects in day vocational school or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments and the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall receive fifty-five per centum (55%)] to the extent of fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments Provided That districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided further That no district shall receive a reimbursement of more than eighty per centum (80%) of any one teacher's salary from either Federal or State funds or from both

The Commonwealth in order to aid in the maintenance of approved local or joint evening vocational industrial evening vocational home economics [and] evening vocational agricultural and evening distributive occupational schools departments or part-time vocational [courses] schools or classes shall pay as provided in this act as amended annually from the treasury to school districts and unions of school districts maintaining such evening schools or departments in the several classes of districts an amount equal to [two-thirds] the sum which was expended from July 1 1937 to June 30, 1942 and thereafter eighty per centum (80%) of the sum which was expended for salaries of part-time and evening school teachers and supervisors during the previous school year by such a school district or unions of districts for approved instruction in practical and related technical subjects

Whenever two or more [fourth class] school districts unite by joint agreement approved by the [Department] Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth shall as provided in this act pay annually from the treasury to [such unions] each of the school districts the sum of [five hundred dollars ($500)] two hundred and fifty dollars ($250) so long as such joint agreement is in effect

The Commonwealth in order to aid in the [maintenance of approved local or joint compulsory general continuation schools for minors fourteen to sixteen years of age shall pay as provided in this act annually from the treasury to school districts and unions of school districts maintaining such schools twenty per centum (20%) of the sum expended for salaries during the previous school year by the district or unions of school districts for approved instruction required by law Provided further That the Commonwealth shall reimburse districts or unions of districts to the extent of forty per centum (40%) of the sum expended during the previous school year for salaries paid teachers of general continuation schools who were employed on a part-time basis] travel expenses of vocational teachers coordinators supervisors and directors in the conduct of approved vocational schools departments and classes shall pay annually from the treasury to school districts and unions of school districts eighty per centum (80%) of the sum expended for approved travel

Section 8 Section ten of said act as last amended by section one of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 94) is hereby further amended to read as follows

Section 10 On or before the first Wednesday of January of any year in which the regular session of the Legislature is held the State [Council of Education] Board for Vocational Education shall present to the Legislature an estimate of the amount of money necessary to meet the expenditures to be incurred in the administration of this act for the two school years beginning with the first day of the ensuing June and the amount necessary to meet the claims of school districts and unions of school districts maintaining approved vocational school or departments under the provisions of this act for the two school years beginning with the first day of the preceding July On the basis of such a statement the Legislature shall make an appropriation of such amounts as may be necessary to meet the expense of carrying this act into effect and of reimbursing such school districts and unions of school districts for such school years as herein provided

Section 9 Section eleven of said act as amended by section eleven of the act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 418) is hereby further amended to read as follows

Section 11 On or before the tenth day of July of each year the school authorities of each district shall present to the State Superintendent of Public Instruction a statement of the amount expended during the school year previous to such first day of July for instruction in approved local or joint vocational industrial vocational home economics [continuation schools] distributive occupational or vocational agricultural schools or departments as herein provided On the basis of such a statement the State Superintendent of Public Instruction shall by requisition upon the State Treasurer pay such school district and joint school districts such reimbursement for the previous school year as is provided for in this act

Section 10 This act shall become effective immediately

upon its passage by the General Assembly and its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1759, as follows:

An Act to provide for the settlement registration transfer and assurances of titles to land for the appointment and duties of recorders and registrars of title regulating the proceedings concerning the registration and adjudication of title and establishing an assurance fund

The first second was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Part One

Preliminary Provisions

Name of Act

this act shall be cited as The Land Registration Act

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BLANK. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1305, as follows:

An Act to amend sections twenty-nine and thirty-one of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled 'An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstances a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections twenty-nine and thirty-one of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" are hereby amended to read as follows

Section 29 The plaintiff in any judgment recovered on a tax or municipal claim may upon paying the sheriff's costs fix an upset price to be realized at any sale under such judgment sufficient to pay all taxes and municipal claims and all accrued but unfiled taxes and claims in full No sale shall be made on a judgment recovered on a tax or municipal claim except for a sum sufficient to pay all taxes and municipal claims in full except as hereinafter provided and the plaintiff in such judgment may purchase the property at such sale for that sum if no one bids a higher price therefore except when a municipality is the real plaintiff in such judgment and no one else bids a sum sufficient to pay sheriff's costs and all taxes and municipal claims in full said municipality may purchase the property for the sheriff's costs thereon subject to the lien of all taxes and municipal claims

Upon a purchase by a municipality for the sheriff's costs any income received from the property by the municipality in excess of that necessary for the upkeep of said property and the payment of insurance premiums thereon and the cost of improvements thereto shall be applied to the payment of the costs of sale then to payment of all taxes liened and unliened in the order of their priority the oldest being paid first and then to municipal claims in the same order

Section 31 The lien of a tax or a municipal claim shall not be divested by any judicial sale of the property liened where the amount due is indefinite or undetermined or where the same is not due and payable nor shall the lien of a tax or municipal claim be divested by any judicial sale of the property liened as respects so much thereof as the proceeds of such sale may be insufficient to discharge nor except as hereinafter provided shall a judicial sale of the property liened under a judgment obtained on a tax or municipal claim discharge the lien of any other tax or municipal claim than that upon which said sale is had except to the extent that the proceeds realized are sufficient for its payment after paying the costs and expenses of the sale and of the writ upon which it was made and any other prior tax or municipal claims to which the fund may first be applicable. On any such sale being made all tax claims shall be paid out of the proceeds thereof first the oldest tax having priority and municipal claims shall be paid next the oldest in point of lien having priority Mortgages ground-rents and other charges on or estates in the property which were recorded or created where recording is not required before any tax other than for the current year accrue or before the actual doing of the work in front of or upon the particular property for which the municipal claim is filed shall not be disturbed by such sale unless a prior lien is also discharged thereby

In case the property be not sold for a sum sufficient to pay all taxes and municipal claims together with the costs thereon the plaintiff in any such claim may postpone the sale without paymenf of costs and file his petition setting forth that more than one year has elapsed since the filing of his claim that he has exposed the property to sheriff's sale thereunder and was unable to obtain a bid sufficient to pay the upset price in full and if a municipal claimant other than a municipality that he will bid sufficient to pay the upset price and upon the production of searches or a title insurance policy showing the state of the record and the ownership of

the property and of all tax and municipal claims mortgages ground-rents or other charges on or estates in the land the court shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that said property be sold freed and cleared of their respective claims mortgages charges and estates Notice to interested parties shall be given as heretofore provided in section eighteen herein and in addition thereto notice shall be sent to any mortgagee residing without this Commonwealth where no personal service has been made and where the address of the mortgagee is given in the mortgage Said notice to be mailed at the time of the first advertisement when advertisement is made as provided in said section eighteen If upon a hearing thereafter the court is satisfied that service has been made of said rule upon the parties respondent in the manner provided and that the facts stated in the petition be true it shall order and decree that said property be sold at a subsequent sheriff's sale day to be fixed by the court without further advertisement to the highest bidder at such sale free and clear of all claims liens mortgages charges and estates [to the highest bidder at such sale] except such tax and municipal claims as the proceeds of the sale may be insufficient to pay the lien of which shall not be divested and the proceeds realized therefrom shall be distributed in accordance with the priority of such claims and the purchaser at such sale shall take and forever thereafter have an absolute title to the property sold free and discharged of all tax and municipal claims liens mortgages charges and estates of whatsoever kind except such tax and municipal claims as are not divested under the provisions of this section subject only to the right of redemption as provided [by law] in section thirty-two herein

Any person interested may at any time before the sale pay the petitioner the whole of his claim with interest and costs whereupon the proceedings on petition shall at once determine

For the purpose of enabling the petitioner in any such proceedings to give the notice required he may take the testimony of the defendant in the claim or of any other person whom he may have reason to believe has knowledge of the whereabouts of any of the parties respondent either by disposition commission or letters rogatory

Any county municipality township or school district being a claimant shall have the right and is hereby empowered to bid and become the purchaser of the property at such sale and while the said property so purchased is held and owned by either a county or a municipality township or school district it shall not be subject to tax claims unless it is redeemed by the former owner or other person having the right to redeem as provided by law If however a county municipality township or school district shall become the purchaser at said sale the former owner or other person desiring to redeem shall pay all taxes and municipal claims accrued and chargeable against the property prior to the sale thereof together with the costs and interest thereon and also all taxes and claims whether filed or not which would have accrued and become chargeable against the property had the same been purchased at the sale by same party other than the county city or other municipal division

Upon the delivery by the sheriff of a deed for any property sold under a tax or municipal claim the judgment upon which such sale was had shall thereupon and forever thereafter be final and conclusive as to all matters of defense which could have been raised in the proceeding including payment and no error or irregularity in obtaining or entering of such judgment shall affect the validity thereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of a public hearing.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1474, as follows:

An Act to amend section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section fifteen of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" is hereby amended to read as follows

Section 15 Such tax municipal or other claim if filed within the period aforesaid shall remain a lien upon said properties until fully paid and satisfied Provided however That either a suggestion of non-payment and an averment of default in the form hereinafter provided be filed [in cases of tax claims] either before or after judgment on the scire facias [and in cases of other than tax claims after judgment on the scire facias] or else a writ of scire facias in the form herein provided be issued to revive the same within each period of five years following (a) the date on which said claim was filed (b) the date on which a writ of scire facias was issued thereon (c) the date on which any judgment was entered thereon (d) the date on which a previous suggestion of non-payment and default was filed thereon or (e) the date on which a judgment of revival was obtained thereon

The suggestion and averment shall be in the following form under the caption of the claim

And now ..... the claimant by ..... his solictor suggests of record that the above claim is still due and owing to the claimant and avers that the owner is still in default for non-payment thereof The prothonotary is hereby directed to enter this suggestion and

averment on the municipal lien or the proper docket of the claim and also to index it upon the judgment index and on the locality index of the court for the purpose of continuing the lien of the claim

Such suggestion and averment must be signed by the solicitor or chief executive officer of the claimant The prothonotary shall docket and index the suggestion and averment directed therein and for such services shall be entitled to a fee of one dollar to be taxed and collected as other costs in the claim The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon or of any judgment thereon or of the filing of any prior suggestion and averment of default shall have the same force and effect for the purposes of continuing and preserving the lien of the claim as though a writ of scire facias had been issued or a judgment of revival had been obtained within such period Provided That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property liened to sheriff's sale except after a judgment shall have been duly obtained upon the claim as provided in this section and such judgment must have been obtained within five years of the issuance of the levari facias Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default the claimant may at any time within five years therefrom issue a writ of scire facias thereon reciting all suggestion and averment of default filed since the filing of the claim and shall proceed thereon in the manner herein provided subject to the right of the owner to raise any defense arising since the last judgment

If a claim is not filed within the time aforesaid or if it be not prosecuted in the manner and at the time aforesaid its lien on real estate shall be wholly lost

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1357, as follows:

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That when in any action a new trial shall be granted to any party solely upon the ground of inadequacy or excessiveness of a verdict or finding the sole question to be determined upon such new trial shall be the amount of damages and the question of liability as between the parties shall be deemed to have been finally determined by the prior verdict or finding

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1476, as follows:

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 125) entitled "An act regulating State tax on certain county offices" as amended regulating the payment over to the county of excess earnings of county officers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 125) entitled "An act regulating State tax on certain county offices" as last amended by the act approved the thirtieth day of March one thousand nine hundred and twenty-one (Pamphlet Laws 69) is hereby further amended to read as follows

Section 1 That in counties of less than one hundred and fifty thousand inhabitants the prothonotaries or clerks of the several courts of common pleas quarter sessions of the peace oyer and terminer and orphans' courts the register of wills and the recorder of deeds shall keep or cause to be kept a fair and accurate account of all fees received for services performed by them or any person employed by them in their respective offices and shall also on the first Monday of January of each year furnish a copy of said account upon oath or affirmation to the auditor appointed by the court to settle the accounts of county officers and shall also pay to the county treasurer for the use of the respective counties after deducting all necessary clerk hire and office expenses fifty per centum on the amount of any excess over and above the sum of [three] four thousand dollars which shall be found by the said auditor appointed by the court to settle the accounts of county officers to have been received by any officer in any one year Provided That if two or more of said offices shall be held by one person the said auditor shall add together the fees received in the offices so held and shall charge the same percentage on the aggregate amount of fees received by such person holding more than one of said offices A copy of the report of the said auditor when completed shall be presented by him to the court of common pleas of the respective counties and filed among the records of said court which said report shall thereafter have all the force and effect of and be subject to the same procedure as applies to the report of the county auditors

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1475, as follows:

An Act to amend section eleven of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 483) entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" providing that the defendant in a counter-claim may ask for an account in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the fourteenth day of May one thousand nine hundred and fifteen (Pamphlet Laws 483) entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass except actions for libel and slander prescribing the pleadings and procedure to be observed therein and giving the courts power to enforce its provisions" is hereby amended to read as follows

Section 11 If either the plaintiff in his statement or the defendant in a counter-claim avers that the defendant or plaintiff has received moneys as agent trustee or in any other capacity for which he is bound to account to the plaintiff or defendant or if the plaintiff or defend-

ant is unable to state the exact amount due him by the defendant or plaintiff by reason of the defendant's or plaintiff's failure to account to him the plaintiff or defendant may ask for an account

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1343, as follows:

An Act to further amend the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent lines shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by permitting the filing of claims in more than one county in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the first paragraph of section nine of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water rents or rates sewer rates and lighting rates for the procedure upon claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effect of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" as amended by section two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 729) and by section three of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 733) is hereby further amended to read as follows

Section 9 Claims for taxes water rents or rates lighting rates power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated on or before the last day of the third calendar year after that in which the taxes or rates are first payable and other municipal claims must be filed in said court within six months from the time the work was done in front of the particular property where the charge against the property is assessed or made at the time the work is authorized within six months after the completion of the improvement where the assessment is made by the municipality upon all the properties after the completion of the improvement and within six months after confirmation by the court where confirmation is required the certificate of the surveyor engineer or other officer supervising the improvement filed in the proper office being conclusive of the time of completion thereof but he being personally liable to anyone injured by any false statement therein Where a borough lies in more than one county any such claim filed by such borough may be filed in each of such counties In case the real estate benefited by the improvement is sold before the municipal claim is filed the date of completion in said certificate shall determine the liability for the payment or the claim as between buyer and seller unless otherwise agreed upon or as above set forth The legal rate of interest shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2200 (Senate Bill No. 425), entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders and providing penalties

The first section was read as follows:

Section 1 Factual Background Women and minors are employed in some occupations in trade and industry in the Commonwealth of Pennsylvania for wages unreasonably low and not fairly commensurate with the value of the services rendered Such a condition is contrary to public interest and public policy commands its regulation Women and minors employed in such industries are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory Judged by any reasonable standard wages in such industries are often found to bear no relation to the fair value of the services rendered Women and minors employed for gain in such occupations are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as exist tend to be set by the least conscionable employers In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers reduces the purchasing power of the workers and threatens the stability of industry The evils of oppressive unreasonable and unfair wages as they affect women and minors employed in the Commonwealth of Pennsylvania are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well being

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 830, as follows:

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no evidence whatever which has been illegally secured or acquired whether by or through the use of an illegal search warrant or an illegal service or in any other illegal manner whatever shall be admissible in any court of this Commonwealth at the trial of any person accused of a violation of any of the criminal laws of this Commonwealth

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 120, as follows:

An Act providing that when judgment is recovered against any insurance company for money due and owing under the terms of a policy issued by such insurance company an attorney's fee for the plaintiff shall be included in the costs of suit and paid in the same manner as other costs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in every action hereafter brought against any insurance company for the collection of any amount due or claimed to be due and owing under the terms of a policy of insurance issued by such company if judgment is recovered by such claimant against the insurance company the claimant shall be entitled to receive in addition to the amount recovered a reasonable sum which shall be fixed by the court to indemnify him for the payment of his attorney's fee Such sum shall be considered as and included in the costs of such action and shall be paid by the insurance company in the same manner and at the same time as other costs of suits

Section 2 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

HOUSE BILL No. 500 SPECIAL ORDER

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 500, Printer's No. 635, on page 2, of today's calendar, bill on final passage.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 500, entitled:

An Act relating to local taxation establishing a system in counties of the second third fourth fifth sixth seventh and eighth classes for the collection of county borough town township school and poor taxes with certain exceptions through the county treasurers as county tax collectors and city tax collectors in cities of the second class A and third class providing for a referendum to ascertain the will of the electors in each county (except counties of the first class) as to the acceptance of this act providing that the act shall apply to all of the aforesaid counties in the event the referendum provisions are held unconstitutional defining the rights powers and duties of the collectors of county borough town township school and poor district taxes in certain counties defining the rights powers and duties of such taxing units regulating the date of making and certifying of tax levies abolishing the office of county borough town township school and poor district tax collectors except county treasurers and certain tax collectors in cities upon the expiration of existing terms and in cases of vacancies imposing certain duties upon the Department of Internal Affairs defining certain criminal offenses imposing penalties and creating liens and repealing existing laws

On the question,

Shall the bill pass finally?

BILL LAID ON TABLE

Mr. ACHTERMAN. Mr. Speaker and members of the House, House Bill No. 500 intends to abolish tax collectors in the various counties of Pennsylvania with the exception of tax collectors in the first class counties. It has one debatable feature or merit to appeal to the members of the House. That merit is that perhaps it might reduce the cost of the collection of taxes in Pennsylvania. However, as I have stated before, that is indeed a debatable question and I do not intend, at the present moment at least, to go into detail relative to that save to say that even though it may reduce the cost of the collection of taxes it will do so at a cost to the efficiency of the collection of the taxes.

I presume that the sponsor of the bill will say that it is an effort to carry out the program of the Democratic party when we pledged ourselves to take care of and reduce the cost of collection of taxes in the State of Pennsylvania and it is on that thought that the sponsor of the bill undoubtedly will ask the members or at least the Democratic members of this House to vote for the bill.

I want at this time to call to the attention of the members of the House the fact that there is at the present time in the Senate on the second reading calendar a bill introduced by Senator Mundy of Luzerne County, Senate Bill No. 566 that undoubtedly goes in a great measure further to carry out the program of the Democratic party than does House Bill No. 500. That bill does not, like this bill endeavor to crucify and destroy the tax collectors in the State of Pennsylvania in order to eliminate and destroy evils existing perhaps in some twenty or thirty communities in the State. That bill endeavors to regulate and reduce the salaries to such a point that the compensation will be in line with the amount of services they render. That bill is well on its way toward this House and before the week is over that bill will be in our possession. We will then be in a position to consider it and give it the proper consideration to which it is entitled, and we will be in a position, Mr. Speaker, to proceed to approach this problem not with the thought of destroying and annihilating, but rather with the thought of doing something constructive that will still be in line with the program of the Democratic party.

It is with that thought in mind, Mr. Speaker, that I

now move that House Bill No. 500 be placed on the table.

On the question,

Will the House agree to the motion?

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I understand by the motion just made by the gentleman from Monroe that it is not permissible to discuss the merits of this bill at this time, but I wish to impress upon the membership of the House the fact that up to the present time we in this House do not have Senate Bill No. 566,—

POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is out of order. He is debating the motion before the House.

The SPEAKER. The point of order is well taken. A motion to lay on the table is not debatable unless the gentleman from Monroe withdraws his motion.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, is Senate Bill No. 566 now in the possession of the House?

POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is out of order since the question of parliamentary inquiry is in the line of debate.

The SPEAKER. The point of order of the gentleman from Monroe is well taken. There is nothing before the House except the motion of the gentleman from Monroe.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. MOOMAW. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. MOOMAW. Mr. Speaker, since the gentleman from Monroe apparently wants to avoid any possibility of debate on Senate Bill No. 566, I am wondering whether he would be willing to withdraw his motion temporarily for the purpose of interrogation.

The SPEAKER. Will the gentleman from Monroe, at the request of the gentleman from Franklin, withdraw his motion temporarily?

Mr. ACHTERMAN. I will not, Mr. Speaker.

The SPEAKER. The gentleman refuses to withdraw his motion.

Mr. MOOMAW. Thank you, Mr. Speaker.

The yeas and nays were required by Mr. ACHTERMAN and Mr. AUKERMAN.

Mr. PIOLE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—103

Achterman,	Haberlen,	Merrell,	Stank,
Atkins,	Hall,	Moul,	Stewart,
Baker, F. T.,	Hamilton, R. S.,	Muir,	Strode,
Balthaser,	Hamilton, F. P.,	Munley,	Terry,
Bierly,	Hays,	Murrin,	Toole,
Bohn,	Hess,	O'Connor,	Trout,
Boies,	Hetrick,	O'Neill,	Turner,
Boltz,	Huntley,	Peale,	VanAllsburg,
Boyer,	Imbrie,	Perry,	VanSickle,
Bradley,	Jirolanio,	Piole,	Wall,
Brownfield,	Kane,	Readinger,	Wampole,
Burrows,	Kelso,	Richter,	Watkins,
Cadwalader,	Kline,	Rothenberger,	Webster,
Chervenak,	LaRue,	Royer,	Weidemann,
Coakley,	Leisey,	Schrock,	Welliver,
Coleman,	Longaker,	Schrope,	Westrick,
Coolahan,	Lopresti,	Schumacher,	Whalen,
Davies,	Lovett,	Serrill,	Whitenight,
Dougherty,	Lyons,	Shoemaker,	Wilson,
Downey,	Mallen,	Shugarts,	Winner,
Dyson,	Matthews, H. T.,	Siegel,	Wood,
Fiss,	Matthews, J. F.,	Simon,	Woodside,
Flannery,	McArdle,	Sloan,	Wright,
Ganser,	McDevitt,	Sollenberger,	Yanoshat,
Gillette,	McFall,	Sproul,	Yeakel,
Habbyshaw,	McKinney,	Stackpole,	

NAYS—91

Allen,	Fitch,	McDermott,	Rush,
Allmond,	Flanagan,	McElroy,	Sarraf,
Aukerman,	Flinchbaugh,	McGee,	Schor,
Baine,	Gerard,	McShane,	Shaw,
Baker, J. J.,	Gorski,	Melchiorre,	Shea,
Blank,	Hagerty,	Mellott,	Shepard,
Brancato,	Harkins,	Mihm,	Skale,
Brigerman,	Harmuth,	Moomaw,	Smith, James A.,
Broad,	Hering,	Mooney,	Spengler,
Brown,	Hindman,	Moran,	Thomas,
Caesar,	Hirsch,	Nagel,	Thompson,
Cohen, H. B.,	Holland,	O'Brien,	Tronzo,
Cohen, R. E.,	Holmes,	O'Keefe,	Valibus,
Corrigan,	Holstrom,	Ominsky,	Vogt,
Costanzo,	Hontz,	Ostroff,	Wagner,
Decker,	Horting,	Patterson, C. S.,	Walsh,
DeNote,	Keenan,	Patterson, J. W.,	Weiss, D. H.,
Dickinson,	Kilroy,	Powers,	Weiss, S. A.,
Donohoe,	Kroll,	Preston,	Welsh,
Dubbs,	Levy,	Reese,	Yourishin,
Elpern,	Long,	Reising,	Zappala,
Falkenstein,	Marino,	Robinson,	Furman,
Finnerty,	McCullough,	Ruffennach,	

So the question was determined in the affirmative and the motion was agreed to.

BILL PASSED OVER

There being no objection Hause Bill No. 875, Senate Bill No. 6, Printer's No. 295 was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2178 (Senate Bill No. 827), entitled:

An Act to further amend section five of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 944) entitled "An act relating to salaries compensation bonds offices and supplies of certain county officers their deputies and clerks in counties of the sixth class" by fixing the time for annual meetings and requiring other meetings of the salary board

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with.

The House proceeded to the second reading and consideration of House Bill No. 1569, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" as last amended by section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 1 That the following words and phrases as used in this act shall unless a different meaning is plainly required by the context have the following meaning

"State Board for Vocational Education" shall mean the State Council of Education herein invested with powers to administer this act under the designation of the State Board for Vocational Education

"Vocational education" shall mean any form of education of less than college grade given in school or elsewhere the purpose of which is to fit an individual to pursue effectively a recognized profitable employment whether pursued for wages or otherwise

"Vocational industrial education" shall mean those forms of vocational education that fit for industrial pursuits It includes occupational training for women and girls other than training for the vocation of homemaking It includes also public and other service occupations

["Technical industrial education" shall mean that form of vocational industrial education that prepares for occupations of a semi-professional character]

"Vocational agricultural education" shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil the care of domestic animals forestry and other wage-earning or productive work on the farm

["Vocational commercial education" includes those forms of vocational education the direct purpose of each of which is to fit for some recognized commerical calling]

"Vocational distributive occupational education" shall mean those forms of vocational education designed for those workers engaged in or preparing for employment as distributors to consumers retailers jobbers wholesalers and others of the products of farm and industry including also managers operating or conducting a commercial service or personal service business or selling the services of such a business

"Vocational home economics education" shall mean that form of vocational education which has for its controlling purpose the preparation of girls and women for useful employment as house daughters and homemakers engaged in the occupations and the management of the home

"Vocational industrial vocational agricultural vocational distributive occupational or vocational home economics school or department" or "Vocational industrial vocational agricultural vocational distributive occupational or vocational home economics school or department" shall mean a distinctive organization of courses pupils and teachers approved by the [State Council of Education] State Board for Vocational Education designed to give either vocational industrial vocational agricultural vocational distributive occupational or vocational home economics education as herein defined

"Vocational evening class" shall mean a class [giving such training as can be taken by persons already employed during the working-day and which must in its instruction deal with the subject-matter of and be so carried on as to relate to the day employment] providing such instruction for persons sixteen years or over who have left full-time school These classes may be conducted in the evening or at hours when workers are able to attend and shall include instruction that will either increase the skill or knowledge of the worker in the occupation in which he is employed or include instruction for those who are unemployed or about to become unemployed because of changing conditions in industry and whose previous experience as a background prepares them for employment in related fields within a limited time

"Vocational evening class in vocational home economics" shall mean a class giving training in homemaking to girls or women over fourteen years of age however they may be employed or engaged during the day

["General continuation school or class" as used in this act refers to that group of employed minors between fourteen and sixteen years of age who are required under the provisions of the Child Labor Act to attend school for eight hours each week]

"Vocational home economics school or department" shall mean a vocational school or department designed to develop on a vocational basis the capacity for useful employment as house daughters and homemakers in the occupations and the management of the home

"Part-time schools or classes" shall mean those schools or classes which provide instruction in subjects given to enlarge the civic or vocational knowledge or skill of workers over fourteen years of age who have entered upon employment Such schools must be so organized as to permit workers who are qualified for admission to spend part of their time during the day week month or year in employment and part of the time in school

"Part-time cooperative vocational education" refers to that form of vocational instruction that involves attendance on alternate equal periods of school and work at the vocation during the school year given in accordance with an agreement by which the school and industry cooperate and coordinate in making available the combined educational and training facilities of both

"Practical" The term "practical" as used in the act to which this is an amendment refers to the manipulative or "practice-of-the-trade" aspects of a vocation It includes such work given in shops laboratories mines drafting rooms and other places and is used to distinguish such work from "academic" or "non-vocational" education

"Public service school" refers to schools departments classes and conferences for the in-service training of public and other service occupations including policemen firemen finance officers school board officials and others

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 1 (sec. 1), page 3, line 6, by striking out the word: "includes" and inserting in lieu thereof: "shall mean"

Amend sec. 1 (sec. 1), page 3, line 18, by inserting after the word "agricultural" the following: "vocational distributive occupational"

Amend sec. 1 (sec. 1), page 3, line 24, by inserting after

the part-word "cultural" the following: "vocational distributive occupational"

Amend sec. 1 (sec. 1), page 4, line 28, by striking out the word: "intelligence" and inserting in lieu thereof: "knowledge and skill"

On the question,

Will the House agree to the amendments?

They were agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the sixth sections inclusive were separately read and agreed to as follows:

Section 2 Sections two and three of said act as amended by sections two and three of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 418) are hereby further amended to read as follows

Section 2 The State [Council of Education] Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational education to assist in the establishment of schools and departments for the aforesaid forms of education and to inspect and approve such schools or departments as are hereinafter provided The State [Council of Education] Board for Vocational Education shall make a report annually to the Governor and Legislature describing the condition and progress of vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational education during the year and shall also make such recommendations as the [Council] State Board may deem advisable

The State Superintendent of Public Instruction shall be the executive officer of the State [Council of Education] Board for Vocational Education for the administration of this act He as executive officer shall appoint from time to time with the approval of the State [Council of Education] Board for Vocational Education such expert assistants other than those already provided for by law as may be necessary in vocational industrial vocation home economics vocational agricultural or vocational [commercial] distributive occupational education and all clerical and other agents necessary in carrying out the provisions of this act

In carrying out the provisions of this act the State Board for Vocational Education shall provide for State regional and county vocational schools or classes with the necessary staffs in accordance with the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Section 3 In order that instruction in the principles and the practice of arts may go on together vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational schools or departments may offer instruction in day part-time and evening classes Attendance upon such day evening or part-time classes shall be restricted to those over fourteen years of age

Section 3 Section four of said act as last amended by section two of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 4 Any school district may through its board of school directors

(a) Establish and maintain vocational industrial vocational agricultural vocational home economics and vocational [commercial] distributive occupational schools or departments

(b) Receive any donation made to said school district for the conduct of any vocational school or department or vocational evening classes The donation shall be administered by or under the direction of the board of directors of the district to which it is made subject to the approval of the Superintendent of Public Instruction Provided That the board of school directors in any district shall not be obliged to accept any such donation unless it seems proper so to do

(c) Require a deposit fee of a sum not to exceed ten dollars ($10.00) from each person enrolling in evening vocational schools or classes Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five (75) per cent or more of the class sessions of said terms Provided That nothing herein shall be construed as prohibiting the return of said deposit fee because of death sickness or any other cause which the board may deem justifiable

Section 4 Sections five and six of said act as amended by sections five and six of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 418) are hereby further amended to read as follows

Section 5 Two or more districts may as provided in article eighteen sections one thousand eight hundred and one to one thousand eight hundred and eight inclusive of the school laws of Pennsylvania of one thousand nine hundred eleven entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" through a joint school committee establish and maintain vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational schools or departments to be known as joint vocational schools or departments

Section 6 Local school boards and joint school committees administering approved vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational schools or departments may under a plan to be approved by the State [Council of Education] Board for Vocational Education appoint an advisory committee composed of members representing local trades industries and occupations It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees and other school officials having the management and supervision of such schools

Section 5 Section seven of said act as last amended by section one of the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws 670) is hereby further amended to read as follows

Section 7 Any resident of any school district in Pennsylvania which does not maintain an approved vocational industrial vocational agricultural vocational home economics or voctional [commercial] distributive occupational education school or department offering the type of training which he desires may make application to the school board of any other district for admission to such school or department maintained by said board In case said board refuses him admission he may apply to the State [Council of Education] Board for Vocational Education for admission to such school or department The State [Council of Education] Board for Vocational Education decision of which shall be final may approve or disapprove such application In making such decision the State [Council of Education] Board for Vocational Education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides the financial status of the community the age sex preparation aptitude and previous record of the applicant and all other relevant circumstances

Where any child of school age in any school district in this Commonwealth resides by the nearest traveled road three miles or more from the nearest vocational high school in any district in this Commonwealth such child unless proper free transportation be furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to a more convenient school in another state Provided That the consent of the proper school officials in charge of such school in another state to such an

arrangement be permitted by the laws of such state and is agreed to by such officials

The school district in which the person resides who has been admitted as above provided to an approved vocational industrial vocational agricultural vocational home economics vocational high or vocational [commercial] distributive occupational school or department maintained by another school district shall pay a tuition fee to be determined after the same manner provided for the high schools in article seventeen section one thousand seven hundred and eleven of the school laws of Pennsylvania for one thousand nine hundred and eleven entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith If any school district neglects or refuses to pay for such tuition it shall be liable therefor in an action of contract to the school district or school districts maintaining the school which the pupil with the approval of the board attended

The board of school directors in any school district in this Commonwealth situate adjacent to another state may admit to the vocational high school in such district pupils resident in such other state and may receive tuition for such pupils as in the case of pupils admitted from other districts in this Commonwealth

Section 6 Section eight of the said act as amended by section eight of the act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 416) is hereby further amended to read as follows

Section 8 Vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational schools or departments shall so long as they are approved by the State [Council of Education] Board for Vocational Education as to organization control location equipment courses of study qualifications of teachers methods of instruction conditions of admission employment of pupils and expenditures of money constitute approved local or joint vocational schools School districts maintaining such approved local or joint vocational schools or departments shall receive reimbursement as hereinafter provided

The seventh section was read as follows:

Section 7 Section nine of said act as last amended by section three of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 9 The Commonwealth in order to aid in the maintenance of the approved local or joint vocational industrial vocational home economics [and] vocational agricultural and vocational distributive occupational schools or departments shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining such schools or departments by order on the State Treasurer signed by the Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education from funds appropriated by the Legislature for that purpose or otherwise available and in addition to the accounts paid to such school districts under the provisions of section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended amounts computed in accordance with the following schedules

Districts of the First Class The Commonwealth shall reimburse as hereinafter provided districts of the first class to the extent of twenty-five per centum (25%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments

Districts of the Second Third and Fourth Classes The Commonwealth shall reimburse as hereinafter provided districts of the second third and fourth classes which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars ($200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schols or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative school or departments and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars ($100,000) and not more than two hundred thousand dollars ($200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction prcatical and related technical subjects in day vocational school or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academical subjects in part-time cooperative schools or departments and the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of assessable property of fifty thousand dollars ($50.000) or less shall receive fifty-five per centum (55%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments Provided That districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided further That no district shall receive a reimbursement of more than eighty per centum (80%) of any one teacher's salary from either Federal or State funds or from both

The Commonwealth in order to aid in the maintenance of approved local or joint evening vocational industrial evening vocational home economics [and] evening vocational agricultural and evening distributive occupational schools departments or part-time vocational [courses] schools or classes shall pay as provided in this act as amended annually from the treasury to school districts and unions of school districts maintaining such evening schools or departments in the several classes of districts an amount equal to two-thirds the sum which was expended for salaries of part-time and evening school teachers and supervisors during the previous school year by such a school district or unions of districts for approved instruction in practical and related technical subjects

Whenever two or more [fourth class] school districts unite by joint agreement approved by the [Department] Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program the Commonwealth

shall as provided in this act pay annually from the treasury to such unions of school districts the sum of five hundred dollars ($500) so long as such joint agreement is in effect

[The Commonwealth in order to aid in the maintenance of approved local or joint compulsory general continuation school for minors fourteen to sixteen years of age shall pay as provided in this act annually from the treasury to school districts and unions of school districts maintaining such schools twenty per centum (20%) of the sum expended for salaries during the previous school year by the district or unions of school districts for approved instruction required by law Provided further That the Commonwealth shall reimburse districts or unions of districts to the extent of forty per centum (40%) of the sum expended during the previous school year for salaries paid teachers of general continuation schools who were employed on a part-time basis]

On the question,

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 7 (section 9), page 12, line 20, by inserting after the word "Instruction" the following: "as the executive officer of the State Board for Vocational Education"

Amend section 7 (section 9), page 16, by inserting between lines 17 and 18, the following: "In lieu of the foregoing provisions, the Commonewalth shall, if and when sufficient revenue is available therefore from Federal funds allotted to this Commonwealth for vocational education, make payments to school districts and unions of school districts as hereinafter in this section provided. If such revenues are not sufficient for all of the increases hereinafter provided for, increased payments shall first be made in full of the amounts provided for in clause (a) hereof, and thereafter the increased payments provided for in each successive clause, in its proper order, shall be made in full before any increased payments are made under any clause subsequent in order.

(a) Local or joint evening vocational industrial, evening vocational home economics, evening vocational agricultural and evening vocational distributive occupational schools, departments, or part-time vocational schools or classes shall be reimbursed for the full sum which was expended from July one, one thousand nine hundred and thirty-seven to June thirty, one thousand nine hundred and forty-two, and thereafter eighty per centum (80%) of the sum which was expended for the salaries of part-time and evening vocational school teachers and supervisors during the previous school year by such school district or unions of districts for approved instruction in practical and related technical subjects.

(b) School districts and unions of school districts shall be reimbursed for the travel expenses of vocational teachers, coordinators, supervisors and directors in the conduct of approved vocational schools, departments, and classes annually from the treasury to school districts and unions of school districts, eighty per centum (80%) of the sum expended for approved travel.

(c) Districts of the fourth class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for aproved instruction in practical and related technical subjects in day vocational schools or departments, and for approved instruction in practical related technical and academic subjects in part-time cooperative schools or departments, and, in addition thereto, districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in academic subjects in approved rural community vocational schools: Provided, however, that no district shall receive reimbursement of more than eighty per centum (80%) of any one teacher's salary out of either Federal or State funds or both.

(d) Whenever two or more school districts have heretofore united or shall hereafter unite by joint agreement approved by the Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the school program, the Commonwealth shall pay annually from the treasury to each of the school districts so uniting, the sum of two hundred fifty dollars ($250) so long as such joint agreement is in effect.

(e) Districts of the third class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments, and for approved instruction in practical, related technical, and academic subjects in part-time cooperative schools or departments.

(f) Districts of the second class shall be reimbursed for fifty per centum (50%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments, and for approved instruction in practical, related technical, and academic subjects in part-time cooperative schools or departments.

(g) Districts of the first class shall be reimbursed for thirty-five per centum (35%) of the sum expended for salaries during the previous school year by such districts or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments, and for approved instruction in practical, related technical, and academic subjects in part-time cooperative schools or departments."

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The eighth section was read as follows:

Section 8 Section ten of said act as last amended by section one of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 94) is hereby further amended to read as follows

Section 10 On or before the first Wednesday of January of any year in which the regular session of the Legislature is held the State [Council of Education] Board for Vocational Education shall present to the Legislature an estimate of the amount of money necessary to meet the expenditures to be incurred in the administration of this act for the two school years beginning with the first day of the ensuing June and the amount necessary to meet the claims of school districts and unions of school districts maintaining approved vocational schools or departments under the provisions of this act for the two school years beginning with the first day of the preceeding July On the basis of such a statement the Legislature shall make an appropriation of such amounts as may be necessary to meet the expense of carrying this act into effect and of reimbursing such school districts and unions of school districts for such school years as herein provided

The ninth section was read as follows:

Section 9 Section eleven of said act as amended by section eleven of the act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 418) is hereby further amended to read as follows

Section 11 On or before the tenth day of July of each year the school authorities of each district shall present to the State Superintendent of Public Instruction a statement of the amount expended during the school year previous to such first day of July for instruction in ap-

proved local or joint vocational industrial vocational home economics [continuation schools] Vocational distributive occupational or vocational agricultural schools or departments as herein prvided On the basis of such a statement the State Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education shall by requisition upon the State Treasurer pay such school district and joint school districts such reimbursement for the previous school year as is provided for in this act

On the question

Will the House agree to the section?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 9, page 16, line 18, by striking out the figure "9" and inserting in lieu thereof: "8"

Amend sec. 9 (Sec. 11), page 17, line 22, by inserting after the word "schools]" the following: "vocational"

Amend sec. 9 (sec. 11), page 17, line 22, by inserting after the word "Instruction" the following: "as the executive officer of the State Board for Vocational Education"

On the question

Will the House agree to the amendments?

They were agreed to,

On the question

Will the House agree to the section as amended?

It was agreed to.

The tenth section was read and agreed to as follows:

Section 10 This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor

The title was read as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education

On the question

Will the House agree to the title?

Mr. HARKINS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, last line of title, by inserting after the word "education" the following: "and enlarging the provisions for State subsidies under certain conditions"

On the question

Will the House agree to the amendment.

It was agreed to,

On the question

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

HOUSE BILL No. 1640 MADE SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair lays before the House the special order of business fixed for this time, House Bill No. 1640, Printer's No. 487, on page 2, of today's calendar, bill on final passage.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1640, entitled:

A Supplement to the act approved the second day of June one thousand nine hundred fifteen (Pamphlet Laws seven hundred thirty-six) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing a compulsory system and schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" as amended and re-enacted providing for the inclusion of occupational diseases within the scope thereof and providing definitions provisions and procedure related to such diseases and making an appropriation.

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. SCHOR. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. YOURISHIN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Schor, vote on the third reading of this bill?

Mr. SCHOR. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Yourishin, vote on the third reading of this bill?

Mr. YOURISHIN. Mr. Speaker I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. SCHOR. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2163 (Senate Bill No. 49), entitled:

An Act to amend clause one of section one of the act, approved the second day of June, one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising, and consolidating the law relating thereto," defining the Family Court of Phildelphia as a court having jurisdiction

with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2164 (Senate Bill No. 58), entitled:

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the County of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the County or City of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in civil and criminal actions and in equity.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1200, as follows:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first one thousand nine hundred forty

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of eight million five hundred and fifty thousand dollars is hereby appropriated to the Department of Highways for the two calendar years beginning January first one thousand nine hundred thirty-eight out of the Motor License Fund for expenditure in the various townships of the second class of the Commonwealth in the amounts upon the terms in the manner and for the purposes hereinafter set forth in this act

Section 2 The moneys hereby appropriated shall be apportioned by the Department of Highways among the several counties of this Commonwealth on the basis of the average per mile cost of maintaining the township roads and bridges in the townships of the second class in each county as reported in the annual financial reports of the boards of supervisors to the Department of Highways for the year one thousand nine hundred thirty-two multiplied by the number of miles of second-class township roads in such county as of January first one thousand nine hundred thirty-eight

Of the amount apportioned to the several counties as hereinbefore provided the Department of Highways shall expend in each of the townships of the second class for the maintenance and repair of township roads and bridges therein not repaired and maintained by the Department of Highways under the provisions of any other law such portion of the amount apportioned to the county as the Secretary of Highways shall deem necessary for the proper maintenance and repair of the township roads and bridges in any such county

Section 3 Any surplus of the funds apportioned to a county under this act over the amount required for maintenance and repair may with the approval of the Secretary of Highways be expended in any such county by the Department of Highways in the construction and reconstruction and resurfacing of any township road or bridge in the townships of the second class which is not maintained by the Department of Highways under the provisions of any other law Nothing herein contained shall prevent the use of any of the aforesaid surplus for Federal projects sponsored by the township supervisors and approved by the Secretary of Highways

Section 4 Nothing in this act shall be construed to relieve any of the second-class townships from any obligation they may have incurred under any contract or agreement entered into prior to January first one thousand nine hundred thirty-eight for the construction or repair of any highway or structure now under their jurisdiction

Section 5 The board of supervisors of townships of the second class shall at the time of the adoption of the annual budget and at the time of fixing the road tax levy for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine exclude from the said annual budget and tax levy for road and street purposes any provision for the maintenance and repair of the roads and bridges Nothing herein contained shall prevent any township from making proper provisions for interest sinking fund debt repayment charges snow removal resurfacing construction reconstruction obligations incurred under any contract or agreement such other administrative and overhead expenses as may be necessary and for any other purposes other than for maintenance and repair of the roads and bridges

Section 6 The Department of Highways is hereby authorized to rent from the several second-class townships any road building machinery or equipment now or hereafter owned by such municipality for use under the provisions of this act in the maintenance resurfacing reconstruction and construction of any township road or bridge either in or outside of the legal limits of the township owning the equipment at such rentals or rates as the Department of Highways shall deem reasonable The duly elected road supervisors of each township subject to the approval of the Secretary of Highways may be employed by the Department of Highways in the work to be done under the provisions of this act

Section 7 Any balance of the funds appropriated by this act which shall remain unexpended or unencumbered on January first one thousand nine hundred forty shall lapse upon that date and become a part of the Motor License Fund

On the question,

Shall the bill pass finally?

Mr. PERRY. Mr. Speaker and members of the House, House Bill 1200, before us for action, is one of those bills purporting to benefit Second Class Townships, but in reality is merely a crudely disguised attempt to oust another element of Home Rule Government.

In addition to being ridiculous, the bill is unfair and dangerous. By its terms we are asked to appropriate eight and one-half millions of dollars to the Department

of Highways, subject to the restriction that if any of it be expended during the years 1938-1939, such expenditure will be made upon the roads and bridges of the Second Class Townships.

Under existing laws, and unchanged by this bill, locally elected supervisors of those townships are under the responsibility to maintain such roads and bridges, and for failure to do so properly are subject to suit and possible ouster from office.

Yet regardless thereof, and perhaps because of, and without relieving the supervisors of this responsibility, we are asked to contribute eight and one-half millions to a State Department for the same purpose, and with little if any practical limitation upon the amount of the specific objects of its expenditures.

However, under Section V of the bill these supervisors are prohibited from levying local taxes for road or street maintenance during the period of the act. Therefore should the State Department fail to maintain properly the roads and bridges of the many Second Class Townships, then the locally elected officials are left holding the bag, subject to suit and possible ouster for the failure upon the part of a Department over which they exercise no control.

And in view of the many complaints registered as to the failure of that same Department to maintain properly unimproved State Highways last winter, it is very probable that similar failures can be expected if this bill ever becomes the law.

I feel that this bill, even at its best, is but a crude attempt to "blackjack" another group of locally elected and responsible officials out of office.

For the bill does not make mandatory that the Highway Department spend this eight and one-half millions of dollars, nor any part thereof. In fact, it would place a premium upon its non-expenditure. In this particular deck the joker is contained in Section VII which provides—

"That any balance of the funds appropriated by this act which shall remain unexpended or unencumbered on January 1, 1940, shall lapse upon that date and become part of the Motor License Fund."

To realize who gets the trimming in a game played with a joker such as this, remember H. B. 1189 recently passed by this House. That bill repealed an appropriation made by the Legislature in 1935, wherein nine million was appropriated to this same Highway Department for expenditure upon these same roads, but contained therein was the provision that the unexpended portion (estimated by the Governor in his budget as over two and one-half millions of dollars) should be turned over to the supervisors of Second Class Townships for expenditure by them.

In reliance upon, and in anticipation thereof, the supervisors reduced local taxes. After this—we sought to repeal the act and stop the payment. Yes—a clever card shark can do a lot with a joker like this clause.

This bill will accomplish no economy, assures no improvement in the maintenance and repairs of our Second Class Township roads. Under it there will be no general reduction at home.

Supervisors will still continue to levy taxes for any and all purposes other than maintenance and repair, and what lawyer, legislator or engineer can or will properly define where maintenance and repair stop or start.

After the experience of H. B. 1189, and having been once tricked into tax reduction in anticipation of promised funds, later withdrawn, what sane supervisor will play sucker again and once more reduce his taxes in compliance with provisions of a bill like this which leaves uncertain not only the amount that will be expended in his particular township, but also makes extremely doubtful whether any of the money will be so spent.

The proposed economy is ridiculous. The bill merely takes away from the supervisors the maintenance and repair of the roads.

Of all the duties imposed upon township supervisors, this is the one phase of the work in which engineers agree can be done more economically by the supervisors than by the State. Figure it out any way you desire and it still comes back to the one outstanding purpose—"blackjack" local officials out of office, regardless of the cost to the public.

Just a word to you members representing Second Class Townships as to the political significance of this bill. Under its terms your people receive no assurance that any of this appropriation will be expended upon their particular roads or bridges. Instead the spending of this vast amount will be vested in the discretion of the Secretary of Highways. Your wishes, the wishes of your people notwithstanding, subject only to the whim of the Secretary, the money allocated to any county can and may be spent in any one township regardless of the needs and desires of the other townships in that county.

Based on past experience, both you and I know that such allocations would be made more on the basis of political expediency than of need, that it would breed discrimination of the rankest kind, that no township, large or small, can be assured of its right and just share of the tax money it helped contribute.

Well, you are practical politicians. It is your township roads in which your voters are interested, that will be affected by this bill. And if you deem it advisable to subject your roads, your votes to the political mercy of a Secretary of Highways, it is your privilege so to do.

If you favor the political bickering, contention that is bound to occur in these allocations, it is your privilege so to do. It is your people, your citizens, your voters, to whom you must answer in the days to come.

Being of the opinion that the bill is faulty in design, impractical of execution, dangerous in operation, and in violation of fair play to elected officials, I will vote "no".

Mr. HOLSTROM. Mr. Speaker, I will say just one word on this bill, that I have faith in the Secretary of Highways of this Commonwealth and feel confident that in the allocation of funds that he intends to make under this bill the second class roads of this Commonwealth will be amply taken care of and that the Secretary of Highways has started a wonderful program and I cannot see how he would fail the people of this Commonwealth under the provisions of this act.

Mr. WESTRICK. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Perry.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. PERRY. I will, Mr. Speaker.

Mr. WESTRICK. Mr. Speaker, is the gentleman of the opinion that the local taxpayer should continue to maintain our dirt roads through local taxation as has formerly been the plan?

Mr. PERRY. Mr. Speaker, I did not quite get the question asked by the gentleman.

Mr. WESTRICK. Mr. Speaker, does the gentleman feel that the local taxpayer should continue to maintain the roads through property taxation?

Mr. PERRY. Mr. Speaker, I feel that the supervisors are in better position to maintain the township roads than the State Highway Department is prepared under the terms of this bill, and that they will be better served if the appropriation is made as it was made under the Furman Act rather than as it is proposed in this act; that the supervisors, the locally elected responsible officials of the townships should be vested with that power because if we are dissatisfied with them we can vote them out of office and put the proper men in.

Mr. WESTRICK. Mr. Speaker, does the gentleman feel then that there would be any danger of our local authorities burdening the taxpayer with exceptionally heavy taxes that are not necessary with this enactment that we are now proposing. In other words, does the gentleman think there is going to be imposed additional millage where it is not needed? Does the gentleman think that the taxpayers would permit it? I think the gentleman mentioned a while ago that they could levy any millage they proposed to levy.

Mr. PERRY. My statement, Mr. Speaker, was that they were prohibited under this bill from levying any tax during the period of the act for maintenance, but are not restricted as to improvements on their improved highways.

Mr. WESTRICK. That is right, Mr. Speaker, but does not the gentleman suppose that the local authorities are going to be governed by the reaction of the citizens of that community.

Mr. PERRY. I cannot tell, Mr. Speaker, without going into that particular community, their reaction to it.

Mr. WESTRICK. Mr. Speaker, Didn't the gentleman say a while ago that he expected the local authorities to react to the sentiment of that particular community.

Mr. PERRY. Mr. Speaker, I cannot answer the question as to the reaction that we could expect in the particular district. My statement was that this is under the guise of tax reduction for the local community. This act is ridiculous in the manner in which it attempts to accomplish any reduction in taxes.

Mr. WESTRICK. Mr. Speaker, does the gentleman feel that it is fair that each mile of highway should receive the same allotment from our State Highway fund?

Mr. PERRY. I haven't made such statement, Mr. Speaker.

Mr. WESTRICK. Mr. Speaker, under the Furman Act is that not the case? Did not each mile of highways receive the same allotment?

Mr. PERRY. Mr. Speaker, I wouldn't say that was the entire test of that act. The part that I mentioned of the Furman Act was that that act after a specific understanding and agreement between that Department and officials was to the effect that the unexpended portion after a certain date was to be turned over to the supervisors so that they might comply with the duties of their office and based on the honor and integrity of that appropriation they have reduced their local taxes and therefore eliminated a portion of the revenue necessary to carry on their duties and responsibilities.

Mr. WESTRICK. Mr. Speaker, does the gentleman feel that each mile of township highway requires the same allotment of funds to carry on and maintain that mile of highway in a decent condition.

Mr. PERRY. Not being an engineer, Mr. Speaker, I cannot answer the question that each mile of highway would necessarily receive exactly the same appropriation as another mile of highway, because certain factors and certain elements enter into the cost of the construction, the maintenance, the policing, and so forth of that particular mileage and I can readily imagine that there are some miles which require much more expenditure than would other miles.

Mr. WESTRICK. Mr. Speaker, I am glad the gentleman appreciates that fact. Then doesn't he think that if the State Highway Department were to handle these funds that that money would be appropriated to the miles needing the funds.

Mr. PERRY. Mr. Speaker, I am not so optimistic in my view of appropriations made to an individual, vesting in that individual the discretion to spend eight and a half million dollars with no practical limitations or restrictions on it. I am not so optimistic as to hope that that individual can do just as fair a piece of work as the duly elected officials in the townships of the Commonwealth. I feel that the appropriation puts a premium upon distribution according to political expediency and upon vote getting ability rather than upon the needs of the highways themselves.

Mr. WESTRICK. Mr. Speaker, does the gentleman mean to tell this House that our township roads under the local proposition or the local supervisors have always been kept in good shape?

I believe he made a statement like that a while ago.

Mr. PERRY. Mr. Speaker, I would not say that they have always been in good shape, but I would go a step further and say that they have been in as good shape as some of the State highways over the past winter.

Mr. WESTRICK. Mr. Speaker, can the gentleman state the percentage?

Mr. PERRY. I cannot tell you that, Mr. Speaker.

Mr. WESTRICK. Mr. Speaker, what percentage of the roads have been kept in good shape?

Mr. PERRY. Mr. Speaker, I would rather not give an estimate because it would be from pure guess work at the present moment.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. WOODSIDE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—143

Achterman,	Dyson,	McArdle,	Sarraf,
Alexander,	Elpern,	McCullough,	Schor,
Allen,	Falkenstein,	McDermott,	Schrope,
Allmond,	Finnerty,	McElroy,	Shaw,
Arnold,	Fitch,	McFall,	Shea,
Aukerman,	Flanagan,	McGee,	Shepard,
Baine,	Flannery,	McShane,	Shoemaker,
Baker, J. J.,	Flinchbaugh,	Melchiorre,	Shugarts,
Balthaser,	Ganser,	Mellott,	Siegel,
Bierly,	Gerard,	Merrell,	Simon,
Blank,	Gorski,	Mihm,	Skale,
Bohn,	Hagerty,	Moomaw,	Smith, James A.,
Boles,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Boltz,	Harkins,	Moran,	Spengler,
Bradley,	Harmuth,	Moul,	Stank,

Brancato,	Hays,	Munley,	Thomas,
Brigerman,	Hering,	Murrin,	Thompson,
Broad,	Hess,	Nagel,	Toole,
Brown,	Hindman,	O'Brien,	Tronzo,
Burrows,	Hirsch,	O'Connor,	Valibus,
Caesar,	Holland,	O'Keefe,	VanSickle,
Chervenak,	Holmes,	Ominsky,	Vogt,
Coakley,	Holstrom,	O'Neill,	Wagner,
Cohen, H. B.,	Hontz,	Ostroff,	Walsh,
Cohen, R. E.,	Horting,	Patterson, C. S.,	Weiss, D. H.,
Coleman,	Jirolanio,	Patterson, J. W.,	Weiss, S. A.,
Coolahan,	Keenan,	Piole,	Welliver,
Corrigan,	Kelso,	Powers,	Welsh,
Costanzo,	Kilroy,	Preston,	Westrick,
Decker,	Kroll,	Readinger,	Whalen,
DeNote,	Levy,	Reese,	Whitenight,
Dickinson,	Lewis,	Reising,	Wright,
Donohoe,	Long,	Richter,	Yanoshat,
Dougherty,	Lopresti,	Robinson,	Yourishin,
Downey,	Marino,	Ruffennach,	Zappala,
Dubbs,	Matthews, H. T.,	Rush,	Furman,

NAYS—53

Atkins,	Imbrie,	Rothenberger,	Trout,
Baker, F. T.,	Kane,	Royer,	Turner,
Boyer,	Kline,	Schrock,	VanAllsburg,
Brownfield,	Leisey,	Schumacher,	Wall,
Cadwalader,	Longaker,	Serrill,	Wampole,
Davies,	Lyons,	Sloan,	Watkins,
Fiss,	Mallen,	Snyder,	Webster,
Gillette,	Matthews, J. F.,	Sollenberger,	Weidemann,
Habbyshaw,	McDevitt,	Sproul,	Wilson,
Haberlen,	McKinney,	Stackpole,	Winner,
Hall,	Muir,	Stewart,	Wood,
Hamilton, R. S.,	Peale,	Strode,	Woodside,
Hetrick,	Perry,	Terry,	Yeakel,
Huntley,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2157 (Senate Bill No. 638), as follows:

An Act to further amend section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the second and third paragraphs of section four of the act approved the eighteenth day of June one thousand nine hundred and nineteen (Pamphlet Laws 498) entitled "An act defining consolidation of schools providing for the establishment and regulation of consolidated schools and providing for the transportation of pupils to and from consolidated schools" as last amended by section four of the act approved on the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 634) are hereby further amended to read as follows

Section 4 The Commonwealth in order to encourage the establishment and maintenance of approved consolidated elementary schools or approved consolidated junior high schools or approved joint consolidated schools shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining or transporting pupils to and from such schools an amount determined by (a) the true valuation per teacher per district as provided by law and (b) a given per centum of the sum which has been expended during the previous school year by such a school district or union of school districts for transporting pupils of said schools to and from said schools as follows

The amount paid by the Commonwealth to a school district which has a true valuation per teacher of assessable property of fifty thousand dollars ($50,000) or less shall be seventy-five (75%) per centum more than fifty thousand dollars ($50,000) to one hundred thousand dollars ($100,000) sixty (60%) per centum and more than one hundred thousand dollars ($100,000) fifty (50%) per centum After the first day of July one thousand nine hundred and thirty-nine if the Department of Public Instruction approves the transportation as to methods and means and the contracts provided therefor the Commonwealth will pay annually to the school district furnishing such transportation according to the following schedule of reimbursement Provided That in case any of said school district or union of said school districts has purchased or shall hereafter purchase an approved conveyance which is used exclusively for the transportation of school children to and from said schools said sum may include a reasonable charge for depreciation and repairs not to exceed in any year fifteen (15%) per centum of the cost of said approved school conveyance Provided That the State's share of depreciation and repairs shall not exceed two hundred dollars ($200) [one hundred dollars ($100)] per vehicle per year Provided further That the State's share for transportation shall not exceed one dollar ($1.00) per day per pupil for the actual number of days such pupil is transported to and from school Provided further That districts receiving reimbursement on the basis of seventy-five (75%) per centum and sixty (60%) per centum shall not receive more than four thousand dollars ($4,000) in any one school year from the State for transportation Provided further That districts receiving reimbursement on the basis of fifty (50%) per centum shall not receive more than three thousand dollars ($3,000) in any one year from the State for transportation

After the first day of July one thousand nine hundred and thirty-nine the provision heretofore limiting reimbursement for transportation to a maximum of four thousand dollars ($4,000) in districts reimbursed on the basis of seventy-five per centum (75%) and sixty per centum (60%) and three thousand dollars ($3,000) in districts reimbursed on the basis of fifty per centum (50%) shall no longer apply but no district shall receive from the Commonwealth in any one year more than eight thousand dollars ($8,000) as reimbursement for transportation

The State Council of Education may for cause specified by it direct the withholding of such reimbursement in any given case permanently or until the school district has complied with the law or regulations of the State Council of Education

It shall be unlawful for any driver or owner of a vehicle transporting pupils under a contract with a school district or for any member of or board of school directors to demand request or accept any compensation for transporting pupils other than the compensation stipulated in the contract filed with and approved by the Department of Public Instruction

Section 2 Except as hereinbefore otherwise provided the provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flannery,	McDevitt,	Siegel,
Alexander,	Flinchbaugh,	McElroy,	Simon,
Allen,	Ganser,	McFall,	Skale,
Allmond,	Gerard,	McGee	Sloan,
Arnold,	Gillette,	McKinney,	Smith, James A.,
Atkins,	Gorski,	McShane,	Smith, John A.,
Aukerman,	Habbyshaw,	Melchiorre,	Snyder,

Baine,	Haberlen,	Mellott,	Sollenberger,
Baker, F. T.,	Hagerty,	Merrell,	Spengler,
Baker, J. J.,	Hall,	Mihm,	Sproul,
Balthaser,	Hamilton, F. P.,	Moomaw,	Stackpole,
Bierly,	Hamilton, R. S.,	Mooney,	Stank,
Blank,	Harkins,	Moran,	Stewart,
Bohn,	Harmuth,	Moul,	Strode,
Boles,	Hays,	Muir,	Terry,
Boltz,	Hering,	Munley,	Thomas,
Boyer,	Hess,	Murrin,	Thompson,
Bradley,	Hetrick,	Nagel,	Toole,
Brancato,	Hindman,	O'Brien,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Brancato,	Holland,	Ominsky,	Turner,
Broad,	Holmes,	O'Neill,	Vallbus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Chervenak,	Imbrie,	Perry,	Wall,
Coakley,	Jirolanio,	Piole,	Walsh,
Cohen, H. B.,	Kane,	Powers,	Wampole,
Cohen, R. E.,	Keenan,	Preston,	Watkins,
Coleman,	Kelso,	Readinger,	Webster,
Coolahan,	Kilroy,	Reese,	Weidemann,
Corrigan,	Kline,	Reising,	Weiss, D. H.,
Costanzo,	Kroll,	Richter,	Weiss, S. A.,
Davies,	LaRue,	Robinson,	Welliver,
Decker,	Leisey,	Rothenberger,	Welsh,
DeNote,	Levy,	Royer,	Westrick,
Dickinson,	Lewis,	Ruffennach,	Whalen,
Donohoe,	Long,	Rush,	Whitenight,
Dougherty,	Longaker,	Sarraf,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Mallen,	Schrope,	Woodside,
Eckels,	Marino,	Schumacher	Wright,
Elpern,	Matthews, H. T.,	Shaw,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Shea,	Yeakel,
Finnerty,	McArdle,	Shepard,	Yourishin,
Fiss,	McCullough,	Shoemaker,	Zappala,
Fitch,	McDermott,	Shugarts,	Furman,
Flanagan,			

NAYS—3

Lopresti,	O'Connor,	Serrill,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2152 (Senate Bill No. 558), as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand seven hundred and eleven-A of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as last amended by section thirty-eight of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1711-A The Commonwealth shall reimburse a school district with a true valuation of assessable property per teacher of less than one hundred thousand dollars for high school tuition when such district is required to pay tuition for pupils attending high school in another district Provided That the percentage of the minimum salaries of teachers paid by the Commonwealth is higher in the school district where the pupils reside than in the district where they attend high school The amount of State reimbursement for high school tuition shall be the percentage of such tuition as is equal to the excess in the percentage of teachers salaries paid by the Commonwealth in the district where the pupils reside over the percentage of teachers salaries paid by the Commonwealth in the district where the pupils attend Provided That the amount paid by the Commonwealth to a school district for the tuition of any high school pupil shall not exceed twenty dollars ($20.00) a year

After the first day of July one thousand nine hundred and thirty-nine the provisions of the first paragraph of this section shall no longer apply but the Commonwealth shall reimburse each school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less sixty per centum (60%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) fifty-five per centum (55%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than fifty thousand ($50,000) but not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) forty-five per centum (45%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) forty per centum (40%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than one hundred fifty thousnd dollars ($150,000) but not more than two hundred thousand dollars ($200,000) thirty-five per centum (35%) of the expenditure for high school tuition and each school district which has a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) thirty per centum (30%) of the expenditure for high school tuition

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine,	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,

Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boles,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Perry,	Wall,
Cohen, H. B.,	Kane,	Piole,	Walsh,
Cohen, R. E.,	Keenan,	Powers,	Wampole,
Coleman,	Kelso,	Preston,	Watkins,
Coolahan,	Kilroy,	Readinger,	Webster,
Corrigan,	Kline,	Reese,	Weidemann,
Costanzo,	Kroll,	Reising,	Weiss, D. H.,
Davies,	LaRue,	Richter,	Weiss, S. A.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrock,	Wood,
Eckels,	Mallen,	Schrope,	Woodside,
Elpern,	Marino,	Schumacher,	Wright,
Falkenstein,	Matthews, H. T.,	Serrill,	Yanoshat,
Finnerty,	Matthews, J. F.,	Shaw,	Yeakel,
Fiss,	McArdle,	Shea,	Yourishin,
Fitch,	McCullough,	Shepard,	Zappala,
Flanagan,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1765, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section twenty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1101 For the superintendence and supervision of the public schools of this Commonwealth there shall be elected or appointed in the manner herein provided county superintendents district superintendents assistant county and district superintendents associate superintendents and supervisors of special education

Section 2 Section one thousand one hundred and two of said act as amended by section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1102 Every person elected or appointed as county district or assistant county or district superintendent or associate superintendent or supervisor of special education must be a person of good moral character

Section 3 Section one thousand one hundred and twenty-six of said act as amended by section twenty of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1078) is hereby further amended to read as follows

Section 1126 Every county superintendent having more than one hundred and fifty (150) and not more than [three hundred and fifty teachers under his supervision shall have an assistant superintendent every county superintendent having more than three hundred and fifty and not more than six hundred teachers under his supervision shall have two assistant superintendents every county superintendent having more than six hundred and not more than eight hundred teachers under his supervision shall have three assistant superintendents and for each additional four hundred teachers or fraction thereof under his supervision a county superintendent shall have an additional assistant superintendent And the school directors of any county at their convention for electing a county superintendent may authorize the appointment of additional assistant superintendents to those herein provided for] five hundred and fifty (550) teachers under his supervision shall have one assistant county superintendent Every county superintendent having more than five hundred and fifty (550) but not more than one thousand and fifty (1050) teachers under his supervision shall have two assistant county superintendents Every county superintendent having more than one thousand and fifty (1050) teachers under his supervision shall have one additional assistant county superintendent for each additional five hundred teachers or fraction thereof but no county superintendent shall have more than five assistants In addition to the assistant county superintendents herein provided for in each county in which there are 550 or more teachers under the supervision of the county superintendent there shall be appointed one supervisor of special education and in each county in which there are less than 550 teachers under the supervision of the county superintendent there shall be appointed a joint supervisor of special education who shall serve in two or more counties In no instance shall such county public school psychologist serve in more than three counties The State Council of Education shall have power and it shall be their duty to determine the counties which shall be served jointly by a joint county public school psychologist The time of the joint county public school psychologist shall be apportioned among the several counties on the basis of the number of teachers under the supervision of the county superintendent in each county

Section 4 Sections one thousand one hundred and twenty-seven one thousand one hundred and twenty-eight and one thousand one hundred and twenty-nine of said act are hereby amended to read as follows

Section 1127 The superintendent of each county entitled to an assistant superintendent or assistant superintendents shall within fifteen days after receiving his commission nominate to the [five officers of the school directors' association of the county] county board of school directors the assistant superintendent or superintendents who must furnish the president of said association [the

same evidence of eligibility as is required of candidates for county superintendents] evidence of eligibility in accordance with the regulations of the State Council of Education These nominations shall be appointments until the end of the county superintendent's term of office when confirmed by a majority vote of the [five officers of the directors' association of said county] county board of school directors The president and secretary of the [school directors' associations] county board of school directors shall certify to the Superintendent of Public Instruction the name and post-office addresses of the assistant county superintendents and supervisors of special education appointed as herein provided [thus appointed] and their salaries as fixed by the directors' convention and such assistant county superintendents and supervisors of special education shall be commissioned by the Superintendent of Public Instruction in the same manner and under the same conditions as in the case of county superintendents Should the county superintendent and the [officers of the School Directors' Association] county board of school directors of any county fail to nominate and confirm the assistant superintendent or superintendents or supervisor of special education for such county within thirty days after the county superintendent has received his commission the Superintendent of Public Instruction shall appoint such assistant superintendent or superintendents or supervisor of special education to serve until the end of the county superintendent's term of office

Any person who is certified to teach in the public schools of the Commonwealth and who is certified as a public school psychologist by the Department of Public Instruction shall be eligible for appointment as a supervisor or joint supervisor of special education

The superintendent of each county entitled to a supervisor of special education shall nominate to the county board of school directors the candidate for the office of supervisor of special education By a majority vote of the county board of school directors the candidate may be appointed to serve until the end of the term of office of the county superintendent

The county superintendents of the counties which are entitled to a joint supervisor of special education shall nominate to their county boards of school directors the candidate for the office of joint county public school psychologist By a majority vote of the several members of the county boards of school directors the candidate may be appointed to serve until the end of the terms of office of the county superintendents

Section 1128 Any vacancy occurring in the position of assistant county superintendent or supervisor of special education shall be filled by the county superintendent and the [officers of the school directors' association] county board of school directors in like manner as at the beginning of a term [In all counties entitled to one or more assistant county superintendents the county superintendents elected in May one thousand nine hundred and eleven (1911) and the officers of the school directors' association therein shall before the first day of September one thousand nine hundred and eleven (1911) nominate and confirm the assistant county superintendents to which the several counties in this Commonwealth are entitled Such assistant county superintendents shall hold office subject to the provisions of this act until the first Monday of June one thousand nine hundred and fourteen (1914)]

Section 1129 Upon the written charges and recommendation of the county superintendent or of the majority of the members of each of three boards of school directors whose schools are under the jurisdiction of the county superintendent assistant county superintendents or supervisor of special education of any county may after a hearing be removed by the Superintendent of Public Instruction for the same cause and in like manner as a county superintendent is removed

Section 5 Section one thousand one hundred and thirty of said act as amended by section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws 300) is hereby further amended to read as follows

Section 1130 The minimum salary of each assistant county superintendent or supervisor of special education [shall be eighteen hundred dollars ($1,800.00) per year which] as hereinafter in this act provided shall be paid out of the State appropriation for public schools in such payments and manner as the county superintendents are paid [The salaries of additional assistant county superintendents whose appointments may be authorized as herein provided shall be fixed by the convention of school directors which provides for their appointment and together with any additional salary granted by said convention to any required] Any additional salary granted by the school directors of any county at their convention for electing a county superintendent to any assistant county superintendent or supervisor of special education shall be paid from the school appropriation apportioned among the several school districts under the supervision of the county superintendent before the same is distributed The salaries of assistant county superintendents and of supervisors of special education shall be paid monthly

In addition to the said salary each assistant county superintendent and each supervisor of special education shall be entitled to receive annually a sum not to exceed five hundred dollars for the payment of actual and necessary expenses incurred in visiting schools within his district in attending educational meetings and in the performance of such other official duties as may be required by him by law Payments shall be made monthly on account of such expenses to any such assistant county superintendent or supervisor of special education by requisition of the Superintendent of Public Instruction upon the Auditor General upon the production to him of itemized vouchers in the usual manner

[This act shall take effect June first one thousand nine hundred nineteen]

Section 6 Section one thousand one hundred and thirty-one of said act is hereby amended to read as follows

Section 1131 Every assistant county superintendent shall diligently visit the schools assigned him by the county superintendent and shall under his direction supervise and direct the work of the schools and see that each school is equal to the grade for which it was established and that there is as far as practicable uniformity in the courses of study of the several grades respectively and shall when so directed by the county superintendent the Superintendent of Public Instruction or a State Inspector of High Schools direct or conduct examinations for promotion or graduation He shall also inspect school property and see that the requirements of the law as to buildings grounds equipment and sanitary arrangements are fully observed and complied with During the school terms and vacations he shall assist the county superintendent in his work and perform such other duties in connection with the public schools of the county as may be assigned him by the county superintendent Provided however That the duties herein prescribed for the assistant county superintendent shall in no case be constructed to lessen or limit the duty and responsibility of the county superintendent to visit all the schools under his jurisdiction as frequently as possible

It shall be the duty of each supervisor of special education to examine and investigate the abilities disabilities and needs of the exceptional children in the schools to make recommendations concerning the instruction of such children and to supervise such instruction It shall also be his duty to make reports to the judge of the juvenile court upon request by such judge concerning any child who is a resident of a school district that is under the jurisdiction of the county superintendent of schools

It shall also be his duty to assist the county superintendent in the preparation administration and interpretation of examinations for promotion or graduation when so directed by the county superintendent

Section 7 Section one thousand one hundred and thirty-two of said act is hereby amended to read as follows

Section 1132 Assistant county superintendents and supervisors of special education shall meet with boards of school directors for conference when they deem it necessary or when they are requested by the directors to do so and shall make to their county superintendents monthly reports concerning the condition and progress of the

schools which they have visited and the needs of individual pupils together with any needed recommendations which reports shall be kept on file in the county superintendents' offices for not less than one year The county superintendents shall forward to the various boards of school directors the reports and recommendations of the assistant county superintendents and supervisors of special education concerning the schools and pupils in their districts or such portions thereof as they deem wise together with any additional suggestions or recommendations

Section 8 Clause eight of section one thousand two hundred and ten of said act as last amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1587) is hereby further amended to read as follows

8 County superintendents of counties having a population of less than twenty thousand (20,000) minimum annual salary three thousand dollars ($3,000) county superintendents of counties having a population of twenty thousand and more but less than forty-five thousand (45,000) minimum annual salary three thousand five hundred dollars ($3,500) county superintendents of counties having a population of forty-five thousand and more but less than one hundred and fifty thousand (150,000) minimum annual salary four thousand dollars ($4,000) county superintendents of counties having a population of one hundred and fifty thousand $150,000) or more minimum annual salary four thousand five hundred dollars ($4,500) all assistant county superintendents and supervisors of special education minimum annual salary three thousand dollars ($3,000)

Section 9 The amendments to this act which pertain to supervisors of special education shall become effective on the first day of July one thousand nine hundred and thirty-nine

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. BURROWS. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2144 (Senate Bill No. 651), entitled:

An Act to amend sections one two and three of article seventeen of the act, approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled "An act for the better government of cities of the first class of this Commonwealth" advancing the dates for the submission of budget estimates the adoption of financial program and the fixing of the tax rate and providing for the ascertainment of the tax rate where the same is not fixed within the time specified.

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Cities for the purpose of further study.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1639, entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception care maintenance detention employment and training of defective delinquents providing for the commitment and transfer of such persons to such institution and discharge therefrom conferring powers and imposing duties on the Department of Welfare and courts and imposing certain charges on counties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—152

Achterman,	Finnerty,	Marino,	Sarraf,
Alexander,	Fiss,	Matthews, H. T.,	Schor,
Allen,	Fitch	Matthews, J. F.,	Schrock,
Allmond,	Flanagan,	McArdle,	Schrope,
Arnold,	Flannery,	McCullough,	Shaw,
Aukerman,	Flinchbaugh,	McDermott,	Shea,
Baine,	Ganser,	McElroy,	Shepard,
Baker, J. J.,	Gerard,	McFall,	Shoemaker,
Balthaser,	Gorski,	McGee,	Shugarts,
Bierly,	Habbyshaw,	McShane,	Siegel,
Blank,	Haberlen,	Melchiorre,	Simon,
Bohn,	Hagerty,	Mellott,	Skale,
Boies,	Hamilton, F. P.,	Mihm,	Smith, James A.,
Boltz,	Hamilton, R. S.,	Moomaw,	Smith, John A.,
Bradley,	Harkins,	Mooney,	Spengler,
Brancato,	Harmuth,	Moran,	Sproul,
Brigerman,	Hays,	Moul,	Stank,
Broad,	Hering,	Munley,	Thomas,
Brown,	Hess,	Murrin,	Thompson,
Brownfield,	Hetrick,	Nagel,	Toole,
Burrows,	Hindman,	O'Brien,	Tronzo,
Caesar,	Hirsch,	O'Connor,	Valibus,
Chervenak,	Holland,	O'Keefe,	VanAllsburg,
Coakley,	Holmes,	Ominsky,	VanSickle,
Cohen, R. E.,	Holstrom,	O'Neill,	Vogt,
Coleman,	Hontz,	Ostroff,	Wagner,
Coolahan,	Horting,	Patterson, C. S.,	Weiss, D. H.,
Corrigan,	Huntley,	Patterson, J. W.,	Weiss, S. A.,
Costanzo,	Jirolanio,	Perry,	Welliver,
Davies,	Kane,	Piole,	Welsh,
Decker,	Keenan,	Powers,	Westrick,
DeNote,	Kelso,	Preston,	Whalen,
Dickinson,	Kilroy,	Readinger,	Whitenight,
Donohoe,	Kroll,	Reese,	Winner,
Dougherty,	LaRue,	Reising,	Woodside,
Downey,	Levy,	Richter,	Wright,
Dubbs,	Lewis,	Robinson,	Yanoshat,
Dyson,	Long,	Rothenberger,	Yourishin,
Elpern,	Lopresti,	Ruffennach,	Zappala,
Falkenstein,	Lovett,	Rush,	Furman,

NAYS—25

Atkins,	Longaker,	Royer,	Turner,
Boyer,	Lyons,	Schumacher,	Wampole,
Cadwalader,	McKinney,	Serrill,	Watkins,
Hall,	Merrell,	Sloan,	Webster,
Imbrie,	Muir,	Stackpole,	Weidemann,
Kline,	Peale,	Stewart,	Wilson,
Leisey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 608, as follows:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That on and after the passage of this act it shall be unlawful for any court judge jury body or person to impose a sentence under which any person is to suffer death by electrocution hanging or any other means

Section 2 Where any statute now provides that a death sentence shall be imposed the court shall impose a life sentence in lieu thereof

Section 3 All acts or parts of acts inconsistent herewith are hereby repealed Provided however That the provisions of this act shall not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

Section 4 This act shall become effective immediately upon final enactment

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. SCHOR. Mr. Speaker, it is with some regret that I take this opportunity to urge upon the members of this House the passage of this bill. This feeling of regret is based on the fact that for years Pennsylvania has lagged behind other states which have seen fit to take a step forward in the progress of civilization and of modern penology. The principal contention of those who have long advocated capital punishment is that capital punishment acts as a deterrent.

In the Commonwealth of Pennsylvania over a period of a few years we had five hundred fifty cases of homocide. Of those there were one hundred fifty arrests and the total number executed was five. At the public hearing which was held on this bill we had numerous proponents appear. There was only one solitary letter of objection to the passage of this bill, although the fact that a public hearing would be held on so vital a subject had been well advertised throughout the entire Commonwealth.

Those proponents included district attorneys, members of social agencies, psychiatrists and others well qualified to speak on the development of modern penology. The district attorneys who appeared said that the bill which permitted capital punishment was self defeating in that juries refused to bring in verdicts of guilty and that as a result many a guilty person escaped any penalty at all because of the severity of the law.

Historically it is well established that capital punishment never deterred crime. If you will bear with me, during the reign of Henry IV in England there were two hundred and fifty capital offenses—even the stealing of a handkerchief was a capital offense, yet during his reign we had the most lawless period during English history. Similarly those states which have abolished capital punishment have had no increases at all in the number of homocides committed within their jurisdictions, whereas states which have maintained capital punishment have had increases.

Mr. TURNER. Mr. Speaker, I think this is the maiden speech of the gentleman from Philadelphia and I do think we ought to have order. The Democrats back of the rail persist in holding caucuses, conversations and conferences, and the Chair has asked them three times to desist. I suggest that they be put out of the Hall of the House so that the gentleman may proceed.

The SPEAKER. The Chair thanks the gentleman from Delaware.

Mr. SCHOR. Mr. Speaker, I contend that capital punishment never acted as a deterrent. It further seems that there was a humanitarian argument for the abolition of capital punishment, and that the idea of vengence is something we have inherited from a more primitive form of society and it seems to me if our civilization is to advance that that idea must be stamped out. To those who say that we are being sentimental and soft-hearted let me say, in turn, that in England where crime is almost at a minimum as far as it is humanly possible for crime to be at a minimum that the secret of England's success in the treatment of crime is the certainty of punishment rather than the severity of punishment. If we had a strict enforcement of the laws on our statute books the criminal would be much more fearful of our laws and we would not have the terrific crime wave that we do have at the present time.

There is the third argument which seems to be based on the fact that we are taking a human life because another human life has been taken, and that we could well remove from society in a great many cases an individual who can be salvaged and rehabilitated in society, and that we are again resorting to the old law of an eye for an eye and a tooth for a tooth, whereas our civilization has long outgrown such a rule. I therefore advocate and urge upon you that you vote in the affirmative on this bill.

MOTION TO RECOMMIT BILL

Mr. AUKERMAN. Mr. Speaker, I move that this bill be re-referred to the Committee on Judiciary General for further study.

On the question,

Wil the House agree to the motion?

Mr. FALKENSTEIN. Mr. Speaker, I would like to interrogate the gentleman from Blair, Mr. Aukerman,

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKERMAN. I will, Mr. Speaker.

Mr. FALKENSTIEN. Mr. Speaker, may I ask the gentleman if he has any amendments to this bill.

Mr. AUKERMAN. I have not, Mr. Speaker.

Mr. FALKENSTIEN. Mr. Speaker, this bill lay in the Committee on Judiciary General for three and a half months. They had a public hearing and every one who offered any amendments whatever to this bill I was willing to acept and place in the bill. I refused no amendments whatsoever. Therefore, I think it is unfair after such a length of time of having a bill in committee and accepting all amendments that were offered, to have this bill reported back to the committee for the purpose of amendment. So, therefore, I asked the members of this House to vote "no" on the motion to recommit.

Mr. KILROY. Mr. Speaker, may I interrogate the gentleman from Blair, Mr. Aukerman.

The SPEAKER. Will the gentleman from Blair permit himself to be interrogated?

Mr. AUKERMAN. I will, Mr. Speaker.

Mr. KILROY. Mr. Speaker, will the gentleman inform me to which committee he asked to have this bill referred?

Mr. AUKERMAN. Mr. Speaker, I asked to have it referred to to the Committee on Judiciary General.

Mr. KILROY. Mr. Speaker, could I add an amendment to that and ask that it be re-referred to the Committee on Aviation and Aeronautics, where I am sure it would be given every consideration?

Mr. AUKERMAN. I refuse to accept the amendment, Mr. Speaker.

The SPEAKER. Does the gentleman from Philadelphia, Mr. Kilroy, wish to amend the motion of the gentleman from Blair.

Mr. KILROY. No. Mr. Speaker.

Mr. SCHOR. Mr. Speaker, may I add to the remarks of the gentleman form Philadelphia, Mr. Falkenstein, the fact that the Committee on Judiciary General gave this bill a great deal of study, that it was unanimously reported out of committee, and that this is really a dilatory motion and I urge you to vote the motion down.

Mr. KANE. Mr. Speaker, I would like to lend what support I can to the two Democrats who have objected to the motion to recommit this bill. I attended the hearing on this bill, and I think this bill was pretty thoroughly gone over and I see no reason why this House should not vote on this bill tonight because tonight is just as good as any other night. I urge my colleagues to vote against this motion.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. TRONZO and Mr. SHAW and were as follows:

YEAS—57

Achterman,	Gillette,	Moul,	Stewart,
Alexander,	Habbyshaw,	Muir,	Trout,
Allen,	Haberlen,	Patterson, C. S.,	Valibus,
Atkins,	Hays,	Patterson, J. W.,	VanSickle,
Aukerman,	Hetrick,	Perry,	Vogt,
Baker, F. T.,	Hontz,	Royer,	Wall,
Bierly,	Kline,	Schrock,	Watkins,
Boles,	LaRue,	Serrill,	Webster,
Boyer,	Leisey,	Siegel,	Westrick,
Bradley,	Longaker,	Simon,	Wood,
Broad,	Lyons,	Sloan,	Woodside,
Cadwalader,	Matthews, J. F.,	Snyder,	Yanoshat,
Coakley,	McKinney,	Sollenberger,	Yeakel,
Dougherty,	Mellott,	Sproul,	Furman,
Flinchbaugh,			

NAYS—125

Allmond,	Gerard,	McDermott,	Schrope,
Arnold,	Gorski,	McDevitt,	Schumacher,
Baine	Hagerty,	McElroy,	Shaw,
Baker, J. J.,	Hall,	McFall,	Shea,
Balthaser,	Hamilton, F. P.,	McGee,	Shepard,
Blank,	Hamilton, R. S.,	McShane,	Shugarts,
Bohn,	Harkins,	Melchiorre,	Skale,
Boltz,	Harmuth,	Merrell,	Smith, James A.,
Brigerman,	Hering,	Mihm,	Smith, John A.,
Brown,	Hess,	Moomaw,	Spengler,
Brownfield,	Hindman,	Mooney,	Stackpole,
Caesar,	Hirsch,	Moran,	Stank,
Chervenak,	Holland,	Murrin,	Thomas,
Cohen, H. B.,	Holmes,	O'Brien,	Thompson,
Cohen, R. E.,	Holstrom,	O'Connor,	Toole,
Coleman,	Horting,	O'Keefe,	Tronzo,
Coolahan,	Huntley,	Ominsky,	Turner,
Corrigan,	Imbrie,	O'Neill,	VanAllsburg,
Costanzo,	Kane,	Ostroff,	Wagner,
Davies,	Keenan,	Peale,	Walsh,
Decker,	Kelso,	Piole,	Wampole,
DeNote,	Kilroy,	Powers,	Weidemann,
Dickinson,	Kroll,	Preston,	Weiss, D. H.,
Donohoe,	Levy,	Readinger,	Weiss, S. A.,
Downey,	Long,	Reising,	Welliver,
Dubbs,	Lopresti,	Richter,	Welsh,
Elpern,	Lovett,	Robinson,	Wilson,
Falkenstein,	Marino,	Rothenberger,	Winner,
Finnerty,	Matthews, H. T.,	Ruffennach,	Wright,
Fitch	McArdle,	Rush,	Yourishin,
Flannery,	McCullough,	Schor,	Zappala,
Ganser,			

So the question was determined in the negative and the motion was not agreed to.

Mr. TURNER. Mr. Speaker, I ask consent to make a statement to the House.

The SPEAKER. Will the House give its unanimous consent for the gentleman to make a statement?

Mr. AUKERMAN. I object, Mr. Speaker.

The SPEAKER. The Chair hears objection.

QUESTION OF PERSONAL PRIVILEGE

Mr. TURNER. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state his question of personal privilege.

Mr. TURNER. Mr. Speaker, I have stated before this evening that the proceedings of the House have been interrupted by conditions existing back of the rail. I know that at times it may seem to some like a fight here, but the horse racing bill has not passed, and I do not know why there are so many birds hanging on the rail.

The SPEAKER. The remarks of the gentleman from Delaware under his question of personal privilege will be spread upon the Journal.

Mr. FALKENSTEIN. Mr. Speaker and members of the House, I know it is late and therefore I am not going to hold you here longer this evening. What I have to say on behalf of this bill I will file with the clerk. However, I want to leave one thought in your minds when you vote on this bill: ask yourselves this question, are we in America really the Christians we profess ourselves to be? If so, where do we get the right to give the power of God to man to take human life? I ask you to give your full consideration to this bill.

REMARKS OF MR. FALKENSTEIN EXTENDED ON JOURNAL

Mr. FALKENSTEIN. Mr. Speaker, The Fifth Commandment is, "Thou shalt not kill". There is no Christian argument for Capital Punishment. We allocate to men the power that belongs to God alone.

For nineteen hundred years we have pretended to be Christians, but we have not yet yielded our right to kill. What hypocrites we are who persecute men for doubting Christianity and redicule men for practicing it! Are we not civilized enough, socially organized enough, morally developed enough, to let violence disappear from our law as it is disappearing from our religion and our lives? It is not true that crime at present time is greater than before; it is less. Granted that we would run some risk in daring this new advance; but, if we are brave enough to scale the highest mountain tops, and outsoar the eagle, and ride in the depths of the sea, shall we lack courage to be lenient to our enemies?

After all these dreary years of legalized murders, marking indelibly with a murder's guilt all those many officials who have had part in them, the sum and substance of it all is: We still have crimes, more crimes, and more revolting brutal outrages than ever before.

Thus it is that if any fact condemns capital punishment, it is that of its wretched failure as a deterrent of murder, it can be charged to the institution of legal killing, that through the sensational and large-scale publicity which has accompanied it, there has been set a fearful example, which has contributed to the debasement and degradation of the finer and nobler human qualities.

The case against legalized murder is one of many as-

pects, not the least of which is this brutalizing advertisement of all the stages of trial, conviction and the death-chamber act. Such publicity has fostered crime, rather than discouraged. It has been a party to the act of setting a bad example. And just so long as the powerful State (which is only you and I,) continues to set the public example, so long must the spirit of hate and evil, be kept alive in the world.

Capital punishment should be condemned and swept aside because the death-chamber act is irrevocable. There have been proven cases of execution of innocent men. Reasonable doubt of guilt has arisen in the cases of others who were executed. Again, legalized life-taking should be condemned because of the shame and suffering it has caused the innocent relatives and the condemned. What can be the attitude toward society on the part of sons and daughters whose parents may have been put to death by the powerful State? This penalizing of the innocent family and relative is a result quite conveniently overlooked by the great State and its officials, who kill with unpassioned, easy deliberation.

For thousands of years the State has killed its murderers. For what object? To reform the killer who is about to be killed? No, the object of the State in legally killing, is not to reform the killer. The object of the State is to show people how wrong it is to kill! The State thinks, that if it kills one killer, then nobody else in that State will ever kill anybody else again! How splendidly it has worked out! The reasoning was, that all future persons who contemplated killing someone else, would remember what the State had done on that occassion, and from that example, desist from any killing plans!

The powerful State, does not, of course, engage in the disreputable business of inflicting legal murder upon the defenseless criminal from the viewpoint of vengence. All enlightened states long ago decided that vengeance was wrong, and ours, of course, is an enlightened State! But at one time the State did kill for vengeance. It frankly said, "We hang men because it is a comfortable sight to the friends and relatives of the deceased." Meaning that it was done in pure, unabashed vengeance.

But today, while the State is ashamed to kill for vengeance, it is not at all ashamed of carrying out its disgraceful act of execution as Tolstoy once said: "Just as if Christ had never been born" the State has kept up the practice, but has devised a new excuse. They substituted electrocution for hanging. A refinment perhaps, over the grizzly, medievel ax-swinging horror made legal in Hitler's insane Nazi-land. And the modern State explains with many apologies, that it is not killing, but electrocuting, and that therefore no persons or officials are responsible for an execution. The State creates this illusion, further, by splitting the distasteful job into piece-work among many officials, grand jurors, petit jurors, guards, wardens, prosecutors, bailiffs, executioners and judges, so that none may be said to be directly responsible.

If there is any difference between the crime of the criminal, and the execution of the State through its horde of directly responsible officials, the difference lies in favor of that committed by the criminal. For however revolting the deed committed by the criminal, it could under no circumstances have been committed with half the calm, leisurely deliberation employed by the State in planning to destroy the criminal. A mind that is not sophisticated by legal distinctions and definitions will conclude that deliberate killing is wrong, no matter by whom committed, or under what circumstances. And that the best example for the State to set, if it wishes to discourage killing, is to set the example of not killing itself. No one knows whether punishment by death is punishment or not. If people guilty of a great crime are so afraid of death, why do they so very often kill themselves if they get an opportunity?

For thousands of years the State has not taught that human life is sacred. The example it has set has been a bad one, an example to its people to kill, whether it be a mob wishing to lynch someone, or an individual thinking of killing another, the mob or the individual, concludes from this example that a circumstance has arisen under which it is proper to kill.

Thus, the debasing influence of the horrible deed of legalized killing will always keep alive the spirit of taking life, marking the State with disgrace, and with a murder's guilt all those who have had part in them. Far from ever having asked itself the sincere question as to why crime waves persistently grow worse, and what might be done about them in the way of correcting the reasons, the State has blundered on its course, clinging to the barbarous practice of execution in black superstition and ignorance and apologized for by many office holders, bigots and hypocrites, and of course, the unspeakable executioner. thus, the obligation of all those oposed to capital punishment is clear.

Once a hundred crimes were punished with death; then fifty; then twenty; now one. Let us make the record clean. Let us complete this moral evolution, and climb another step to civilization. Let us rid our souls of this last vestige of cannibalism. Let us take our lives in our hands, and gamble on the wisdom of Christ.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken.

Mr. TRONZO. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—90

Arnold,	Falkenstein,	McGee,	Schor,
Baine	Finnerty,	McShane,	Schumacher,
Baker, J. J.,	Fitch,	Melchiorre,	Shaw,
Balthaser,	Gerard,	Merrell,	Shepard,
Blank,	Gorski,	Mihm,	Skale,
Bohn,	Harkins,	Mooney,	Smith, John A.,
Boltz,	Hess,	Moran,	Stackpole,
Brancato,	Hindman,	Munley,	Thomas,
Brigerman,	Holmes,	Murrin,	Thompson,
Broad,	Holstrom,	O'Brien,	Toole,
Brown,	Horting,	O'Connor,	Tronzo,
Brownfield,	Kane,	O'Keefe,	Turner,
Cohen, H. B.,	Keenan,	Ominsky,	Wagner,
Cohen, R. E.,	Keleo,	O'Neill,	Walsh,
Coleman,	Levy,	Ostroff,	Weiss, D. E.,
Coolahan,	Long,	Patterson, J. W.,	Weiss, S. A.,
Corrigan,	Lopresti,	Preston,	Welsh,
Costanzo,	Lovett,	Readinger,	Whitenight,
Davies,	Matthews, H. T.,	Reising,	Wilson,
Dickinson,	McArdle,	Robinson,	Wood,
Dougherty,	McCullough,	Rothenberger,	Wright,
Downey,	McDermott,	Ruffenach,	Zappala,
Elpern,	McFall,		

NAYS—100

Achterman,	Gillette,	Matthews, J. F.,	Snyder,
Alexander,	Habbyshaw,	McDevitt,	Sproul,
Allen,	Haberlen,	McElroy,	Stank,
Allmond,	Hagerty,	McKinney,	Stewart,

Atkins,	Hall,	Mellott,	Strode,
Aukerman,	Hamilton, F. P.,	Moomaw,	Terry,
Baker, F. T.,	Hamilton, R. S.,	Moul,	Trout,
Bierly,	Harmuth,	Muir,	Vallbus,
Boles,	Hays,	Nagel,	VanAllsburg,
Boyer,	Hering,	Patterson, C. S.,	VanSickle,
Bradley,	Hetrick,	Peale,	Vogt,
Cadwalader,	Hirsch,	Perry,	Wall,
Caesar,	Holland,	Piole,	Wampole,
Chervenak,	Hontz,	Powers,	Watkins,
Coakley,	Huntley,	Royer,	Webster,
Decker,	Imbrie,	Rush,	Weidemann,
DeNote,	Jirolanio,	Schrock,	Welliver,
Donohoe,	Kilroy,	Serrill,	Westrick,
Dubbs,	Kline,	Shea,	Whalen,
Dyson,	Kroll,	Shoemaker,	Winner,
Fiss	LaRue,	Shugarts,	Woodside,
Flanagan,	Leisey,	Siegel,	Yanoshat,
Flannery,	Longaker,	Simon,	Yeakel,
Flinchbaugh,	Lyons,	Sloan,	Yourishin,
Ganser,	Marino,	Smith, James A.,	Furman,

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill falls.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2153 (Senate Bill No. 559), entitled:

An Act to amend article ten of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith, by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—156

Achterman,	Eckels,	Lopresti,	Sarraf,
Alexander,	Elpern,	Lovett,	Schor,
Allen,	Falkenstein,	Marino,	Schrope,
Allmond,	Finnerty,	Matthews, H. T.,	Shaw,
Arnold,	Fitch	McArdle,	Shea,
Aukerman,	Flanagan	McCullough,	Shepard,
Baine,	Flannery,	McDermott,	Shoemaker,
Baker, J. J.,	Flinchbaugh,	McElroy,	Shugarts,
Balthaser,	Ganser,	McFall,	Siegel,
Bierly,	Gerard,	McGee,	Simon,
Blank,	Gorski,	McShane,	Skale,
Bohn,	Haberlen,	Melchiorre,	Smith, James A.,
Boles,	Hagerty,	Mellott,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Mihm,	Spengler,
Bradley,	Hamilton, R. S.,	Moomaw,	Stank,
Brancato,	Harkins,	Mooney,	Thomas,
Brigerman,	Harmuth,	Moran,	Thompson,
Broad,	Hays,	Moul,	Toole,
Brown,	Hering,	Munley,	Tronzo,
Brownfield,	Hess,	Murrin,	Vallbus,
Burrows,	Hetrick,	Nagel,	VanAllsburg,
Caesar,	Hindman,	O'Brien,	VanSickle,
Chervenak,	Hirsch,	O'Keefe,	Vogt,
Coakley,	Holland,	Ominsky,	Wagner,
Cohen, H. B.,	Holmes,	O'Neill,	Walsh,
Cohen, R. E.,	Holstrom,	Ostroff,	Weidemann,
Coleman,	Hontz,	Patterson, C. S.,	Weiss, D. H.,
Coolahan,	Horting,	Patterson, J. W.,	Weiss, S. A.,
Corrigan,	Jirolanio,	Piole,	Welliver,
Costanzo,	Kane,	Powers,	Welsh,
Davies,	Keenan,	Preston,	Westrick,
Decker,	Kelso,	Readinger,	Whalen,
DeNote,	Kilroy,	Reese,	Whitenight,
Dickinson,	Kroll,	Reising,	Wright,
Donohoe,	LaRue,	Richter,	Yanoshat,
Dougherty,	Levy,	Robinson,	Yourishin,
Downey,	Lewis,	Ruffennach,	Zappala,
Dubbs,	Long,	Rush,	Furman,
Dyson,			

NAYS—44

Atkins,	Longaker,	Rothenberger,	Strode,
Baker, F. T.,	Lyons,	Royer,	Trout,
Boyer,	Mallen,	Schrock,	Turner,
Cadwalader,	Matthews, J. F.,	Schumacher,	Wall,
Fiss,	McDevitt,	Serrill,	Wampole,
Gillette,	McKinney,	Sloan,	Watkins,
Habbyshaw,	Merrell,	Snyder,	Webster,
Hall,	Muir,	Sollenberger,	Wilson,
Huntley,	O'Connor,	Sproul,	Wood,
Imbrie,	Peale,	Stackpole,	Woodside,
Kline,	Perry,	Stewart,	Yeakel,
Leisey,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILL ON FINAL PASSAGE

Mr. JAMES W. PATTERSON. Mr. Speaker, I desire to call up at this time House Bill No. 2129, Senate Bill No. 377, Printer's No. 243, on page 16, of today's calendar, bill on final passage postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. JAMES W. PATTERSON.

The House resumed the consideration on final passage of House Bill No. 2129 (Senate Bill No. 377), entitled:

An Act to re-enact and further amend the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,

Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boles,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Perry,	Wall,
Cohen, H. B.,	Kane,	Piole,	Walsh,
Cohen, R. E.,	Keenan,	Powers,	Wampole,
Coleman,	Kelso,	Preston,	Watkins,
Coolahan,	Kilroy,	Readinger,	Webster,
Corrigan,	Kline,	Reese,	Weidemann,
Costanzo,	Kroll,	Reising,	Weiss, D. H.,
Davies,	LaRue,	Richter,	Weiss, S. A.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrock,	Wood,
Eckels,	Mallen,	Schrope,	Woodside,
Elpern,	Marino,	Schumacher,	Wright,
Falkenstein,	Matthews, H. T.,	Serrill,	Yanoshat,
Finnerty,	Matthews, J. F.,	Shaw,	Yeakel,
Fiss,	McArdle,	Shea,	Yourishin,
Fitch,	McCullough,	Shepard,	Zappala,
Flanagan,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1575, as follows:

An Act to amend section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended authorizing the assignment of retirement rights in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eighteen of the act approved the eighteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws 1043) entitled "An act establishing a public school employes' retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon boards having the employment of public school employes exempting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended by the act approved the fourteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1738) is hereby further amended to read as follows

Section 18 The right of a person to an employe's annuity a State annuity or retirement allowance to the return of contributions any benefit or right accrued or accuring to any person under the provisions of this act and the moneys in the fund created under this act are hereby exempt from any State or municipal tax and exempt from levy and sale garnishment attachment or any other process whatsoever and shall be unassignable except as in this act specifically otherwise provided and except that the assignment of any or all rights as security for a loan not in excess of three hundred dollars ($300) the interest on which loan shall not exceed six per centum (6%) made by a member with an organization or credit union whose officers are certified as teachers shall be valid

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine,	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Mcomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boles,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Perry,	Wall,
Cohen, H. B.,	Kane,	Piole,	Walsh,
Cohen, R. E.,	Keenan,	Powers,	Wampole,
Coleman,	Kelso,	Preston,	Watkins,
Coolahan,	Kilroy,	Readinger,	Webster,
Corrigan,	Kline,	Reese,	Weidemann,
Costanzo,	Kroll,	Reising,	Weiss, D. H.,
Davies,	LaRue,	Richter,	Weiss, S. A.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrock,	Wood,
Eckels,	Mallen,	Schrope,	Woodside,
Elpern,	Marino,	Schumacher,	Wright,
Falkenstein,	Matthews, H. T.,	Serrill,	Yanoshat,
Finnerty,	Matthews, J. F.,	Shaw,	Yeakel,
Fiss,	McArdle,	Shea,	Yourishin,
Fitch,	McCullough,	Shepard,	Zappala,
Flanagan,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 812, as follows:

An Act relating to cities of the first class authorizing the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That for the purpose of financing the cost or expense or its share of the cost or expense of constructing reconstructing extending improving or acquiring a sewer sewer system or sewage treatment works any city of the first class may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the city but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any ctiy has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and hsa pledged sufficient of the revenues to be derived therefrom for the payment of interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction prcoeeds and sufficient additional non-debt erevenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewere system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this act shall be construed to abridge or restrict or in any way impair the right of any city of the first class to create indebtedness in accordance with existing laws

Section 2 Whenever any city of the first class shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the city Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the city No bid for such bonds at less than par value shall be accepted When bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for the city to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in annual installments as may be determined by the city and shall bear interest at a rate not exceeding six per centum per annum

"Said Bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania.

Any city may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same, including any Federal agency as security for such bonds, and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder. Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the city may authorize, including (but without limitation) provisions as to (1) the construction, improvement, operation, maintenance and repair of any sewer system or sewage treatment works and the duties of the city with reference thereto; (2) the application of funds and the safe-guarding of funds on hand or on deposit; (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders); and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same."

"Section 3. The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions, or ordinance or ordinances, providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued. In the event that the city shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the city shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may, and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid), in principal amount of the bonds then outstanding, shall, in his or its own name:

(a) By mandamus or other suit, action or proceeding at law or in equity, enforce all rights of the bondholders including the right to require the city to collect rates, rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works, and to require the city to carry out any other agreements with, or for the benefit of, the bondholders, and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By action or suit in equity, require the city to account as if it were the trustee of an express trust for the bondholders;

(d) By action or suit in equity, enjoin and acts or things which may be unlawful or in violation of the rights of the bondholders;

(e) By notice in writing to the city, declare all bonds due and payable, and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences.

The court of common pleas of the county shall have jurisdiction of any suit, action or proceedings by the trustee on behalf of the bondholders. Any trustee, whether appointed as aforesaid or acting under a deed of trust indenture or other agreement, and whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default, and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the city, and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee

and of the receiver if any, and all costs and disbursements allowed by th court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works, the revenues or receipts from which are or may be applicable to the payment of the bonds so in default. Said trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights."

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee.	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine,	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker. J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boies,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Perry,	Wall,
Cohen, H. B.,	Kane,	Piole,	Walsh,
Cohen, R. E.,	Keenan,	Powers,	Wampole,
Coleman,	Kelso,	Preston,	Watkins,
Coolahan,	Kilroy,	Readinger,	Webster,
Corrigan,	Kline,	Reese,	Weidemann,
Costanzo,	Kroll,	Reising,	Weiss, D. H.,
Davies,	LaRue,	Richter,	Weiss, S. A.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrock,	Wood,
Eckels,	Mallen,	Schrope,	Woodside,
Elpern,	Marino,	Schumacher,	Wright,
Falkenstein,	Matthews, H. T.,	Serrill,	Yanoshat,
Finnerty,	Matthews, J. F.,	Shaw,	Yeakel,
Fiss,	McArdle,	Shea,	Yourishin,
Fitch,	McCullough,	Shepard,	Zappala,
Flanagan,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1459, entitled:

An Act relating to employers and employes prohibiting the requirement of certain payments for medical services or insurance by employes as a condition to employment or continuance in employment and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine,	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boies,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Chervenak,	Imbrie,	Peale,	Wagner,
Coakley,	Jirolanio,	Perry,	Wall,
Cohen, H. B.,	Kane,	Piole,	Walsh,
Cohen, R. E.,	Keenan,	Powers,	Wampole,
Coleman,	Kelso,	Preston,	Watkins,
Coolahan,	Kilroy,	Readinger,	Webster,
Corrigan,	Kline,	Reese,	Weidemann,
Costanzo,	Kroll,	Reising,	Weiss, D. H.,
Davies,	LaRue,	Richter,	Weiss, S. A.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Whitenight,
Downey,	Lopresti,	Sarraf,	Wilson,
Dubbs,	Lovett,	Schor,	Winner,
Dyson,	Lyons,	Schrock,	Wood,
Eckels,	Mallen,	Schrope,	Woodside,
Elpern,	Marino,	Schumacher,	Wright,
Falkenstein,	Matthews, H. T.,	Serrill,	Yanoshat,
Finnerty,	Matthews, J. F.,	Shaw,	Yeakel,
Fiss,	McArdle,	Shea,	Yourishin,
Fitch	McCullough,	Shepard,	Zappala,
Flanagan,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2112, entitled:

An Act relating to political subdivisions requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. BROWN. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. McDevitt.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. McDEVITT. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. McDevitt, in case the owner of the property is a minor or a person non composmentis upon whom would service be made under this bill.

Mr. McDEVITT. Mr. Speaker, I say in the first place that if the person is non composmentis probably there is a commission or someone already acting for him. I think there might possibly be a responsibility on the city in the event a minor was the owner of the property in his own name, to take steps to have a guardian ad litem appointed. I think perhaps, though, that neither one of those situations would arise in one case out of a thousand.

Mr. BROWN. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. McDevitt, whether or not it is the policy generally, in keeping with Legislative enactment, where notice is to be given to a minor or a person not sui juris that the proceedure generally followed, that the proceedure set up is that notice is given in the particular act of Assembly.

Mr. McDEVITT. Mr. Speaker, if I understand the gentleman's statement, and if I heard the gentleman's statement correctly, I believe he is correct.

Mr. BROWN. Mr. Speaker, if that is correct I should like to ask the gentleman whether or not it would not be better to provide some way in this bill so that service may be given to those persons who under the law are incapable of accepting service.

Mr. McDEVITT. Mr. Speaker, I don't understand the law to be that a minor is incapable of accepting service. The usual proceedure is to sue the minor and then having a guardian ad litem appointed.

Mr. BROWN. Mr. Speaker, I should like to ask the gentleman whether or not it would be possible for the city to set up a committee for a lunatic within the space of time given in this bill, having in mind the crowded calendars in the Cities of Philadelphia and Pittsburgh and the way notice is now required under the act and the way hearings have to be held to appoint such committees.

Mr. McDEVITT. Mr. Speaker, in answer to the gentleman's question, I would state that I believe it would be impossible, or certainly impracticable to try to write an act of this character to fit a need of that kind, which I doubt would arise more than once in several years. I believe if such a situation should arise it could be taken care of. I know it has been the practice of our courts to act very quickly and I think the office of the City Solicitor would act very quickly also.

Mr. BROWN. Mr. Speaker, may I ask the gentleman from Philadelphia, Mr. McDevitt, further whether or not an absentee owner with the property unoccupied would come under the provisions of this act.

Mr. McDEVITT. Mr. Speaker, I fail to see where that point is at all material. The proposed act provides for a notice either personally or by registered mail. I take it that there are very few properties that do not have a registered owner, and I believe if there is a property that does not have a registered owner, that there is probably some address where he could be served with notice.

Mr. BROWN. Mr. Speaker, suppose the absentee owner's address is not known and the property is not occupied, then to whom shall notice be given under this act?

Mr. McDEVITT. Mr. Speaker, I must say that if there is a property where there is an owner and the owner's address or whereabouts are unknown, I will say that there is no provision here for service on him, and I should think that probably the only cure for that situation would be advertising or else leaving notice at the property which would be tantamount to giving no notice whatever.

Mr. BROWN. Mr. Speaker, then does the gentleman from Philadelphia not think that the bill should be amended to provide for that situation?

Mr. McDEVITT. Mr. Speaker, I would say to the gentleman from Allegheny that it might be a good idea to have some further provision in the bill. It is, however, unfortunate at this late time in the session that the bill should be moved back to second reading and the amendments made. I would suggest if the bill does have merit that I and the other sponsors of the bill get together on it and endeavor to arrive at amendments that could be inserted in the Senate. I am very anxious that there should be some action on the bill at this time in order to get it on its way.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine,	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boles,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,
Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Caputo,	Imbrie,	Peale,	Wagner,
Chervenak,	Jirolanio,	Perry,	Wall,
Coakley,	Kane,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Wampole,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weidemann,
Corrigan,	Kroll,	Reising,	Weiss, D. H.,
Costanzo,	LaRue,	Richter,	Weiss, S. A.,
Davies,	Leisey,	Robinson,	Wellliver,
Decker,	Levy,	Rothenberger,	Welsh,
DeNote,	Lewis,	Royer,	Westrick,
Dickinson,	Long,	Ruffennach,	Whalen,

Donohoe,	Longaker,	Rush,	Whitenight,
Dougherty,	Lopresti,	Sarraf,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Mallen,	Schrope,	Woodside,
Eckels,	Marino,	Schumacher,	Wright,
Elpern,	Matthews, H. T.,	Serrill,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Shaw,	Yeakel,
Finnerty,	McArdle,	Shea,	Yourishin,
Fiss,	McCullough,	Shepard,	Zappala,
Fitch,	McDermott,	Shoemaker,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order.

The House proceeded to the third reading and consideration of House Bill No. 2011, entitled:

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on State highways and imposing liability on the Commonwealth therefor

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. SHAW. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2196, (Senate Bill No. 916), entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, as I understand the situation there have been a number of bills introduced dealing with the Municipal Court of Philadelphia, the ultimate effect of which would be to rip out that court, and if I understand this bill correctly it provides one of the substitutes, namely a No. 7 Court. I therefore, ask the gentleman from Philadelphia, Mr. Ominsky, if he can give the House just what the general plan would be, particularly as far as the No. 7 Court is concerned, which would probably be a constitutional court, even though the Municipal Court rippers were declared illegal and unconstitutional.

Mr. OMINSKY. Mr. Speaker and members of the House, inanswer to the question propounded by the gentleman from Philadelphia, Mr. McDevitt, I might refer him to our debate of, I believe, April 14, at which time, in the debate on House Bill No. 108, we elaborately set forth our plan, which was this, that in lieu of eleven judges that we have in Philadelphia in our Municipal Court it is our intention to establish a Family Court consisting of four judges, and an additional Common Pleas Court No. 7 consisting of three judges, making a total of seven instead of eleven judges, at a saving of twelve thousand five hundred dollars to the Commonwealth of Pennsylvania. We also at that time told the House that there is no fear that it would cost the Commonwealth more money, because there were two ways of eliminating or doing away with the salaries of the judges of the Municipal Court. In the first place it is our intention, as I said at that time, to have a recall of the judges by both Houses, and the more effective way of not making any appropriation for the judges of the Municipal Court, and since the Commonwealth is a sovereign power, there will be no comeback against the Commonwealth for the salaries which may be due in the event the other plan should fail.

Mr. McDEVITT. Mr. Speaker, I would like further to ask the gentleman just what the procedure will be in appointing the No. 7 Court judges. In other words, will the legality of the so-called Municipal Court ripper and the setting up of the Family Court first be determined.

Mr. OMINSKY. Mr. Speaker and members of the House, in answer to the question of the gentleman from Philadelphia, Mr. McDevitt, I might say it is the intention to place all these bills pertaining to the change in the Municipal Court setup and the setting up of the Family Court together with Common Pleas Court No. 7 on the Governor's desk and it will be up to the Governor and the Attorney General's office to decide the proceedure thereafter.

Mr. McDEVITT. Mr. Speaker, in other words do I understand the gentleman that he states correctly that the Governor might in his descretion or at his discretion sign the No. 7 Court bill and make the three appointments before the legality or constitutionality of the other acts are determined.

Mr. OMINSKY. Mr. Speaker, I believe this House has enough confidence in the Chief Executive of the Commonwealth to know that he will do what is best for the Commonwealth of Pennsylvania.

Mr. McDEVITT. In other words, Mr. Speaker, the gentleman does not intend to make a direct answer?

Mr. OMINSKY. Mr. Speaker, I do not intend to evade, but I can not say what the Governor will do after the bill reaches his desk.

Mr. McDEVITT. So it is possible, Mr. Speaker, that we will have a No. 7 Court and we will also have the Municipal Court judges.

Mr. OMINSKY. Mr. Speaker, I do not believe that will occur. I believe that the gentleman from Philadelphia, Mr. McDevitt, is alarmed about something that will not happen.

Mr. McDEVITT. But it is within the realm of possibility at least, Mr. Speaker?

Mr. OMINSKY. Well, it may be possible, Mr. Speaker, but not probably.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150

Achterman,	Dyson,	Marino,	Rush,
Alexander,	Elpern,	Matthews, H. T.,	Sarraf,
Allen,	Falkenstein,	McArdle,	Schor,
Allmond,	Finnerty,	McCullough,	Schrope,
Arnold,	Fitch,	McDermott,	Shaw,
Aukerman,	Flanagan,	McElroy,	Shea,
Baine,	Flannery,	McFall,	Shepard,
Baker, J. J.,	Flinchbaugh,	McGee,	Shoemaker,
Balthaser,	Ganser,	McShane,	Shugarts,
Bierly,	Gerard,	Melchiorre,	Siegel,
Blank,	Gorski,	Mellott,	Simon,
Bohn,	Haberlen,	Mihm,	Skale,
Boies,	Hagerty,	Moomaw,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Mooney,	Smith, James A.,
Bradley,	Harkins,	Moran,	Spengler,
Brancato,	Harmuth,	Moul,	Stank,
Brigerman,	Hays,	Munley,	Thomas,
Broad,	Hering,	Murrin,	Thompson,
Brown,	Hess,	Nagel,	Toole,
Brownfield,	Hetrick,	O'Brien,	Tronzo,
Burrows,	Hindman,	O'Connor,	Valibus,
Caesar,	Hirsch,	O'Keefe,	VanSickle,
Caputo,	Holland,	Ominsky,	Vogt,
Chervenak,	Holmes,	O'Neill,	Wagner,
Coakley,	Holstrom,	Osthoff,	Walsh,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Weiss, D. H.,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Weiss, S. A.,
Coleman,	Jirolanio,	Piole,	Welliver,
Coolahan,	Keenan,	Powers,	Welsh,
Corrigan,	Kelso,	Preston,	Westrick,
Costanzo,	Kilroy,	Readinger,	Whalen,
Decker,	Kroll,	Reese,	Whitenight,
DeNote,	LaRue,	Reising,	Wright,
Dickinson,	Levy,	Richter,	Yanoshat,
Donohoe,	Lewis,	Robinson,	Yourishin,
Dougherty,	Long,	Rothenberger,	Zappala,
Downey,	Lopresti,	Ruffennach,	Furman,
Dubbs,	Lovett,		

NAYS—51

Atkins,	Kane,	Royer,	Turner,
Baker, F. T.,	Kline,	Schrock,	VanAllsburg,
Boyer,	Lelsey,	Schumacher,	Wall,
Cadwalader,	Longaker,	Serrill,	Wampole,
Davies,	Lyons,	Sloan,	Watkins,
Eckels,	Mallen,	Snyder,	Webster,
Fiss,	Matthews, J. F.,	Sollenberger,	Weidemann,
Gillette,	McDevitt,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stackpole,	Winner,
Hall,	Merrell,	Stewart,	Wood,
Hamilton, R. S.,	Muir,	Strode,	Woodside,
Huntley,	Peale,	Terry,	Yeakel,
Imbrie,	Perry,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER

There being no objection House Bill No. 752, Printer's No. 665, was passed over at the request of Mr. PRESTON.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2175 (Senate Bill No. 372), entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. KLINE. Mr. Speaker and members of the House, I rise to protest against the pasage of this bill, Senate Bill No. 372, on account of its being special or class legislation; class legislation in that it pertains only to fourth class school districts in fourth class counties, special in that it has been referred to the Committee on Elections instead of to the Committee on Education which committee usually receives educational bills.

From the fact that this bill has been presented to the Committee on Elections it leads me to believe that its presentation was caused by a condition existing in a fourth class school district in one of our fourth class counties, namely, the school district of Branch township whose school directors have been charged with irregularities in office and against whom charges are now being prepared in the courts of Schuylkill County. In these charges, ouster charges, charging irregularities, a number of the teachers have testified that they have been assessed for political purposes and also that building materials have been ordered and paid for by the school district which were in fact delivered and use on the property of the political boss of that district.

This bill would take the appointive power away from the courts and give it to the Governor. It is an utter impossibility for any Governor properly to appoint from his own knowledge any of these people. He unfortunately has to resort to help from the political boss in that district. In order to retain the good of the educational work especially in those communities, the appointive powers should never be taken away from those persons who are naturally in close contact and know the existing conditions. I therefore ask the members of this House to vote "no" on this bill.

Mr. SCHROPE. Mr. Speaker and members of the House, I feel that some details of this bill were discussed last week when the bill was on second reading. The gentleman from Schuylkill, Mr. Kline, endeavored to go into the political situation of one particular township in Schuylkill County. I shall refrain from doing that, though I could stand here tonight for some time and go into the political history of not only this one particular township, but many,—there would be several townships,—but it is not my intention to do so.

The bill simply transfers the power of appointing school directors from the court to the Governor, and only then when an entire board is ousted or removed, or in case of a tie where the board fails to fill the vacancy within thirty days. The statement that the Governor would not be able properly to fill this position is not exactly correct, because I feel that the Governor is as well qualified as the court. The recommendations received by the Governor

would naturally come from the Department of Public Instruction. If the argument presented by Mr. Kline, of Schuylkill would be true, the Governor of the State of Pennsylvania would not appoint justices of the peace in all the townships of our State; he would appoint no county officers in case of vacancies, because on the same grounds the local authorities would be better qualified. But I feel, disregarding the political situation connected with any case,—and there is not only one township in Schuylkill County that has a school board case before the courts, —there are several of them, why they should say that this bill pertains only to that township. This bill simply transfers the powers of appointment from the court to the Governor, and I feel that the Governor should have the same right of appointment to fill vacancies as he has in the matter of justices of the peace. Remember, that where there is a vacancy on the school board in a fourth class district of a fourth class county, under this bill the board continues to fill all vacancies except where they cannot agree within thirty days or where there is a vacancy of the entire board. I ask the members to support this bill.

Mr. TURNER. Mr. Speaker, the reason why the Governor is given the power of appointment in the case of justices of the peace is because the justice of the peace is a constitutional officer, and where we have constitutional officers it is the custom and has been under our law to have appointments made by the Governor. The reason why this question is raised as to this particular bill as applying to this particular township lies in the statement made by the gentleman from Schuylkill, Mr. Schrope himself upon the floor of this House last week.

This bill is an insult to the members of this Legislature. Because of its political nature it puts the Democratic members of the House in the dilemma of deciding between their oath of office and their spirit of party loyalty. The bill is clearly unconstitutional. It has for its sole purpose the retention of control of the appointment of School Directors in Branch Township of Schuylkill County and the domination of that Board by the political organization that has caused these disgraceful conditions.

The School Directors of that Township are now before the Court of Schuylkill County charged not only with the collection from teachers of campaign funds for the Democratic party, but also with increasing the teachers salaries at the expense of taxpayers to cover the amount which the teachers were coerced into paying. This was substantiated by the testimony of a large number of teachers. Further the evidence before the Court shows that lumber purchased and paid for by the School District was delivered to the swimming pool and beer hall owned by Senator Joseph P. Dando, and that school busses were used at public expense to transport faithful Democrats to political meetings.

Vacancies in School Boards are now filled under the Law by the Court. To pass this Bill taking that power from the Courts and placing it in the Governor can have but one objective, to wit: to enable the Democratic organization that has instigated these unlawful acts to continue its henchmen in control of the Board.

Nothing so scandalous has ever been proposed to this Legislature. Nothing so outrageous has ever been brought before this House.

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, I do not think the gentleman from Delaware is discussing the merits of the bill at all; he is make a statement.

The SPEAKER. The gentleman will confine his remarks to the bill before the House.

Mr. TURNER. Mr. Speaker, for the past several years the Democratic organization in this State, through the public press and through its publication, has charged the Republican party with all manner of misconduct. Every Republican charged with any misconduct was caricatured, libeled, defamed, cussed and discussed. The Democratic Party has placed on its breast the badge of honesty in public affairs and asked the people to accept it at its face value. If the Democratic leadership now permits this Bill to become a Law it will have approved that Party's boss of Branch Township and will have condoned the misconduct of the School Directors. What then can be said of the high sounding Democratic phrases? The effect of this will be to make School Directors the creatures of whatever political boss happen to be for the moment dominant and to force school teachers to give of their small earnings towards the support of the political machine whether they be in sympathy therewith or not.

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, the gentleman from Delaware is not discussing the bill.

The SPEAKER. The gentleman will confine his remarks to the bill before the House.

Mr. TURNER. If you pass this Bill you will pave the way for the political macing of school teachers throughout Pennsylvania, and the wholesale looting of school funds by unscrupulous politicians wherever conditions approach those in Branch Township.

For the information of those not fully familiar with this case, let me outline a few of the facts:—

Conditions in Branch Township school affairs became so bad that citizens of the district petitioned the Courts for the removal of the Directors.

The testimony reveals that Senator Dando, previous to the last campaign, went before a meeting of these teachers and demanded that they contribute of their salaries to the Democratic Campaign Fund. The amount fixed was 5 per cent for the year. The teachers were told not to worry about the amount they were to pay because their salaries would be increased to reimburse them, and according to the testimony of the teachers this was done. To enforce his outrageous demands that the teachers contribute to the slush fund for his election, Senator Dando is quoted in court testimony as having said to them, "and don't let anybody double cross me, for if you do I will meet you at the cross-roads." Then according to the testimony to prevent the teachers reneging, their contracts were held up until after election.

Further it was testified that school busses were used to transport political workers over the county; the gas and oil being charged up to the taxpayers; and that lumber purchased on School Board orders was used for the improvement of Senator Dando's beer hall and swimming pool.

Now by this Bill they in effect say that they feel the Courts will not appoint School Directors who will do what they desire and so they hope to get the appointment in the hands of the Governor in the hope that he will accept the recommendations of the Democratic machine and put their friends back in control of school affairs in that Township.

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, the gentleman is not discussing the merits of the bill.

The SPEAKER. The Chair has asked the gentleman to confine his remarks to the bill before the House and the Chair again requests the gentleman to speak upon the bill.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. I am stating as I see it, not only the bill but that which gave rise to the bill, which is in effect the bill. I am also now stating the effect of the bill, which I think is a discussion of the bill. I therefore ask the Chair to rule.

The SPEAKER. The gentleman will be permitted to discuss what in his opinion would be the effect of the passage of this bill, and the Chair asks the gentleman to confine his remarks to the merits of the bill and what in his opinion would be the effects of the bill.

Mr. TURNER. Mr. Speaker, if this bill goes into effect what will become of the school teachers who were compelled by subpoena to appear in court and tell the truth? What relief will there be for the taxpayers of that township?

But as bad as would be the direct result to the taxpayers and teachers, the effect will be far worse in the precedent that is established.

The other day I warned my Democratic colleagues in this House that the "Ripper Legislation" and the many bills that transferred appointive power from one officer to another to secure political advantage would come back to haunt them. It has arrived quicker than I anticipated. This is the natural result of such a course. It is the extreme to which power will lead men who do not have the capacity or the stamina to govern.

POINT OF ORDER

Mr. JIROLANIO. Mr. Speaker, I again rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. JIROLANIO. Mr. Speaker, I do not like to interrupt the gentleman from Delaware, but certainly he is not talking on the merits of the bill at all.

The SPEAKER. The gentleman is discussing other legislation that has been before the House. The Chair again asks the gentleman to confine his remarks only to Senate Bill No. 372, which is the bill before the House.

Mr. TURNER. Mr. Speaker, if you can take the appointive power away from one official in Philadelphia and give it to another to insure Democratic appointments, why not do so in a fourth class school district to protect a political organization that is in difficulty by reason of its own acts. Let us break the chain here.

In the name of decency this bill should not pass.

Mr. SCHROPE. Mr. Speaker, I desire to interrogate the gentleman from Delaware, Mr. Turner.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will, Mr. Speaker.

Mr. SCHROPE. Mr. Speaker, in view of the fact that the gentleman from Delaware seems to know quite a great deal about the affairs of the township of Schuylkill County I would like to ask him when the petition was filed with the court to remove the Branch Township school board.

Mr. TURNER. I cannot tell that, Mr. Speaker. I read all the newspaper clippings that I could find over the week-end—I have them in my brief case, but I do not remember that it stated in any instance when the petition was filed.

Mr. SCHROPE. Mr. Speaker, it possibly would be interesting to the gentleman to know that the petition was filed in January, one petition in 1931 when the Branch Township School Board was a Republican School Board and the township was a Republican township with less than one hundred Democratic voters, and the Court of Schuylkill County was a Republican court. Now, in 1935 or 1936, the Branch Township School Board, or the same school board became a Democratic school board and the township is a Democratic township. Naturally the court is a Republican court, and the Branch Township School Board was brought into court. Now in January, 1931, a petition was filed and the court refused the petition at that time on similar charges or on some of the same charges that are used now.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Schuylkill, Mr. Schrope.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. SCHROPE. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Schuylkill what did he draw from the statement he just made under the guise of interrogation.

Mr. SCHROPE. Mr. Speaker, I should presume that the gentleman from Delaware should draw his own conclusions from my statement.

Mr. TURNER. Mr. Speaker, I am not accustomed to drawing conclusions under those circumstances. I am asking the gentleman what is the inference to be drawn from his statement.

Mr. SCHROPE. Mr. Speaker, from the floor of the House I would not care to talk about even the courts in Schuylkill County in the same manner in which the gentleman from Delaware spoke about the Senator from Schuylkill County.

Mr. TURNER. Mr. Speaker and members of the House, it is not a pleasant task to stand here and say things as

sharp as I have had to say, but I want to say to my friends on the other side of the House that I served notice on the gentleman from Schuylkill that since this bill was brought up there was nothing left for me to do but attack it. If there was a Republican school board in the County of Schuylkill that was guilty of the same kind of act, I would not be standing here defending them, and I know of no bill brought in during the sessions that I have been in the Legislature to enable any school district of Branch Township or any other school district in the State to escape the penalty that would be inflicted by their ouster. If a Republican school board was guilty, I would have no defense I have continually said to my colleagues on this side of the House and I say to you now that I stand here fearlessly and say that no two wrongs make a right at any time. If the Republicans were wrong they should be censured and I have no defense of that, but I again repeat that I think to bring this bill before this House and to place the Democratic members of this House in a position in which they are placed by this bill, in the position where they naturally dislike to vote against their colleague, where they are bound by party loyalty, as we all are—I think it is shameful and that they should never be placed in such a position. Whatever was done in the past, the clear record is there in every newspaper in Schuylkill County. The testimony was by thirty school teachers from this school district as to what happened, and as I read the testimony as given in the newspapers every teacher testified to the same facts, and those facts are incontrovertible. Those facts can lead you to no other conclusion than that if we put the stamp of approval upon them by saying to the political organization in Branch Township that they will be permitted to come down to the Governor here and appeal to him for party reasons or for other reasons and say, "Appoint our crowd in Branch Township," then you are going to put your stamp of approval upon this condition, whether it be a Republican school board or a Democratic school board, and it is reprehensible and something that should not be tolerated in the State of Pennsylvania to mulct school teachers. We passed the Tenure Bill in order to protect school teachers. To mulct school teachers five per cent of their pay is bad enough, but to turn around and increase their pay and thereby charge the taxpayers of the township for the expenses of a Democratic campaign, that is something that I cannot believe the members of this House will stand for.

Mr. TROUT. Mr. Speaker, I am not interested in the politics of Schuylkill County. In my own personal opinion I do not think that this is the place to launder the wash of Schuylkill County nor any district of Schuylkill County or any other county. The question to me here is whether in fourth class school districts of the Commonwealth of Pennsylvania we are going to transfer under certain conditions the right to appoint our school directors by the Governor. Here again we are taking away from our own people at home the right to fill vacancies in our districts, districts which we are supporting with the money of our taxpayers, schools that are ours, and if there are one or two or three or a half dozen districts that have taken advantage politically of their school teachers or of the conditions there that is their business, the taxpayers and the voters of that particular township should clean house and put in honorable and good men and not make legislation here that affects every fourth class school district in Pennsylvania. I appeal to you men from the fourth class school districts of this Commonwealth to vote "no" on this bill and permit Branch Township or whatever township Mr. Schrope has in mind to go home and clean their own house. It is not the business of this Legislature to legislate especially for one township in any case, and I say to you of the fourth class school districts, are you going to transfer another item of home rule to Harrisburg. I don't believe you are.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—107

Achterman,	Dubbs,	McDermott,	Schrope,
Allen,	Dyson,	McElroy,	Shaw,
Allmond,	Elpern,	McGee,	Shepard,
Baine,	Falkenstein,	McShane,	Shoemaker,
Baker, J. J.,	Fitch,	Moomaw,	Siegel,
Bierly,	Flanagan,	Mooney,	Simon,
Blank,	Flannery,	Moran,	Skale,
Bohn,	Gerard,	Munley,	Smith, James A.,
Boies,	Hagerty,	Murrin,	Smith, John A.,
Boltz,	Hamilton, F. P.,	Nagel,	Stank,
Bradley,	Hering,	O'Brien,	Thompson,
Brancato,	Hess,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Valibus,
Broad,	Holstrom,	O'Neill,	VanSickle,
Caesar,	Hontz,	Ostroff,	Vogt,
Caputo,	Horting,	Patterson, J. W.,	Wagner,
Coakley,	Jirolanio,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Weiss, S. A.,
Coleman,	Kilroy,	Preston,	Welsh,
Coolahan,	Kroll,	Readinger,	Whalen,
Corrigan,	LaRue,	Reese,	Whitenight,
Costanzo,	Levy,	Reising,	Wright,
DeNote,	Lewis,	Richter,	Yanoshat,
Dickinson,	Long,	Robinson,	Yourishin,
Donohoe,	Matthews, H. T.,	Ruffennach,	Zappala,
Dougherty,	McArdle,	Rush,	Furman,
Downey,	McCullough,	Sarraf,	

NAYS—53

Atkins,	Kline,	Peale,	Trout,
Baker, F. T.,	Leisey,	Perry,	Turner,
Boyer,	Longaker,	Rothenberger,	VanAllsburg,
Cadwalader,	Lopresti,	Royer,	Wall,
Davies,	Lovett,	Schrock,	Wampole,
Fiss,	Marino,	Schumacher,	Watkins,
Gillette,	Matthews, J. F.,	Serrill,	Webster,
Habbyshaw,	McDevitt,	Sloan,	Weidemann,
Hall,	McKinney,	Snyder,	Weiss, D. H.,
Hamilton, R. S.,	Merrell,	Sollenberger,	Wilson,
Harkins,	Moul,	Sproul,	Winner,
Huntley,	Muir,	Stackpole,	Wood,
Imbrie,	O'Connor,	Stewart,	Woodside,
Kelso,			

The majority reuuired by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2191 (Senate Bill No. 801), entitled:

An Act to amend the title and sections one and two of the act, approved the twenty-six day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the

care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdicton therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—151

Achterman,	Dyson,	Marino,	Rush,
Alexander,	Elpern,	Matthews, H. T.,	Sarraf,
Allen,	Falkenstein,	McArdle,	Schor,
Allmond,	Finnerty,	McCullough,	Schrope,
Arnold,	Fitch,	McDermott,	Shaw,
Aukerman,	Flanagan,	McElroy,	Shea,
Baine,	Flannery,	McFall,	Shepard,
Baker, J. J.,	Flinchbaugh,	McGee,	Shoemaker,
Balthaser,	Ganser,	McShane,	Shugarts,
Bierly,	Gerard,	Melchiorre,	Siegel,
Blank,	Gorski,	Mellott,	Simon,
Bohn,	Haberlen,	Mihm,	Skale,
Boies,	Hagerty,	Moomaw,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Bradley,	Harkins,	Moran,	Spengler,
Brancato,	Harmuth,	Moul,	Stank,
Brigerman,	Hays,	Munley,	Thomas,
Broad,	Hering,	Murrin,	Thompson,
Brown,	Hess,	Nagel,	Toole,
Brownfield,	Hetrick,	O'Brien,	Tronzo,
Burrows,	Hindman,	O'Connor,	Valibus,
Caesar,	Hirsch,	O'Keefe,	VanSickle,
Caputo,	Holland,	Ominsky,	Vogt,
Chervenak,	Holmes,	O'Neill,	Wagner,
Coakley,	Holstrom,	Ostroff,	Walsh,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Weiss, D. H.,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Weiss, S. A.,
Coleman,	Jirolanio,	Piole,	Welliver,
Coolahan,	Keenan,	Powers,	Welsh,
Corrigan,	Kelso,	Preston,	Westrick,
Costanzo,	Kilroy,	Readinger,	Whalen,
Decker,	Kroll,	Reese,	Whitenight,
DeNote,	LaRue,	Reising,	Wright,
Dickinson,	Levy,	Richter,	Yanoshat,
Donohoe,	Lewis,	Robinson,	Yourishin,
Dougherty,	Long,	Rothenberger,	Zappala,
Downey,	Lopresti,	Ruffennach,	Furman,
Dubbs,	Lovett,		

NAYS—50

Atkins,	Kane,	Royer,	Turner,
Baker, F. T.,	Kline,	Schrock,	VanAllsburg,
Boyer,	Leisey,	Schumacher,	Wall,
Cadwalader,	Longaker,	Serrill,	Wampole,
Davies,	Lyons,	Sloan,	Watkins,
Eckels,	Mallen,	Snyder,	Webster,
Fiss,	Matthews, J. F.,	Sollenberger,	Weidemann,
Gillette,	McDevitt,	Sproul,	Wilson,
Habbyshaw,	McKinney,	Stackpole,	Winner,
Hall,	Merrell,	Stewart,	Wood,
Hamilton, R. S.,	Muir,	Strode,	Woodside,
Huntley,	Peale,	Terry,	Yeakel,
Imbrie,	Perry,	Trout,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 732, entitled:

An Act providing for and regulating the appointment, promotion and reduction in rank and removal of paid members of the Bureau of Police, Bureau of Detectives, Police Women, Bureau of Electricity in connection with police departments, Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities (except cities of the first class) boroughs towns and townships maintaining a uniformed police force creating a civil service commission in each county city borough town and township defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws

On the question,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. O'KEEFE. Mr. Speaker, I move that this bill be recommitted to the Committee on Municipal Corporations for the purpose of amendment.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1774, as follows:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all statements made by the applicant for an Annuity or Pure Endowment contract or statements made by the insured or in his behalf in the negotiation for a policy or certificate of life endowment accident or health insurance or any reinstatement thereof issued by any insurance company association fraternal benefit society beneficial society or exchange doing business in this Commonwealth shall be deemed in the absence of fraud to be representations and not warranties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boies,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff,	VanAllsburg,

Cadwalader,	Horting,	Patterson, C. S.,	VanSickle,
Caesar,	Huntley,	Patterson, J. W.,	Vogt,
Caputo,	Imbrie,	Peale,	Wagner,
Chervenak,	Jirolanio,	Perry,	Wall,
Coakley,	Kane,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Wampole,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weidemann,
Corrigan,	Kroll,	Reising,	Weiss, D. H.,
Costanzo,	LaRue,	Richter,	Weiss, S. A.,
Davies,	Leisey,	Robinson,	Welliver,
Decker,	Levy,	Rothenberger,	Welsh,
DeNote,	Lewis,	Royer,	Westrick,
Dickinson,	Long,	Ruffennach,	Whalen,
Donohoe,	Longaker,	Rush,	Whitenight,
Dougherty,	Lopresti,	Sarraf,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Mallen,	Schrope,	Woodside,
Eckels,	Marino,	Schumacher,	Wright,
Elpern,	Matthews, H. T.,	Serrill,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Shaw,	Yeakel,
Finnerty,	McArdle,	Shea,	Yourishin,
Fiss,	McCullough,	Shepard,	Zappala,
Fitch,	McDermott,	Shoemaker,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 26, 1937.

Resolved, (if the Senate concur), That House Bill No. 190, Printer's No. 650, entitled "An act to amend clauses (i) and (j) of section four, clauses (e), (f) and (j) of section two hundred eight, and sections three hundred nine and five hundred seven of the act approved the fifth day of December, one thousand nine hundred thirty-six (Act No. 1), entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry, and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis; requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons; providing procedure and administrative details for the determination, payment and collection of such contributions and the payment of such compensation; providing for co-operation with the Federal Government and its agencies; creating certain special funds in the custody of the State Treasurer; and prescribing penalties. " * * * *," which was recalled from the Governor for the purpose of amendment, and which was amended by the House and transmitted to the Senate on April 21st for concurrence be recalled from the Senate for the purpose of further amendment.

RECONSIDERATION OF VOTE

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. VOGT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Franklin, Mr. Moomaw vote on the final passage of this bill?

Mr. MOOMAW. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Pike, Mr. Vogt vote on the final passage of this bill?

Mr. VOGT. Mr. Speaker. I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question.

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 2, (Clause f), page 9, line 19, by striking out the word "specified"

Amend sec. 2, (Clause f), page 10, line 5, by striking out the words "be rated" and inserting in lieu thereof: "receive in addition to all other ratings"

Amend sec. 2 (Clause f), page 10, lines 6, 7 and 8, by striking out the words "over and above the rating fixed for the equality and character of answers in the examination"

Amend sec. 2 (Clause f), page 10, line 14, by striking out the word "for" and inserting in lieu thereof: "or"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

TIME EXTENDED ON BILL

Mr. HARKINS. Mr. Speaker, I move that the time on House Bill No. 1186, Printer's No. 546, entitled:

An Act authorizing school districts to make contracts of group life, health and accident insurance for the benefit of pupils in vocational schools, at the expense of the school district; defining the status of the school district and pupils under existing and future insurance laws; and requiring school districts to make certain reports to the Department of Public Instruction.

on page 16 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

RECONSIDERATION OF VOTE

Mr. HARKINS. Mr. Speaker, I move that the vote by which House Bill No. 1569, Printer's No. 695, on page 9, of today's calendar, bill on second reading, was ordered to be transcribed for a third reading be reconsidered.

Mr. KELSO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Harkins vote on the motion?

Mr. HARKINS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Lawrence, Mr. Kelso, vote on the motion?

Mr. KELSO. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Harkins.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated.

Mr. HARKINS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Allegheny what is the purpose of reconsidering this bill at this time?

Mr. HARKINS. Mr. Speaker, I would like to answer the gentleman from Delaware, Mr. Turner, by stating that the purpose is to withdraw the amendments because we have discovered that the amendments had already been included when the bill was reported from committee.

Mr. TURNER. Is it true, Mr. Speaker, that the gentleman from Allegheny has said that he is the great amender in this House?

Mr. HARKINS. Mr. Speaker, I decline the honor which has been suggested by some of my Republican colleagues of whom I have been very fond until I found out that they have been talking to Mr. Turner.

Mr. TURNER. Mr. Speaker in view of the fact that the gentleman is now trying to withdraw the amendments the amendments having been already in the bill, the Republicans have asked me to withdraw the nom de plume that they have given to the gentleman from Allegheny as the great amender of the House.

Mr. HARKINS. Mr. Speaker, I would let the gentleman have the nom de plume that he speaks of and I will return it to him with my compliments.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

Mr. HARKINS. Mr. Speaker, I move that the vote by which this bill passed second reading as amended be reconsidered.

The motion was agreed to.

Mr. HARKINS. Mr. Speaker, I move that the vote by which the title and the various sections were agreed to be reconsidered.

The motion was agreed to.

AMENDMENTS TO HOUSE BILL No. 1569 WITHDRAWN

Mr. HARKINS. Mr. Speaker, I withdraw the amendments offered to this bill.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1569, as follows:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138 entitled 'An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" as last amended by section one of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 1 That the following words and phrases as used in this act shall unless a different meaning is plainly required by the context have the following meaning

"State Board for Vocational Education" shall mean the State Council of Education herein invested with powers to administer this act under the designation of the State Board for Vocational Education

"Vocational education" shall mean any form of education of less than college grade given in school or elsewhere the purpose of which is to fit an individual to pursue effectively a recognized profitable employment whether pursued for wages or otherwise

"Vocational industrial education" shall mean those forms of vocational education that fit for industrial pursuits It includes occupational training for women and girls other than training for the vocation of homemaking It includes also public and other service occupations

["Technical industrial education" shall mean that form of vocational industrial education that prepares for occupations of a semi-professional character]

"Vocational agricultural education" shall mean that form of vocational education which fits for the occupations connected with the tillage of the soil the care of domestic animals forestry and other wage-earning or productive work on the farm

["Vocational commercial education" includes those forms of vocational education the direct purpose of each of which is to fit for some recognized commercial calling]

"Vocational distributive occupational education" shall mean those forms of vocational education designed for those workers engaged in or preparing for employment as distributors to consumers retailers jobbers wholesalers and others of the products of farm and industry including also managers operating or conducting a commercial service or personal service business or selling the services of such a business

"Vocational home economics education" shall mean that form of vocational education which has for its controlling purpose the preparation of girls and women for useful employment as house daughters and homemakers engaged in the occupations and the management of the home

"Vocational industrial vocational agricultural vocational distributive occupational or vocational home economics school or department" or "Vocational school or department" shall mean a distinctive organization of courses for pupils and teachers approved by the [State Council of Education] State Board for Vocational Education designed to give either vocational industrial vocational agricultural vocational distributive occupational or vocational home economics education as herein defined

"Vocational evening class" shall mean a class [giving such training as can be taken by persons already employed during the working day and which must in its instruction deal with the subject-matter of and be so carried on as to relate to the day employment] providing such instruction for persons sixteen years or over who have left full-time school These classes may be conducted in the evening or at hours when workers are able to attend and shall include instruction that will either increase the skill or knowledge of the worker in the occupation in which he is employed or include instruction for those who are unemployed or about to become unemployed because of changing conditions in industry and whose previous experience as a background prepares them for employment in related fields within a limited time

"Vocational evening class in vocational home economics" shall mean a class giving training in homemaking to girls or women over fourteen years of age however they may be employed or engaged during the day

["General continuation school or class" as used in this

act refers to that group of employed minors between fourteen and sixteen years of age who are required under the provisions of the Child Labor Act to attend school for eight hours each week]

"Vocational home economics school or department" shall mean a vocational school or department designed to develop on a vocational basis the capacity for useful employment as house daughters and homemakers in the occupation and the management of the home

"Part-time schools or classes" shall mean those schools or classes which provide instruction in subjects given to enlarge the civic or vocational knowledge or skill of workers over fourteen years of age who have entered upon employment Such schools must be so organized as to permit workers who are qualified for admission to spend part of their time during the day week month or year in employment and part of the time in school

"Part-time cooperative vocational education" refers to that form of vocational instruction that involves attendance on alternate equal periods of school and work at the vocation during the school year given in accordance with an agreement by which the school and industry cooperate and coordinate in making available the combined educational and training facilities of both

"Practical" The term "practical" as used in the act to which this is an amendment refers to the manipulative or "practice-of-the-trade" aspects of a vocation It includes such work given in shops laboratories mines drafting rooms and other places and is used to distinguish such work from 'academic" or "non-vocational" education

"Public service school" refers to schools departments classes and conferences for the in-service training of public and other service occupations including policemen firemen finance officers school board officials and others

Section 2 Sections two and three of said act as amended by sections two and three of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 418) are hereby further amended to read as follows

Section 2 The State [Council of Education] Board for Vocational Education is hereby authorized and directed to investigate and to aid in the introduction of vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational education to assist in the establishment of schools and departments for the aforesaid forms of education and to inspect and approve such schools or departments as are hereinafter provided The State [Council of Education] Board for Vocational Education shall make a report annually to the Governor and Legislature describing the condition and progress of vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational education during the year and shall also make such recommendations as the [Council] State Board may deem advisable

The State Superintendent of Public Instruction shall be the executive officer of the State [Council of Education] Board for Vocational Education for the administration of this act He as executive officer shall appoint from time to time with the approval of the State [Council of Education] Board for Vocational Education such expert assistants other than those already provided for by law as may be necessary in vocational industrial vocational home economics vocational agricultural or vocational [commercial] distributive occupational education and all clerical and other agents necessary in carrying out the provisions of this act

In carrying out the provisions of this act the State Board for Vocational Education shall provide for State regional and county vocational schools or classes with the necessary staffs in acordance with the State Plan for Vocational Education approved by the Federal Board for Vocational Education

Section 3 In order that instruction in the principles and the practice of arts may go on together vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational schools or departments may offer instruction in day part-time and evening classes Attendance upon such day evening or part-time classes shall be restricted to those over fourteen years of age

Section 3 Section four of said act as last amended by section two of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 4 Any school district may through its board of school directors

(a) Establish and maintain vocational industrial vocational agricultural vocational home economics and vocational [commercial] distributive occupational schools or departments

(b) Receive any donation made to said school district for the conduct of any vocational school or department or vocational evening classes The donation shall be administered by or under the direction of the board of directors of the district to which it is made subject to the approval of the Superintendent of Public Instruction Provided That the board of school directors in any district shall not be obliged to accept any such donation unless it seems proper so to do

(c) Require a deposit fee of a sum not to exceed ten dollars ($10.00) from each person enrolling in evening vocational schools or classes Such deposit fee shall be returned at the close of each term of instruction to all persons so enrolled who have attended seventy-five (75) per cent or more of the class sessions of said terms Provided That nothing herein shall be construed as prohibiting the return of said deposit fee because of death sickness or any other cause which the board may deem justifiable

Section 4 Sections five and six of said act as amended by sections five and six of the act approved the first day of May one thousand nine hundred and twenty-five (Pamphlet Laws 418) are hereby further amended to read as follows

Section 5 Two or more districts may as provided in article eighteen sections one thousand eight hundred and one to one thousand eight hundred and eight inclusive of the school laws of Pennsylvania of one thousand nine hundred eleven entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" through a joint school committee establish and maintain vocational agricultural vocational home economics or vocational [commercial] distributive occupational schools or departments

Section 6 Local school boards and joint school committees administering approved vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational schools or departments may under a plan to be approved by the State [Council of Education] Board for Vocational Education appoint an advisory committee composed of members representing local trades industries and occupations It shall be the duty of such a committee to counsel with and advise the local or joint board of trustees and other school officials having the management and supervision of such schools

Section 5 Section seven of said act as last amended by section one of the act approved the twenty-second day of June one thousand nine hundred thirty-one (Pamphlet Laws 670) is hereby further amended to read as follows

Section 7 Any resident of any school district in Pennsylvania which does not maintain an approved vocational industrial vocational agricultural vocational home economics or vocational [commercial] distributive occupational education school or department offering the type of training which he desires may make application to the school board of any other district for admission to such school or department maintained by said board In case said board refuses him admission he may apply to the State [Council of Education] Board for Vocational

Education for admission to such school or department The State [Council of Education] Board for Vocational Education decision of which shall be final may approve or disapprove such application In making such decision the State [Council of Education] Board for Vocational Education shall take into consideration the opportunities for free vocational training in the community in which the applicant resides the financial status of the community the age sex preparation aptitude and previous record of the applicant and all other relevant circumstances

Where any child of school age in any school district in this Commonwealth resides by the nearest traveled road three miles or more from the nearest vocational high school in any district in this Commonwealth such child unless proper free transportation be furnished to a suitable school in this Commonwealth may on request of his parents or legal guardian be assigned by the board of school directors to a more convenient school in another State Provided That the consent of the proper school officials in charge of such schol in another State to such an arrangement be permitted by the laws of such State and is agreed to by such officials

The school district in which the person resides who has been admitted as above provided to an approved vocational industrial vocational agricultural vocational home economics vocational high or vocational [commercial] distributive occupational school or department maintained by another school district shall pay a tuition fee to be determined after the same manner provided for the high schols in article seventeen section one thousand seven hundred and eleven of the school laws of Pennsylvania for one thousand nine hundred and eleven entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith If any school district neglects or refuses to pay for such tuition it shall be liable therefor in an action of contract to the school district or school districts maintaining the school which the pupil with the approval of the board attended

The board of school directors in any school district in this Commonwealth situate adjacent to another state may admit to the vocational high school in such district pupils resident in such other state and may receive tuition for such pupils as in the case of pupils admitted from other districts in this Commonwealth

Section 6 Section eight of the said act as amended by section eight of the act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 416) is hereby further amended to read as follows

Section 8 Vocational industrial vocational agricultural [and] vocational home economics and vocational distributive occupational schols or departments shall so long as they are approved by the State [Council of Education] Board for Vocational Education as to organization control location equipment courses of study qualifications of teachers methods of instruction conditions of admission employment of pupils and expenditures of money constitute approved local or joint vocational schools School districts maintaining such approved local or joint vocational schools or departments shall receive reimbursement as hereinafter provided

Section 7 Section nine of said act as last amended by section thre of the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws 176) is hereby further amended to read as follows

Section 9 The Commonwealth in order to aid in the maintenance of the approved local or joint vocational industrial vocational home economics [and] vocational agricultural and vocational distributive occupational schools or departments shall as provided in this act pay annually from the treasury to school districts and unions of school districts maintaining such schools or departments by order on the State Treasurer signed by the Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education from funds appropriated by the Legislature for that purpose or otherwise available and in addition to the accounts paid to such school districts under the provisions of section one thousand two hundred and ten of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended amounts computed in accordance with the following schedules

Districts of the First Class The Commonwealth shall reimburse as hereinafter provided districts of the first class to the extent of twenty-five per centum (25%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments

Districts of the Second Third and Fourth Classes The Commonwealth shall reimburse as hereinafter provided districts of the second third and fourth classes which have a true valuation per teacher of assessable property exceeding two hundred thousand dollars ($200,000) to the extent of forty per centum (40%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of more than one hundred thousand dollars ($100,000) and not more than two hundred thousand dollars ($200,000) shall be forty-five per centum (45%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction practical and related technical subjects in day vocational school or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and that the amount paid to a district in any of the foregoing classes which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) and not more than one hundred thousand dollars ($100,000) shall be fifty per centum (50%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments and the amount paid to a school district in any of the foregoing classes which has a true valuation per teacher of assessable property o ffifty thousand dollars ($50,000) or less shall receive fifty-five per centum (55%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in practical and related technical subjects in day vocational schools or departments and for approved instruction in practical related technical and academic subjects in part-time co-operative schools or departments Provided That districts of the fourth class shall be reimbursed to the extent of twenty per centum (20%) of the sum expended for salaries during the previous school year by such district or unions of districts for approved instruction in academic subjects in approved rural community vocational schools Provided further That no district shall receive a reimbursement of more than eighty

per centum (80%) of any one teacher's salary from either Federal or State funds or from both

The Commonwealth in order to aid in the maintenance of approved local or joint evening vocational industrial evening vocational home economics [and] evening vocational agricultural and evening distributive occupational schools departments or part-time vocational [courses] schools or classes shall pay as provided in this act as amended annually from the treasury to school districts and unions of school districts maintaining such evening schools or departments in the several classes of districts an amount equal to two thirds the sum which was expended for salaries of part-time and evening school teachers and supervisors during the previous school year by such a school district or unions of districts for approved instruction in practical and related technical subjects

Whenever two or more [fourth class] school districts unite by joint agreement approved by the [Department] Superintendent of Public Instruction for the purpose of providing and maintaining approved vocational instruction as a part of the scho loprogram the Commonwealth shall as provided in this act pay annually from the treasury to such unions of schol districts the sum of five hundred dollars ($500) so long as such joint agreement is in effect

[The Commonwealth in order to aid in the maintenance of approved local or joint compulsory general continuation schools for minors fourteen to sixteen years of age shall pay as provided in this act annually from the treasury to school districts and unions of schools districts maintaining such schools twenty per centum (20%) of the sum expended for salaries during the previous school year by the district or unions of school districts for approved instruction required by law Provided further That the Commonwealth shall reimburse districts or unions of districts to the extent of forty per centum (40%) of the sum expended during the previous school year for salaries paid teachers of general continuation schools who were employed on a part-time basis]

Section 9 Section ten of said act as last amended by section one of the act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 94) is hereby further amended to read as follows

Section 10 On or before the first Wednesday of January of any year in which the regular session of the Legislature is held the State [Council of Education] Board for Vocational Education shall present to the Legislature an estimate of the amount of money necessary to meet the expenditures to be incurred in the administration of this act for the two school years beginning with the first day of the ensuing June and the amount necessary to meet the claims of school districts and unions of school districts maintaining approved vocational schools or departments under the provisions of this act for the two school years beginning with the first day of the preceding July On the basis of such a statement the Legislature shall make an appropriation of such amounts as may be necessary to meet the expense of carrying this act into effect and of reimbursing such school districts and unions of school districts for such school years as herein provided

Section 9 Section eleven of said act as amended by section eleven of the act approved the first day of May one thousand nine hundred twenty-five (Pamphlet Laws 418) is hereby further amended to read as follows

Section 11 On or before the tenth day of July of each year the school authorities of each district shall present to the State Superintendent of Public Instruction a statement of the amount expended during the school year previous to such first day of July for instruction in approved local or joint vocational industrial vocational home economics [continuation schools] Vocational distributive occupational or vocational agricultural schools or departments as herein provided On the basis of such a statement the State Superintendent of Public Instruction as the executive officer of the State Board for Vocational Education shall by requisition upon the State Treasurer pay such school district and joint school districts such reimbursement for the previous school year as is provided for in this act

Section 10 This act shall become effective immediately upon its passage by the General Assembly and its approval by the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

SENATE MESSAGES

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1183.

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing and maintenance by the Commonwealth of said streets, imposing duties on such cities and on public utility companies using such streets, providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies, prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours, authorizing the increase for city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in which amendments the Senate has concurred, and with the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 3, page 13, by striking out in lines 1 and 2 the words "September one one thousand nine hundred and thirty-seven."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flannery,	McDevitt,	Shugarts,
Alexander,	Flinchbaugh,	McElroy,	Siegel,
Allen,	Ganser,	McFall,	Simon,
Allmond,	Gerard,	McGee,	Skale,
Arnold,	Gillette,	McKinney,	Sloan,
Atkins,	Gorski,	McShane,	Smith, James A.,
Aukerman,	Habbyshaw,	Melchiorre,	Smith, John A.,
Baine	Haberlen,	Mellott,	Snyder,
Baker, F. T.,	Hagerty,	Merrell,	Sollenberger,
Baker, J. J.,	Hall,	Mihm,	Spengler,
Balthaser,	Hamilton, F. P.,	Moomaw,	Sproul,
Bierly,	Hamilton, R. S.,	Mooney,	Stackpole,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boles,	Hays,	Muir,	Strode,
Boltz,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,

Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Turner,
Brownfield,	Holstrom,	O'Neill,	Valibus,
Burrows,	Hontz,	Ostroff.	VanAllsburg
Cadwalader,	Horting,	Patterson, C. S..	VanSickle,
Caesar.	Huntley,	Patterson, J. W.,	Vogt,
Caputo,	Imbrie,	Peale,	Wagner,
Chervenak,	Jirolanio,	Perry,	Wall,
Coakley,	Kane,	Piole,	Walsh,
Cohen, H. B.,	Keenan,	Powers,	Wampole,
Cohen, R. E.,	Keleo,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weldemann,
Corrigan,	Kroll,	Reising,	Weiss, D. H..
Costanzo,	LaRue,	Richter,	Weiss, S. A.,
Davies,	Leisey,	Robinson,	Welliver,
Decker,	Levy,	Rothenberger,	Welsh,
DeNote,	Lewis,	Royer,	Westrick,
Dickinson,	Long,	Ruffennach,	Whalen,
Donohoe,	Longaker,	Rush,	Whitenight,
Dougherty,	Lopresti,	Sarraf,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Lyons,	Schrock,	Wood,
Dyson,	Mallen,	Schrope,	Woodside,
Eckels,	Marino,	Schumacher,	Wright,
Elpern,	Matthews, H. T..	Serrill,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Shaw,	Yeakel,
Finnerty,	McArdle,	Shea,	Yourishin,
Fiss,	McCullough,	Shepard,	Zappala,
Fitch,	McDermott,	Shoemaker,	Furman,
Flanagan,			

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1051.

An Act to amend section one section two and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams or other structures or obstructions as defined herein in along across or projecting into all streams and bodies of water wholly or partly within or forming part of the boundary of this Commonwealth vesting certain powers and duties in the Water Supply Commission of Pennsylvania for this purpose and providing penalties for the violation of the provisions hereof" further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water

Said bill having been recalled from the Governor for the purpose of amendment, the vote had on final passage and third reading reconsidered in the House and the bill amended, in amendments the Senate has concurred.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1038.

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel

HOUSE BILL No. 2118.

An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" by clarifying the provisions relating to appeals

With the information that the Senate has passed the same without amendment.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 177.

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors and prohibiting minors from purchasing or attempting to purchase the same

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 555.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 555, entitled:

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (P. S. 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit association to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation providing for the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

And has appointed Messers. Sones, Shapiro and Wolfenden a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, April 26, 1937

Resolved (if the House of Representatives concur), that when the Senate adjourns this week it reconvene on Monday evening, May 3rd, at nine o'clock, Eastern Time; and

when the House of Representatives adjourns this week it reconvene on Monday evening, May 3rd, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1053.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 22, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the hornor to inform you that I have this day approved and signed House Bill No. 1053, Printer's No. 413, entitled "An Act to amend section one as re-enacted sections two and three as amended sections four and five and section six as amended of the act approved the thirteenth day of June one thousand eight hundred and eighty-three (P. L. 119) entitled "An act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose and to prevent unauthorized uses and traffic in human bodies" by changing the personnel and increasing the powers and duties of the Anatomical Board of the State of Pennsylvania providing further for the distribution and use of unclaimed human bodies fixing the time for the claiming and distribution of bodies and the duties of carriers of bodies requiring those receiving bodies to give bond and providing penalties.

GEORGE H. EARLE

The Secretary to the Governor being introduced, presented in writing form His Excellency the Govenor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 553 and 554.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 553, Printer's No. 500, entitled "An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 565) entitled "An act relating to the powers and duties of the Department of Banking and the Secretary of Banking in exercising supervision over and taking possession of and conducting or liquidating the business and property of corporations associations and persons receiving deposits or otherwise transacting a banking business corporations acting as fiduciaries and building and loan associations providing for the payment of the expenses of the Department of Banking by supervised corporations associations or persons and appropriating the Banking Department Fund authorizing the Department of Banking under certain circumstances to examine corporations associations or persons affiliated or having business transactions with supervised corporations associations or persons authorizing appeals to the Supreme Court and prescribing and limiting the powers and duties of certain other courts and their prothonotaries registers of wills recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services rendered under this act providing penalties and repealing certain acts and parts of acts" as amended by providing for the creation of the Building and Loan Board the appointment of its members the payment of its expenses and defining its powers and duties and by modifying the powers and duties of the Department of Banking and by modifying the powers and duties of the Secretary of Banking as receiver of corporations and persons under his supervision making further provisions with regard to appeals in certain proceedings and by making inapplicable said act to certain corporations.

House Bill No. 554, Printer's No. 501, entitled, "An Act to amend the act approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," as amended, by further providing for the powers and limitations upon the acts of corporations or persons authorized to engage in a banking or fiduciary business or both, and of affiliates of such corporations or persons and of officers, directors, trustees, and employes of such corporations and persons.

GEORGE H. EARLE

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 664, 750, 855, 1054 and 1167

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 22, 1937

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 6664, Printer's No. 360, entitled "An act to amend section twenty-one of the act approved the thirteenth day of June one thousand eight hundred thirty-six (P. L. 551) entitled 'An act relating to roads highways and bridges' providing for the vacation of parts of former State roads and turnpike roads where State highways are changed or relocated."

House Bill No. 750, Printer's No. 107, entitled "An Act conferring on the Department of Highways power to enter upon private property for the purposes of making surveys of proposed highway improvements providing for the payment of damages and providing penalty for interference."

House Bill No. 855, Printer's No. 232, entitled "An act to authorize the Secretary of Highways to disregard terminal points in relocating State Highway Routes under certain conditions."

House Bill No. 1054, Printer's No. 265, entitled "An Act to amend section seven as amended sections nine

and thirteen sections fourteen and eighteen as amended section nineteen and sections twenty-one and twenty-two as amended of the act approved the seventh day of June one thousand nine hundred and fifteen (P. L. 900) entitled "An act to provide for the immediate registration of all births and deaths throughout the Commonwealth of Pennsylvania by means of certificates of births and deaths and burial or removal permits requiring prompt returns to the Central Bureau of Vital Statistics and required to be established by the Department of Health and in order to secure prompt and faithful registration of births marriages deaths and diseases of practitioners of medicine and surgery of midwives nurses and undertakers and of all persons whose occupation is deemed to be of importance in obtaining complete registration of births deaths marriages and diseases throughout the State as provided in section ten of an act entitled 'An act creating the Department of Health and defining its powers and duties' approved the twenty-seventh day of April nineteen hundred and five and providing penalties for violations of this act" by further regulating the contents and registration of birth certificates and death certificates and the giving of certified copies thereof providing for the registration of birth certicates of children of citizens born beyond the limits of the United States and of special certificates for adopted children and fixing fees for certified copies thereof imposing additional duties upon the local registrars and providing compensation therefor payable by the Comonwealth authorizing the Department of Health to issue certified copies of the records of local registrars in cities of the first class and increasing existing penalties and imposing new penalties.

House Bill No. 1167, Printer's No. 246, entitled "An Act to further amend sections nine and eleven of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws three hundred ninety-five) entitled "An act empowering the Department of Highways to acquire certain toll bridges within the Commonwealth providing the procedure therefor providing for the reimbursement of the Commonwealth from tolls and charges and making an appropriation" as amended making the time for taking possession of any such toll bridge discretionary with the Secretary of Highways providing for the transfer in certain cases of funds from the Motor License Fund to the Toll Bridge Fund and the reimbursement thereof to the Motor License Fund from the Toll Bridge Fund out of proceeds of the sale of certain authorized bonds further providing for the payment of the cost of acquiring such bridges further regulating the collection of tolls and reimbursing the Commonwealth for the cost of acquiring such bridges further providing when such bridges shall be free of tolls and making an appropriation.

GEORGE H. EARLE

PERMISSION GRANTED COMMITTE TO MEET

Miss BRANCATO asked permission for the Committee on Cities to meet during the session of the House.

Mr. TURNER. Mr. Speaker I would like to interrogate the lady from Philadelphia.

The SPEAKER. Will the lady from Philadelphia permit herself to be interrogated?

Miss BRANCATO. Mr. Speaker, I will.

Mr. TURNER. Mr. Speaker, can't the lady have the meeting after the House adjourns.

Miss BRANCATO. Mr. Speaker, positively not. This is an important measure and I want it to go through tonight.

Mr. TURNER. Mr. Speaker, does the lady want to report it out tonight?

Miss BRANCATO. Yes indeed, Mr. Speaker. Does the gentleman have objection?

Mr. TURNER. What is the bill, Mr. Speaker?

Miss BRANCATO. The City Consolidation Bill, Mr. Speaker.

Mr. TURNER. Go ahead.

The SPEAKER. Will the House give its permission? The Chair hears no objection and permission is granted.

RESOLUTION

BIRTHDAY CONGRATULATIONS

Mr. BLANK offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 26, 1937.

Whereas It is proper that this august Body do pause in its deliberations for the purpose of expressing its felicitations on proper occasions, and

Whereas It is believed that such occasion does present itself, and

Whereas This is the natal day of the Honorable James A. Smith, a member of this House as well as the Democratic City Committeemen representing the Fortieth Ward of the City of Philadelphia, and

Whereas The Honorable James A. Smith has done yoeman work as a member of the House during the Session; now therefore be it

Resolved That the House of Representatives do extend its felicitations and best wishes to the Honorable James A. Smith as well as to his family and wish him a full portion of health, happiness, prosperity, and good luck in the years to come, and be it further

Resolved That a copy of this resolution be sent to the Honorable James A. Smith by the Chief Clerk of the House of Representatives.

REMARKS BY MR. JAMES A. SMITH

Mr. JAMES A. SMITH. Mr. Speaker and members of the House, I want to thank my colleague from West Philadelphia, Mr. Blank for his happy expressions and felicitations on my birthday. I noticed in coming up today that a number of members seemed to be having a birthday party and it seemed to me that perhaps my Democratic brothers and myself could arrange to have our next birthdays all at the same time.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House the other day it was the pleasure of the members of the Senate and of the House to present to the Honorable John H. Fertig a watch as a token of esteem from the members. Mr. Fertig has written this letter, addressed to me, in which he says:

Hon. Ellwood J. Turner,
House of Representatives,
Harrisburg, Pennsylvania.

Dear Mr. Turner:

Will you kindly act as my spokesman and convey to the Members of the House, including yourself, my sincere thanks for the beautiful watch which you presented to me the other day in their behalf. It brings to me the realization that the members of the Legislature do understand that the position I have occupied for so many years requires the expenditure of a great deal of energy. May I say to the Legislators, that my one regret in the performance of the work is that the speed with which measures must be prepared, precludes the perfection and freedom from error which would follow a more leisurely procedure, permitting time for reflection. May I say for all those engaged in the enactment of the laws of this Commonwealth, that we do surprisingly well under the circumstances.

I sincerely appreciate this gift for the personal senti-

ment which is attached to it, and I am proud to display it on the slightest provocation.

Sincerely yours,

JOHN H. FERTIG

26 April, 1937

Mr. TURNER. Mr. Speaker, I ask that the letter be spread upon the Journal.

The SPEAKER. The letter will be spread upon the Journal.

RESOLUTION

Mr. REUBEN E. COHEN offered a resolution which was filed with the Clerk under the Rules.

RESOLUTION No. 17

Mr. SARRAF. Mr. Speaker, I desire to call up at this time Resolution No. 17, Printer's No. 116.

The resolution was read by the Clerk as follows:

In the House of Representatives, February 8, 1937.

Whereas, The Triangle of the City of Pittsburgh, has been flooded several times during the past years as a result of the river overflowing its banks; and

Whereas, On each occasion of the flood waters coming into the Triangle District, great property damages were suffered by the citizens of Pittsburgh; and

Whereas, Engineering authorities have expressed the opinion that by the construction of flood walls along the river at this point, future floods could be prevented; and

Whereas, Not only could future floods be thus prevented, but the flood walls could be so constructed as to encase the railroad tracks along the river and carry along the top thereof a beautiful boulevard, therefore be it

Resolved, (if the Senate concur) That a joint legislative committee is hereby created composed of three members of the House of Representatives appointed by the Speaker of the House, and two members of the Senate appointed by the President Pro Tempore of the Senate, whose duty it shall be to make a broad investigation to determine the feasibility and desirability of constructing flood walls to protect the Triangle of the City of Pittsburgh and to ascertain the approximate cost thereof; and be it further

Resolved, That said joint committee shall make a report to the General Assembly at this or the next regular session of the Legislature as early as possible with such recommendations as are deemed appropriate.

On the question,

Will the House adopt the resolution?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS INTRODUCED AND REFERRED

By Mr. OMINSKY. HOUSE BILL No. 2208.

An Act making an appropriation for the dredging of the Delaware and Schuylkill Rivers.

Referred to the Committee on Appropriations.

By Mr. OMINSKY. HOUSE BILL No. 2209.

An Act making an appropriation to the Philadelphia General Hospital, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

By Mr. OMINSKY. HOUSE BILL No. 2210.

An Act making an appropriation to the Philadelphia Institute for Feebleminded, Philadelphia, Pennsylvania.

Referred to the Committee on Appropriations.

STATEMENT EXTENDED ON JOURNAL

Mr. OSTROFF asked and obtained permission to extend on the Journal a statement made by Walter B. Gibbons of the Philadelphia Bar as follows:

The first definite attempt to integrate the Pennsylvania Bar through the medium of a legislative Act is embodied in House Bill No. 1753—the proposed State Bar Act.

No definite action has heretofore been tawen in this State for organizing the bar through Supreme Court authority or through legislative enactment.

The proposed State Bar Act is patterned after the Washington State Bar Act but, unlike the latter, it omits provisions with respect to supervision by the Supreme Court.

After creating the State Bar as an agency of the State for the purpose of organizing and governing persons who practice law and regulating practice, it includes as the first members all persons entitled to practice law before any court of record in the State, provides for the admission of new members to such agency and provides for local bar units in each judicial district of the Commonwealth, with a right to such local bar units to select their own officers and Board of Governors for the management and conduct of their local affairs and to perform such duties as may be delegated to them by the Governors of the State Bar.

Each local bar unit is authorized to elect one delegate for each one hundred members or fractions thereof, to constitute a Council of Delegates and the council elects from its membership a board of twelve governors, which board is to govern the State Bar.

By section 8 of the proposed act, certain powers and duties are given to the State Bar, including the right to prescribe qualifications for membership and make classifications thereof, including active and inactive, and to determine the privilege and preogatives of the members of each class.

Dues are limited to five dollars per year, unless increased by resolution adopted by at least three fourths of the members of the Board of Governors.

Also included in the powers is that of redistricting the State for the purpose of organizing other bar units; to appoint boards or committees to examine applicants for admission to the State Bare respecting their learning, charatcer and fitness; to adopt and enforce codes of ethics, provide for expulsion, discipline and suspension of members for cause; to investigate professional conduct and initiate disciplinary proceedings before such tribunals of the State Bar or local bar units established for the purpose; to establish appellate tribunals in all cases of admission, explusion, suspension, discipline or reinstatement, and the right to make rules to carry out the purposes of the act, subject to the powers of the majority of the active members of the State Bar to modify or rescind any such rules, and new rules may be adopted by such majority of members, under the supervision of the Board of Governors. And generally, all matters affecting the organization, functioning and jurisdiction of the State Bare are vested in this agency.

Subpoenas to compel the attendance of witnesses before the investigating bodies and tribunals are issued upon application to the court of common pleas.

Only active members are permitted to practice law. Unlawful practice is made a misdemeanor.

An appeal upon certiorari may be taken to the Supreme Court, upon final decision of the Board of Governors, on proceedings involving admission, explusion, discipline or reinstatement of any member of the State Bar.

The act deserves the serious consideration of every members of the bar, as it is a definite departure from the present system in effect in this State. It attempts to solve the question of whether the courts or the legislature have the right to control those who practice law by placing that control in the bar itself through legislative fiat only.

This question has confronted the movement to integrate the bar in each State where intergration has been attempted or effected. Among the score of States which now have integration, some are so constituted by the legislature and some by rule of court. Perhaps the best exam-

ple of the former is California and of the latter, Missouri.

The Missouri Supreme Court adopted rules creating a committee in each of its thirty-eight districts to deal with unlawful practice by laymen and complaints against lawyers. A State Manager, who is chraiman of a General Administrative Committee of five lawyers, devotes his entire time to supervising this work. Under court rule a fee of three dollars is paid every year by every practitioner; the canons of ethics are adpoted as part of its rules; provision is made for curbing lay encroachments and large powers are given to local grievance committees.

In each of the States where integration of the bar has been effected with either means, satisfaction has been expressed by the bar and improvement has been noted in the general tone of the members, the administration of discipline, and the advancement of the public interest.

However desirable integration of the bar, either by legislatie act or judicial rule, may be, we are still confronted with the question as to the location of the power to control the bar in Pennsylvania.

In considering this question, we are reminded that in England the barristers were at common law and are now wholly a self-governing body. They are called to the bar by the benches, and the discretion of the benchers for admitting barristers is understood to be uncontrollable. King v. Benchers of Lincoln's Inn, 4 B. & C. 866. From the barristers can be derived a commentary, running through a period of half a dozen or more centuries, upon the proposition that the qualifications of counsel can be wisely ascertained through self-government. The attorneys at law in England are also regulated by the incorporated law societies, self-governed, but admission is under the control of the courts since the passage of the Act of 4 Hen. IV, c. 18, which is the original enrollment statute.

Since the founding of the Province of Pennsylvania, the functions of attorneys and barristers have been alike performed by the members of the Bar of Pennsylvania. No provision is made for their appearance under the frame of government of Pennsylvania of 1682, agreed upon in England, although provisions is there made for litigants to appear "by their friends". By the Act of February 26, 1710 (Law Book A, vol. 1, p. 235), provision is made for appearance of litigants by attorneys before the justices, mayor, and recorder, the act providing that upon the misbehavior of such attorneys the said tribunals may suspend or prohibit their pleading in any of the said courts.

This act was followed by the Act of May 28, 1715 (Law Book A, vol. 2, p. 112), authorizing the admission by the justices of attorneys to practice and providing for their suspension upon misbehavior. This act was lost in councils and was followed by the Act of May 22, 1722 (Law Book A, vol. 2, p. 297), which provided:

"That there may be a competent number of persons of an honest disposition and learned in the law, admitted by the Justices of the. . . Courts to practice as attorneys there; who shall behave themselves justly and faithfully in their practice: and if they misbehave themselves therein, they shall suffer such penalties and suspensions as attorneys at law in Great Britain are liable to in such cases."

This act was in effect at the time of the Declaration of Independence and the adoption of the Constitution of Pennsylvania of 1776.

By section 24 of the Constitution of 1776, there is vested in the Supreme Court and the several courts of common pleas of the Commonwealth "powers usually exercised by such courts", and similar vestings are contained in each of the succeeding constitutions adopted in Pennsylvania.

The Act of 1722 continued in effect until the passage of the Act of April 14, 1834, P. L. 341, which is the Judiciary General Act. By section 68 of that act, it is provided that:

"Judges of the several courts of record of this Commonwealth shall respectively have power to admit a competent number of persons of an honest disposition and learned in the law to practice as attorneys in their respective courts."

It would seem, there fore, that since the founding of Pennsylvaua the right to control admission and disbarment has been vested in the courts and that by the Constitution of 1776 that power was definitely deposited in the judiciary as one of the "powers usually exercised by such Courts".

In referring to acts of the legislature pertaining to admission of attorneys to practice before the courts, Mr. Chief Justice Moschzisker, in Olmsted's Case, 292 Pa. 96, 103, said:

"Of course, one admitted to the bar has a public office conferred on him . . . and the people as a whole are interested in all who shall occupy such offices, but the power to regulate that matter, for their benefit, belongs in Pennsylvania to the judicial department of government . . . not to the legislative; and the various statutes dealing with admissions to the bar which have been passed from time to time . . . involve a judicial, rather than a legislative, subject matter."

He then states the rule with respect to the construction of legislative pronouncements pertaining to the bar, as follows:

"The true rule is as follows: Statutes dealing with admissions to the bar will be judicially recognized as valid, so far as, but no further than, the legislation involved does not encroach on the right of the courts to say who shall be privileged to practice before them, and under what circumstances persons shall be admitted to that privilege. Acts of this kind have been construed in the past in such a way as to bring them within this rule, rather than as being unconstitutional. We shall not discuss in detail the various statutes referred to above; for none of them can control the courts in performing the purely judicial act of deciding who shall enjoy the privilege of practicing before them."

As early as 1814 the Supreme Court decided (Commonwealth v. The Judge, 1 S. & R. 187) that the admission of an attorney to a court is a judicial and not a ministerial act.

It is clear, therefore, that the courts have full and exclusive control of the admission of attorneys to practice before them and to remove them should they prove unworthy, and the legislature is without power to interfere with the rights of the courts in that regard.

Aside from the right of the court to admit, control, and disbar a lawyer in the exercise of his functions as an officer of the court, consideration must be given to the question of the control of lawyers in the practice of their profession in its other phases.

Mr. Justice Fields in Ex Parte Garland, 4 Wall. 333, 379, in referring to this phase of the practice of law said:

"The legislature may undoubtedly prescribe qualifications for the office, to which he must conform, as it may, where it has exclusive jurisdiction, prescribe qualifications for the pursuit of any of the ordinary avocations of life."

It seems, therefore, that there are two functions of the bar, one of which is within the exclusive control of the courts, and the other is within the exclusive control of the legislature.

When a lawyer faces a court and appears on behalf of a litigant, he is acting as an officer of that court, siding in the dispensation of justice and assisting in the administration of a public function and, as such officer of the court, he is under the exclusive control of the judiciary. When he faces the public and holds himself out as one being qualified to advise citizens with respect to their rights under the law and as being competent to perform the usual office duties of a lawyer, he is under the control of the legislature, in much the same manner as is the physician, the dentist or others.

It may be conceded that it is desirable to terminate "dual sovereignity" by consolidating all power over the bar in the Judiciary, and an act of the legislature delegating to the courts the right to control the bar in all of its functions would undoubtedly meet with uniform approval.

* * *

The proposed act has been drawn with the apparent intention of avoiding any challenge to the court's prerogative in controlling adimssions and disbarments to the courts. There is no provisions in the act relating to admission or disbarment of an attorney to any court or with respect to

his functions as an officer of the courts. It merely restricts the right to practice law to those wha have been admitted to the State Bar, as an agency of the State, and admission to the State Bar is not tantamount to admission to a court. Thus, under the proposed act, a lawyer might be admitted to the State Bar and yet be refused admission to a court. His admission to the court would still require his admission to the State Bar, before he could hold himself out to the public as being authorized to practice law. His membership in the State Bar, on the other hand, would not entitle him to appear in any court to which he had not been admitted by such court nor is there any power vested in the State agency to require any particular court to admit him. He might, however, appeal to the Supreme Court on the refusal of the State Bar to admit him to membership.

The effect of the act is to require all practicing lawyers to belong to a single association, which is self-governing.

A limitation on the number of governors, from any county, to two at any one time would obviate the control of the proposed State Bar by the large citeis and would probably satisfy the objections from the smaller counties on that score.

There are other changes that should be made in the act, if its passage should be deemed desirable. Thus, section 11, providing that:

"No person shall practice law in the Commonwealth of Pennsylvania or be admitted to the bar of any court subsequent to the first meeting of the State Bar unless he shall be an active member thereof", is ambiguous and requires clarification.

There should also be a provision to the effect that no one should be placed on the inactive list on the basis of age—assuming that this be a necessary restriction to a self-governing bar group.

The purposes of integration have been fully discussed in various legal publications in the past fifteen years, and a fair consideration of the movement is contained in the address of Carl V. Essery, Esq., printed in the Annual Report of the Pennsylvania Bar Association for 1935, p. 328.

Hon. Arthur T. Vanderbilt, president-designate of the American Bar Association, in an address delivered at the convention of the American Bar Association held at Boston in August of 1936, lists a number of causes for the present disintegrated condition of the bar, and particularly stresses the encroachment of corporations and other lay agencies upon the domain of the lawyer. He lists the collection agencies, adjustment bureaus, automobile associations, hospital councils, title companies, trust companies, and incorporation companies as requiring much activity on the part of committees on unauthorized practice. He might have included undertakers, constables, independent adjusters, and realtors. Indeed, there has been persented to the legislature House Bill No. 1757, which forbids anyone but a real estate broker from drawing deeds, mortgages, agreements of sale, etc.!

Other than the voluntary bar associations, comprising only a fraction of the bar, who is there to turn a hand to prevent such intrusions upon the practice of the law?

Mr. Vanderbilt traces, in his address, the causes which produced the "Golden Age of the American Bar", when lawyers bound together by tradition and training, by common ties of patriotism and public service, labored to improve the administration of justice and to adopt their government to the new ideals of society then current. He sketches the disintegrating forces of the Nineteenth Century and concludes:

"What are the lessons? Manifestly there can be no turning back to the old system any more than we could now have a city governed by town-meeting methods. But we can substitute for a hit-or-miss method of bar associations a representative system of bar organization which will give us a self-governing institution directed by the men most capable in the judgment of their fellows of governing their profession. This is the method of the integrated bar and . . . where it has been tried it has been sucessful . . . We must make every lawyer realize his individual responsibility to his profession, to the bar as an institution. In no other way can the dignity of our calling be safeguarded."

The success of bar integration is attested by the various States in which it has been in operation. President R. L. Hamberlen, in his address to the Washington State Bar, assembled for its 1936 meeting, said:

"The integrated bar has been functioning now for three years and I can say, without fear of contradiction, that it is accomplishing all that was promised for it by those supporters who worked so diligently for the passage of the act creating it."

He expresses his belief that the time will come when inclusive organization and self-governing powers will be exercised by the profession in every State.

Mr. Charles A. Beardsley, former president of the California State Bar, in referring to the effects of integration, says:

"And, through the instrumentality of the integrated bar, the lawyers of California have made the bar more worthy of respect and therefore more respected; they improved the quality of the service that they render to the members of society; and they have thereby increased the public demand for that service.

"They are serving the public better, and they are thereby fulfilling the primary purpose of the integrated bar. And at the same time, and by the same means, they are greatly enriching the legal profession, without impoverishing any other group, or any individual. The change in the public attitude toward the bar is evidenced in many ways.

"It is evidenced by the disposition of the legislature to accept, and to act favorably upon, the recommendations of the State Bar, on legislation relating to the bar, to the courts and to the administration of justice. It is evidenced by the disinclination of the banks, and of the other potential lay encroachers, to take issue with the State Bar on any matter relating to their respective fields of activity. And it is evidenced most conspicuously by the attitude of the press, which almost uniformly is generous and out-spoken in its support and it its praise. Typical of the attitude of the press is an editorial comment of the work of the State Bar in the Hanford Daily Sentinel:

"There are signs of a new life in the California Bar. It appears that the law fraternity has received a new vision of its responsibilities, new faith in its inherent goodness, renewed courage to attack its problems. It is the most hopeful sign that has come into the life of the State in over half a century".

From Alabama, the earliest fully organized bar, comes the statement by its president, Douglas Arant, in support of the benefits of integration:

"In a comparatively short time the results of the administration of the self-governing bar have fully justified its existence. The lawyers as a whole believe in the system Its functioning has aroused their general interest in the profession. They are beginning to feel that through an effective organization the bar can accomplish a great deal in the public welfare and in the interest of the profession. So also there is a feeling on the part of the people of the State generally that the bar is awakening to its duty to the public. They believe that an honest effort is being made to exclude from the bar unworthy members and to exercise greater care to prevent the admission of those who are unfit. Likewise a notion is beginning to develope that the bar may extend its influence and discharge its larger responsibility to the public in the field of sound legislation and in the administration of justice. These good results, I believe, are due largely to the specific legal obligations and definite professional powers conferred by the statute providing for the organization of the bar."

Assuming that the present act has imperfections to be corrected, the matter of integration of the bar is a subject which should be given careful and temperate consideration.

REPORT FROM COMMITTEE

Mr. OMINSKY, from the Comimttee on Cities, reported as committed, House Bill No. 2169, (Senate Bill No. 831), entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the

City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the mnuicipal election of one thousand nine hundred and thirty-seven.

BILL ON THIRD READING

Mr. SKALE asked and obtained unanimous consent to call up out of order House Bill No. 1557, Printer's No. 564, on page 16, of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. SKALE.

The House resumed the consideration on third reading of House Bill No. 1557, entitled:

A Joint Resolution proposing an amendment to Article nine Section eight of the Constitution of the Commonwealth of Pennsylvania

On the question recurring,

Will the House agree to the bill on third reading?

BILL RECOMMITTED

Mr. SKALE. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of possible amendment.

The motion was agreed to.

ANNOUNCEMENTS BY THE CLERK

There will be a public hearing tomorrow, April 27 at 4 p. m. on House Bill 621, in room 101 before the Committee on State Boards.

There will be a public hearing tomorrow, April 27 at 4 p. m. on House Bill 1330 in the House Caucus Room.

There wil be a public hearing Tuesday, May 4th, at 4 p. m., on House Bill 1758, the statewide Civil Service, in the House Caucus Room, before the Committee on State Government.

There will be a public hearing, Tuesday, May 4th, at 10 a. m., on House Bill No. 121, in the House Caucus Room before the Committee on Ways and Means.

COMMITTEE MEETINGS FOR TOMORROW

Agriculture at 10 a. m. in Room 521.

The Banking Committee has cancelled their meeting for tomorrow.

Corporations tomorrow at 12:30 in Room 245.

Counties after the session in Room 324.

Judiciary General 11 a. m. in Room 325.

Labor after the session in Room 521.

Military Affairs twelve noon in Room 101.

Municipal Corporations 12 noon in Room 301.

ADJOURNMENT

Mr. JAMES A. SMITH. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 1:32 a. m.) the House adjourned until Tuesday, April 27, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, APRIL 27, 1937. No. 49.

SENATE

TUESDAY, April 27, 1937

The Senate met at 12 o'clock noon.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. George Walker Buckner, L.L.D. offered the following prayer:

Almighty One
Thou movest in Mysterious way,
Thy wonders to perform;
Thou plantest Thy footsteps on the sea,
And ridest upon the storm.

Yet "God is in His heaven—and all is right with the world."

We know not the baffling ways of nature, yet forgive us if we discern not in a universe of law some hidden meaning in punitive purpose in disaster. Mediate to our hearts a composure of abiding faith. If we find Thee not in wind or earth; quake or fire, sensitize our hearts to Thy still, small voice; to Thy challenge to pity and sympathy; to rescue and rehabilitation. In mercy, transform the structures of society and state into ministries of beneficience; and may we not grow weary in well-doing. May the grace of Thy wisdom rest upon this body. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SIPE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared its table and laid before the Senate the following communications:

FAVORING ENACTMENT OF THE McGINNIS BILL (SENATE BILL No. 341) AND OPPOSING THE McGINNIS BILL (SENATE BILL No. 343)

Petitions from numerous citizens favoring the enactment of the McGinnis Bill (Senate Bill No. 341), to amend the present hard liquor laws of the State; and opposing the passage of the McGinnis Bill (Senate Bill No. 343) to amend the fermented liquor law.

Which is referred to the Committee on State Boards.

URGING SUPPORT OF THE CHAIN STORE TAX BILL

Petitions from hundreds of citizens of the State of Pennsylvania urging the support of the Chain Store Tax Bill which is to promote Education in the 4th Class Districts.

Which was referred to the Committee on Appropriations.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John Badovinac, 3441 Forbes St., Pittsburgh.
Frank O. Gardner, 1330 Locust St., Pittsburgh.
Miss Margaret Hollan, Braddock.
Earle B. Lafean, 356 Coltart Ave., Pittsburgh.
John D. Moffat, 515 Plaza Bldg., Pittsburgh.

BUCKS COUNTY

Miss Annie Heller, Riegelsville.

CHESTER COUNTY

Fred W. Ashton, Coatesville.

LUZERNE COUNTY

Joseph W. Stearns, Wilkes-Barre.
T. G. Wadzinski, Wilkes-Barre.

MONTGOMERY COUNTY

G. Carroll Hoover, Norristown.

PHILADELPHIA COUNTY

Joseph P. Parker, 642 S. 52d St., Phila.
Charles H. Young, 1215 W. Glenwood Ave., Phila.

WESTMORELAND COUNTY

Miss Gerda A. Carlson, Scottdale.
L. Russell Grove, New Kensington.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 812 (Senate Bill No. 1077), entitled:

An Act relating to cities of the first class, authorizing the issuance of non-debt revenue bonds to finance sewer improvements.

Which was committed to the Committee on City Government.

House Bill No. 1200 (Senate Bill No. 1078), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight, and one thousand nine hundred thirty-nine; permitting the use of any surplus funds for construction and reconstruction of township roads and bridges; requiring townships to exclude provision for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years; authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the purposes of this act, and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

Which was committed to the Committee on Appropriations.

House Bill No. 1459 (Senate Bill No. 1079), entitled:

An Act relating to employers and employes; prohibiting the requirement of certain payments for medical services or insurance by employes as a condition to employment or continuance in employment; and prescribing penalties.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1575 (Senate Bill No. 1080), entitled:

An Act to amend section eighteen of the act, approved the eighteenth day of July, one thousand nine hundred and seventeen (P. L. 1043), entitled "School Employes Retirement Law" as amended, authorizing the assignment of retirement rights in certain cases.

Which was committed to the Committee on State Boards.

House Bill No. 1639 (Senate Bill No. 1081), entitled:

An Act providing for the use of the Pennsylvania Industrial School at Huntingdon as an institution for the reception, care, maintenance, detention, employment and training of defective delinquents; providing for the commitment and transfer of such persons to such institutions and discharge therefrom; conferring powers and imposing duties on the Department of Welfare and courts; and imposing certain charges on counties.

Which was committed to the Committee on Welfare.

House Bill No. 1774 (Senate Bill No. 1082), entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life, endowment, accident or health insurance.

Which was committed to the Committee on Insurance.

House Bill No. 2112 (Senate Bill No. 1083), entitled:

An Act relating to political subdivisions, requiring political subdivisions against which civil suits are brought to notify owners or occupants of real property who are personally liable thereon on pain of losing the right to indemnity.

Which was committed to the Committee on Judiciary General.

TIME OF NEXT MEETING

He also informed the Senate that the House had concurred in Resolution from the Senate as follows:

In the Senate, April 26, 1937.

Resolved (if the House of Representatives concur), that when the Senate adjourns this week it reconvene on Monday evening, May 3rd. at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 3rd, at nine o'clock, Eastern Standard Time.

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1183, entitled:

An Act providing for the taking over by the Commonwealth under certain terms conditions and limitations of certain streets in cities of the first class as State highways and for the improvement construction reconstruction resurfacing and maintenance by the Commonwealth of said streets imposing duties on such cities and on public utility companies using such streets providing that no assessment shall be made upon the Commonwealth in the elimination or reconstruction of any grade crossing thereon authorizing cities persons associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction regulating the replacement of certain facilities of public utility companies prohibiting the making of any opening in said street after improvement without a permit and providing penalty therefor regulating the maintenance of detours authorizing the increase or city indebtedness in certain cases and appropriating money in the Motor License Fund for the purposes of this act.

JOINT COMMITTEE TO INVESTIGATE ADVISABILITY OF CONSTRUCTING FLOOD WALLS TO PROTECT TRIANGLE OF CITY OF PITTSBURGH

He also presented extract from the Journal of the House of Representatives which was twice read as follows which was laid on the table:

In the House of Representatives, February 8, 1937.

Whereas, The Triangle of the City of Pittsburgh has been flooded several times during the past years as a result of the river overflowing its banks and

Whereas, On each occasion of the flood waters coming into the Triangle District great property damages were suffered by the citizens of Pittsburgh and

Whereas, Engineering authorities have expressed the opinion that by the construction of flood walls along the river at this point future floods could be prevented and

Whereas, Not only could future floods be thus prevented but the flood walls could be so constructed as to encase the railroad tracks along the river and carry along the top thereof a beautiful boulevard therefore be it

Resolved (if the Senate concur), That a joint legislative committee is hereby created composed of three members of the House of Representatives appointed by the Speaker of the House and two members of the Senate appointed by the President Pro Tempore of the Senate whose duty it shall be to make a broad investigation to determine the feasibility and desirability of constructing flood walls to protect the Triangle of the City of Pittsburgh and to ascertain the approximate cost thereof and be it further

Resolved, That said joint committee shall make a report to the General Assembly at this or the next regular session of the Legislature as early as possible with such recommendations as are deemed appropriate.

HOUSE CONCURS IN SENATE BILL No. 372

He also returned to the Senate, Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred seventeen, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 801

He also returned to the Senate, Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act, approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphi for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 916

He also returned to the Senate, Senate Bill No. 916, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

with the information that the House has passed the same without amendment.

SENATE BILL No. 377 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 377, entitled:

An Act to re-enact and further amend the act, approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409), entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal, and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county;" extending said act to all counties of this Commonwealth.

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 558 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 558, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 559 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 559, entitled:

An Act to amend Article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL No. 638 RETURNED WITH AMENDMENTS

He also returned to the Senate, Senate Bill No. 638, entitled:

An Act to further amend section four of the act approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools, and providing for the transportation of pupils to and from consolidated schools" by making certain changes in the provisions for reimbursements by the Commonwealth.

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

The PRESIDENT. The amended bills will be noted on the calendar.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both Houses of the General Assembly and the same being correct; the titles were publicly read as follows:

Senate Bill No. 372, entitled:

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred seventeen of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class.

Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act, approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent, dependent, and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Senate Bill No. 916, entitled:

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. WOODWARD, from the Committee on Judiciary General reported as amended, Senate Bill No. 735, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

Mr. GILSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1044, entitled.

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act.

Mr. RUTH, from the Committee on Municipal Government, reported as committed, Senate Bill No. 518 (House Bill No. 302), entitled:

An Act to amend the title and section one of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 477), entitled "An act providing for the payment of compensation, medical and hospital expenses of policemen and firemen by cities (except of the second class A), boroughs, towns, and townships who are injured in the performance of their duty, and providing that absence during such injury shall not reduce any usual sick leave period;" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city, borough, town or township.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 935 (House Bill No. 1176), entitled:

An Act to amend Article three of the act approved the seventh day of March, one thousand nine hundred and one (Pamphlet Laws twenty) entitled, "An act for the government of cities of the second class," as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

Also from the Committee on Municipal Government, rereported as committed, or as amended, Senate Bill No. 235 (House Bill No. 50), entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled, "An act concerning townships of the first class, amending, revising, consolidating and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also from the Committee on Municipal Government, rereported as committed, or as amended, Senate Bill No. 236 (House Bill No. 51), entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also from the Committee on Municipal Government, rereported as committed, Senate Bill No. 237 (House Bill No. 52), entitled:

An Act to amend Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also from the Committee on Municipal Government, rereported as committed, Senate Bill No. 238 (House Bill No. 53), entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled, "An act concerning boroughs and revising, amending and consolidating the law relating to boroughs," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

Also from the Committee on Municipal Government, rereported as committed, Senate Bill No. 239 (House Bill No. 60), entitled:

An Act to amend the title and sections one and two of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1236), entitled "An act empowering cities (except cities of the first class) boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage systems, and treatment works, including charges for operation, inspection, maintenance, repair, depreciа-

tion, and the amortization of indebtedness and interest thereon," extending the provisions thereof to cities of the first class, providing for the charging and collection of annual rentals for the use of sewers, sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation.

Mr. DiSILVESTRO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 848, entitled:

An Act to amend section 2551 and to repeal sections 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, and 2521, of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for taxation in such cities on the basis of assessments and valuations for county purposes.

Mr. DANDO, from the Committee on Municipal Government, reported as committed, Senate Bill No. 401 (House Bill No. 890), entitled:

An Act to amend section two thousand five hundred eighty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" correcting a defect in said section by supplying omitted matter

Mr. OWLETT, from the Committee on Judiciary General, reported as committed, Senate Bill No. 874, entitled:

An Act to amend section forty of the act approved the twenty-ninth day of April, one thousand eight hundred seventy-four (P. L. 73), entitled "An act to provide for the incorporation and regulation of certain corporations, providing for the renewal of charters of corporations, the charters, franchises and property of which have been purchased by another corporation.

Mr. WOLFENDEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 936 (House Bill No. 1188), entitled:

An Act to amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," providing for competitive bidding on contracts.

Mr. SONES, from the Committee on Judiciary General, reported as amended, Senate Bill No. 837 (House Bill No. 753), entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercise of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

Also from the Committee on Judiciary General, reported as amended, Senate Bill No. 658 (House Bill No. 646), entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the exercise of the power of eminent domain through the State Board of Housing; providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

Also from the Committee on Banking reported as amended, Senate Bill No. 695 (House Bill No. 1159), entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National banks into State banks, and for the licensing of private bankers; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, shareholders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds, and certain State departments, commissions, and officers; imposing penalties, and repealing certain acts and parts of acts," as amended, by providing further with regard to limitations upon loans to one corporation or person.

Mr. KILGALLEN, from the Committee on Judiciary General, reported as amended, Senate Bill No. 394 (House Bill No. 655), entitled:

An Act to amend section thirty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for service on respondents who are lunatics or persons non compos mentis or confined in institutions for mental treatment.

Mr. McGINNIS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 934 (House Bill No. 877), entitled:

An Act to amend section one of the act, approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof," by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act.

Mr. McGINNIS, from the Committee on Municipal Government, reported as committed, Senate Bill No. 933 (House Bill No. 369), entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended, by reducing the number of newspapers for official advertising.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 549, entitled:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 550, entitled:

An Act to amend section two thousand five hundred eleven of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 551, entitled:

An Act to amend section one thousand nine hundred six of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 552, entitled:

An Act to amend section five hundred sixty-three of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 553, entitled:

An Act to amend section eight hundred four of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

Also from the Committee on Municipal Government, reported as committed, Senate Bill No. 554, entitled:

An Act to amend section one of the act, approved the first day of May, one thousand nine hundred and thirteen (P. L. 155), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," providing that in such cases separate contracts shall be awarded for the structural steel and ornamental iron work.

Mr. EROE, from the Committee on Federal Relations, reported as committed, the following resolution, which was laid on the table:

CONGRESS TO REVISE TARIFF LAWS TO INCREASE DUTY ON CEMENT IMPORTED FROM FOREIGN COUNTRIES

In the House of Representatives, February 9, 1937.

Cement produced in foreign countries by cheap labor [and the employment of women to perform work for which they are not physically fitted] has already to a large degree supplanted the American product on the markets of the seaboard cities of the United States and is increasing at the rate which will in a very short time compel domestic producers to entirely discontinue their operations

This condition most vitally affects the public intrests of this Commonwealth and particularly of the Lehigh Valley Not only does it consign to the ranks of the unemployed great numbers of workmen already receiving but moderate compensation for their labor but the shutdown or reduced operation of a cement mill means also the cessation or decrease of its purchases of coal fuel oil cloth and paper sacks wire lubricants explosives fire brick gypsum machinery and a great many other industrial products of this Commonwealth therefore be it

Resolved (if the Senate concur) That the General Assembly of Pennsylvania hereby memorializes the Congress of the United States to revise the tariff laws so as to increase the duty on cement imported from foreign countries to an extent necessary in order to permit domestic cement to compete with the foreign product and be it further

Resolved that copies of this resolution be sent by the Chief Clerk to the House of Representatives to each House of Congress and to each United Sates Senator and Representative in Congress from this Commonwealth

Also from the Committee on Federal Relations, reported as committed, the following resolution, which was laid on the table:

CONGRESS PETITIONED TO PROTEST THE RATIFICATION OF THE ARGENTINE SANITARY CONVENTION

In the House of Representatives, February 17, 1937.

Whereas, It is indicated that there is a determination on the part of certain officials of the Federal Government to secure a ratification of the Argentine Sanitary Convention; and

Whereas, Any attempt to raise the embargo on animal products from Argentine or any province thereof would subject the livestock and wild animal life of the United

States to a constant menace of foot and mouth disease; and

Whereas, Foot and mouth disease manifested itself in Pennsylvania in 1914 and ultimately spread into thirty-four of the sixty-seven counties, infecting 858 different herds, and costing the Commonwealth hundreds of thousands of dollars to eradicate; and

Whereas, Past experience shows that outbreaks caused by such importations have caused millions of dollars of damage and consequent depletion of livestock and game, and have been a source of great economic loss; now, therefore, be it

Resolved, (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions the Congress of the United States to protest the ratification of the Argentine Sanitary Convention, and urges the members thereof to work for the continuance of the present embargo against every country where the disease is known to exist in order that there shall be no experimentation at the expense of the health and safety of our livestock and wild animal life.

Resolved, That a copy of this resolution be forwarded to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress of the United States from this State, by the Chief Clerk of this House.

Mr. EROE, from the Committee on Federal Relations, reported as committed, Senate Bill No. 875, entitled:

An Act to cede jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County, and over the tract of land and buildings occupied by the New Cumberland Depot located in York County.

Mr. KUNKEL, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1022, entitled:

An Act to re-enact and further amend the act, approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy-eight) entitled as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another," extending the provisions of said act to corporations not engaged in receiving deposits of money, securities and other property for safe keeping.

Mr. JACOBS, from the Committee on Judiciary General, reported as committed, Senate Bill No. 813, entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien.

JOINT COMMITTEE TO INVESTIGATE ADVISABILITY OF CONSTRUCTING FLOOD WALLS TO PROTECT TRIANGLE OF CITY OF PITTSBURGH

Mr. FREY. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of House resolution No. 17.

The PRESIDENT. Is there any objection? The Chair hears none.

The resolution was read as follows:

In the House of Representatives, February 8, 1937.

Whereas, The Triangle of the City of Pittsburgh has been flooded several times during the past years as a result of the river overflowing its banks and

Whereas, On each occasion of the flood waters coming into the Triangle District great property damages were suffered by the citizens of Pittsburgh and

Whereas, Engineering authorities have expressed the opinion that by the construction of flood walls along the river at this point future floods could be prevented and

Whereas, Not only could future floods be thus prevented but the flood walls could be so constructed as to encase the railroad tracks along the river and carry along the top thereof a beautiful boulevard therefore be it

Resolved (if the Senate concur), That a joint legislative committee is hereby created composed of three members of the House of Representatives appointed by the Speaker of the House and two members of the Senate appointed by the President Pro Tempore of the Senate whose duty it shall be to make a broad investigation to determine the feasibility and desirability of constructing flood walls to protect the Triangle of the City of Pittsburgh and to ascertain the approximate cost thereof and be it further

Resolved, That said joint committee shall make a report to the General Assembly at this or the next regular session of the Legislature as early as possible with such recommendations as are deemed appropriate

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 1038, entitled:

An Act providing that in all cases where writs of habeas corpus are granted, the judge shall inquire into the facts of the case, including an examination into the record, proceedings and evidence produced against the person committed or detained before the committing judge, officer, magistrate or grand jury, and making such records, proceedings and evidence available for inspection by the petitioner or his counsel.

House Bill No. 1051, entitled:

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred and fifty-five) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all

streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers to the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof" defining water obstructions and enlarging the powers of the Water and Power Resources Board.

House Bill No. 1183, entitled:

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first class as State highways and for the improvement, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utility companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase or city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

House Bill No. 2118, entitled:

An Act to further amend section six of the act, approved the second day of May, one thousand eight hundred ninety-nine (P. L. 184), entitled "Mercantile License Tax Law," by clarifying the provisions relating to appeals.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

BILLS INTRODUCED

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 1084, entitled:

An Act to further amend subsection (k) of section one thousand three hundred and four of the act approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by further defining the duties of advisory committees.

Which was committed to the Committee on Judiciary General.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 1085, entitled:

An Act providing for fixing minimum compensation for barber service in the several counties of this Commonwealth; conferring powers and imposing duties on the Department of Public Instruction; and prescribing penalties.

Which was committed to the Committee on State Boards.

RESOLUTION REQUESTING CERTAIN INFORMATION FROM THE STATE EMERGENCY RELIEF BOARD

Mr. OWLETT. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT offered the following resolution which was twice read:

In the Senate, April 27, 1937.

Resolved, That the State Emergency Relief Board shall furnish to the Senate not later than May 15, 1937, a detailed statement showing the names and addresses of and the compensation paid to all the employes of said board as of January 1, 1937 and as of April 1, 1937.

Resolved, That a copy of this resolution be transmitted to the State Emergency Relief Board by the Chief Clerk of the Senate.

Mr. OWLETT. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

Mr. RICE. Mr. President, I object.

On the question,

Will the Senate agree to the resolution?

Mr. CAVALCANTE. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, if the resolution also includes persons employed by the Boards in the County?

Mr. OWLETT. Mr. President, this resolution includes all the employees of the State Emergency Relief Board.

Mr. JASPAN. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. JASPAN. Mr. President, I would like to ask the Senator from Tioga, Mr. Owlett, the purpose of this resolution.

Mr. OWLETT. Mr. President, the purpose of this resolution is with the thought in mind that we have coming before us bills setting up a new relief system, and it seems to me, before we can intelligently act on these bills, we ought to have all the information with reference to the cost of administering relief in this State, and, I know of no other way to get it.

Mr. JASPAN. Mr. President, did the Senator from Tioga attempt to get the information?

Mr. OWLETT. Mr. President, I have been a member of this Senate for five years and I have been on any number of committees, and I think there is no one in this Senate but that will agree with me that any indi-

vidual trying to get any information from Dr. de Schweinitz, or the Relief Board, finds it a hopeless task in this State. The only way you can get information from these people is by passing a resolution in the Senate.

Mr. JASPAN. Mr. President, has the Senator from Tioga made any effort to obtain this information.

Mr. OWLETT. Mr. President, if the Senator is asking when I made an effort, I made any number of efforts to get this information but I have not made any recently.

Mr. GELDER. Mr. President, I can throw light on the subject from the Senator from Philadelphia, Mr. Jaspan. The Senate Appropriations Committee, or the sub-committee appointed by the Senate Appropriations Committee, did endeavor to get that information, but we have not gotten a complete picture up to the present time.

Mr. RICE. Mr. President, I withdraw my objection.

The PRESIDENT. The Senator from Adams, Mr. Rice, withdraws his objection.

Is there any further objection? The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

BILLS INTRODUCED

Mr. McGINNIS. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS read in his place and presented to the Chair Senate Bill No. 1086, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Which was committed to the Committee on Municipal Government.

Mr. KUNKEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL read in his place and presented to the Chair Senate Bill No. 1087, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight), entitled "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," as amended, by changing the method of issuance of licenses, and making further provisions for records and returns thereof.

Which was committed to the Committee on Game and Fisheries.

Mr. JASPAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 1088, entitled:

An Act to repeal Article XIX as amended, and section six of Article XXII of the act approved the twenty-fifth day of June, one thousand nine hundred nineteen (Pamphlet Laws five hundred eight-one) entitled "An act for the better government of cities of the first class of this Commonwealth.

Which was committed to the Committee on City Government.

Mr. JASPAN. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 1089, entitled:

An Act to supplement the Act, approved the twenty-fifth day of June, one thousand nine hundred nineteen (Pamphlet Laws, five hundred eight-one) entitled "An act for the better government of cities of the first class of this Commonwealth"; supplying a new Article XIX, providing for the better government of such cities by regulating and improving the civil service of such cities; establishing and regulating the powers and duties of Civil Service Commissions; providing for the appointment of Civil Service Commissioners; regulating the duties and powers of Civil Service Directors; defining certain crimes and imposing penalties.

Which was committed to the Committee on City Government.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Executive Nominations will meet immediately in the office of the President Pro Tem.

The Committee on State Boards will meet immediately in Room 265.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for one hour.

Mr. McGINNIS. Mr President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

APPOINTMENT OF COMMITTEE MEMBER.

The PRESIDENT. The President Pro Tempore announces the appointment of Senator George Kunkel, of Dauphin County, as a member of the Finance Committee to fill a vacancy caused by the resignation of Senator Warren R. Roberts.

The PRESIDENT. We will now revert to bills on third reading, a bill that was not on the desk when bills on third reading were acted upon, Senate Bill No. 158, on page 3:

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 762 (House Bill No. 1156), as follows:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Short Title Citation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as "The Permanent Registration Act for boroughs towns and townships"

Section 2 Definitions (a) The word "Commission" shall mean any registration commission having jurisdiction in boroughs towns and townships

(b) "Commissioner" shall mean a county commissioner acting as a member of the registration commission

(c) "Oath" shall include affirmation and "Swear" shall include affirm

(d) "Election" shall mean any general special municipal or primary election unless otherwise specified

(e) "General election" shall mean the election which the Constitution of this Commonwealth requires to be held in even-numbered years

(f) "Municipal election" shall mean the election which the Constitution of this Commonwealth requires to be held in odd-numbered years

(g) "Primary election" shall mean any election for the nomination of candidates

(h) "November election" shall mean either the general or the municipal election or both according to the context

(i) "Party" shall mean any party or political body one of whose candidates at the general election next preceeding the primary polled in each of at least ten counties of the State not less than two per centum of the largest entire vote cast in each of said counties for any elected candidate and polled a total vote in the State equal to at least two per centum of the largest entire vote cast in the State for an elected candidate or any party or political body one of whose candidates at either the general or municipal election preceding the primary polled at least five per centum of the largest entire vote cast for any elected candidate in any county containing therein any borough town or township

(j) "Political Body" shall mean any political body not recognized as a political party which has filed proper nomination papers as required by law

(k) "Qualified elector" shall mean any person who shall possess all of the qualifications for voting now or hereafter prescribed by the Constitution of this Commonwealth or who being otherwise qualified by continued residence in his election district shall obtain such qualifications before the next ensuing election

(l) "Register" shall mean the cards containing or to contain all or any part of the registry list of qualified electors prepared or to be prepared by the registration commissions as hereinafter provided

(m) "County" shall mean any county of this Commonwealth

(n) "Public Office" shall mean and include any National State judicial county city borough town township school district poor district ward or election office or employment requiring any person elected or appointed thereto to render any public service for a fixed fee or compensation except the office of notary public or commissioner of deeds

(o) Wherever a term in the masculine form is used in this act it shall refer alike to men and women

(p) "District" shall mean any election district or precinct of a borough town or township

(q) All references to police officers clerks secretaries courts judges prothonotaries county treasurers county controllers county commissioners sheriffs peace officers registrars of vital statistics boards of school districts and other officials of counties boroughs towns townships and school districts where not otherwise specified shall refer only to those of any borough town or township or to those of any county within which such borough town or township is located or to any school district containing contained in or co-extensive with any borough town or township

(r) "County Election Board" or "County Board" shall mean the county board of elections of any county as now or hereafter provided for by the election laws of this Commonwealth

(s) In determining or reckoning any period of time mentioned in this act the day upon which the act is done paper filed or notice given shall be excluded from and the date of the primary election hearing or other subsequent event as the case may be shall be included in the calculation or reckoning Provided however That if the last day upon which any act may be done paper filed or notice given shall fall on a Sunday or a legal holiday the next following ordinary business day shall be considered as the last day for said purpose

Section 3 County Commissioners to Act as Registration Commission for Boroughs Towns and Townships (a) The county commissioners of each county containing one or more boroughs towns or townships shall act as a registration commission in and for such county which commission shall have jurisdiction over the registration of electors in the boroughs towns and townships of such county under the provisions of this act

(b) The commissioners shall receive no compensation in addition to their compensation as county commissioners

(c) All actions of a commission shall be decided by a majority vote of all members except as may be otherwise provided herein

(d) Each commission shall keep a record in permanent form of its proceedings

Section 4 Powers of Commission Regulations Enforcement Correction of Errors or Irregularities Cancellation of Registration Powers of Commissioners

(a) The commission may make regulations not inconsistent with this act or the laws of this Commonwealth (1) to govern the public sessions of such commission and (2) for the performance of the duties imposed by this act and may enforce such regulations and all its orders and subpoenas to witness as herein provided and if necessary shall have the assistance of the court of common pleas of the county and of all public officers subservient thereto in enforcing the same which assistance said officers as well as the judges of said court shall render when requested to do so subject however to the right of certain persons to appeal from the orders of the commission as herein provided

(b) The commission shall have power to correct any error or any irregularity in registration and to cancel the registration of any person whom it may find to be improperly registered subject only to the provisions of this act and provided that notice in writing shall be given to or left at the address of each person whose registration is cancelled

(c) The Commission and any commissioner shall have power on its or his own motion (1) to summon and interrogate any person concerning the registration of electors or any matter related thereto (2) to investigate any irregularities in registration (3) to summon and examine witnesses (4) to require the production of any relevant books and papers

(d) Each commissioner shall have power to administer oaths and affirmations Each person testifying before a commission or commissioner shall be first duly sworn or affirmed

Section 5 Employes Registrars Inspectors of Registration Duties Appointment Incompatible Offices

(a) The commission shall have power to appoint such assistants and employes as from time to time it may deem necessary to carry out the provisions of this act and may at any time remove the same The number and compensation of all such assistants and employes shall be fixed by the salary board of the county The commission may appoint employes of the county to act for the registration commission without any additional compensation as such

(b) The employes to be appointed by the commission shall include (1) Registrars or clerks who shall be empowered to register the qualified electors of such boroughs towns and townships and in so doing to administer oaths and affirmations and (2) inspectors of registration who shall have and may exercise the powers conferred upon them by this act

(c) Registrars and inspectors of registration shall be qualified electors of the county No person who holds or is a candidate for public or party office shall be appointed to or hold any office or employment under any commission except as otherwise provided by this act Registrars and inspectors of registration shall receive such compensation either on a per diem basis for time actually employed or on the basis of work actually done by them as shall be fixed by the salary board of the county

(d) No registrar or inspector of registration shall exercise any power of his office until he shall have taken an oath of office which the commission shall prescribe and shall have received from the commission a certificate of appointment setting forth his name and address the date of his appointment and the length of time for which he shall have been appointed

(e) Each commission shall appoint a chief clerk who may be the chief clerk of the county commissioners and who shall have authority to administer oaths and to sign vouchers

(f) Any inspector of registration when directed by the commission shall (1) investigate all questions relating to the registration of electors in boroughs towns and townships and for that purpose shall have power to enter and inspect any house dwelling building inn lodging-house or hotel within any borough town or township and to interrogate any inmate householder lodger lessee keeper caretaker owner proprietor or agent thereof or herein regarding any person or persons residing or claiming to reside therat or therein without being required to show any warrant for so doing except his certificate of appointment

(2) Inspect in like manner and copy any register of lodgers in any lodging-house inn or hotel relating to or affecting the right of any person to vote or to be registered in any borough town or township

(3) Arrest any person without warrant except any herein privileged from such arrest who in the presence of the inspector of registration violates or attempts to violate any of the provisions of this act when such violation is punishable as a crime

(4) Call on any police or peace officer of such borough town or township to assist the inspector of registration in the maintenance of peace at any place of registration or in making any arrest.

Section 6 Counsel The County solicitor shall be counsel for the Commission and shall receive no compensation in addition to his compensation as county solicitor Such counsel shall advise the commission from time to time regarding its powers and duties and the rights of electors and concerning the best methods of legal procedure for carrying out the various provisions of this act and shall appear for and represent the commission on all appeals taken from its decisions or orders to a court of common pleas as herein provided

Section 7 Appropriations by County Commissioners Unexpended Balances of Appropriations Heretofore Made Additional Appropriations

(a) The county commissioners shall appropriate annually and from time to time the fund that shall be necessary for the maintenance and operation of the commission and the carrying out of the provisions of this act therein including the payment of the compensation of a sufficient number of registrars inspectors of registration and other assistants and employes and the fees of witnesses as herein provided and likewise for preparing in accordance with the direction of the commission securing and distributing or receiving and preserving all street lists registration cards affidavits vouchers notices account books stationery and other supplies which the commission shall consider necessary for the purposes of this act and for all other necessary expenses

(b) The county commissioners shall provide the commission with suitable and adequate offices properly furnished for keeping its records holding its public sessions and otherwise performing its duties

(c) Any unexpended balances of any appropriations heretofore made by the county commissioners for the purpose of carrying out any provision of any existing registration act or the amendments thereto shall be transferred to and made available for the commission hereby created or constituted for the expenses of carrying out the provisions of this act immediately after the effective date of this act All moneys required in addition to any original appropriation in the current year or any other year shall be appropriated from time to time as soon as it shall appear what extra sums are needed

Section 8 Acts of Employes Any insertion or removal of names or other information in registers or the amending of any records done by any employe of the commission by order of the commission shall be construed to have been done by the commission itself which shall likewise be responsible for the correction of any errors in the doing thereof

Section 9 Commissioners and Chief Clerk May Act as Registrars and Inspectors A commissioner or the chief clerk may act at any time as registrar or inspector of registration and when so acting shall have and may exercise the powers and shall perform the duties and obligations conferred by or in accordance with law upon registrars and inspectors of registration respectively

Section 10 Immunity from Arrest Commissioners registrars and inspectors of registration shall be privileged from arrest while performing their duties as such except upon warrant of a court of record or judge thereof for felony for wanton breach of the peace or for a criminal violation of this act

Section 11 Acts to be Done on Legal Holidays and Sundays No part of any day fixed for the performance of any duties by any person or official under this act shall be deemed a Sunday or a legal holiday so as to affect the legality of any work done for the purpose of carrying out the provisions hereof or the right of any person to any compensation herein provided for rendering any service required hereby or so as to relieve any person from doing on such day whatever is necessary for such purposes and such services are hereby declared to be necessary public services

Section 12 Records and Documents to be Open to Public Inspection The records of such commission and all district registers street lists voting check lists voter's certificates affidavits petitions appeals witness lists accounts contracts reports and other documents in its custody except the general registers shall be open to public inspection except as herein provided and may be inspected and copied by any qualified elector of any borough town or township during ordinary business hours at any time when they are not necessarily being used by the commission or its employes having duties to perform in reference thereto Such public inspection thereof shall only be in the presence of a commissioner or authorized employe of a commission and shall be subject to proper regulation for safekeeping of the records and documents and subject to the further provisions of this act

Section 13 Watchers at Places of Registration Privileges (a) Any party or political body which now is or hereafter may be entitled to have watchers at any election as well as any organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds may recommend not more than three qualified electors of the county to act as watchers without expense to the county at any place of registration during the time when it shall remain open for the registration of electors The commission shall appoint all such persons as watchers and shall provide them with proper certificates stating their names and the party or policy or citizens' organization which they represent respectively unless any be shown to have previously been convicted of any crime

(b) Any watcher shall be entitled to remain at any place of registration during the time when it shall remain open for the registration of electors and to keep a list or other memorandum of or concerning the persons applying for registration and to interrogate or challenge any person regarding his right to be registered and to inspect any papers produced by such person The registrars commission and commissioners shall give every watcher ample opportunity and afford him every convenience for the discharge of his duties Provided That a registrar commission or commissioner may at any time require any watcher to show his certificate of appointment And Provided That not more than one watcher for any party or political body or citizens' organization represented shall be allowed in a place of registration at any one time

Section 14 Watchers or Attorneys at Sessions of Commission Any party or political body or body of citizens which now is or hereafter may be entitled to have watchers at any place of registration or at any election shall also be entitled to appoint any watchers who are qualified electors of any borough town or township or attorneys to represent such party or political body or body of citizens at any public session or sessions of the commission Such watchers or attorneys may exercise the same rights as watchers at places of registration but the number who may be present at any one time may be limited by the commission to not more than three for any party or political body

Section 15 Candidates May be Present at Proceedings Every candidate for nomination or election to any office shall be entitled to be present in person or by attorney in fact duly authorized and to participate in any proceeding before any commission whenever any matters which may affect his candidacy are being heard

Section 16 Days and Hours of Registration Places of Registration Use of Polling Places Payment of Rentals Use of School Buildings Public Notice

(a) From and after the first day of May one thousand nine hundred and thirty-seven each commission or any commissioner or a registrar or clerk appointed by the commission shall during ordinary business hours and during such additional hours as the commission shall from time to time prescribe on each day except Sunday holidays the day of each election and each primary the thirty days next preceding each election and each primary and the thirty days next following each election and the five days next following each primary at the office of the commission and at such additional places in the boroughs towns and townships as the commission may from time to time designate in accordance with the provisions of subsection (b) herein receive personal applications from persons who claim that they are entitled to be registered as electors of any borough town or township and who appear for registration Provided however that in the year one thousand nine hundred and thirty-seven applications for personal registration shall be received up to and including the first day of September anything in this section to the contrary notwithstanding and provided further that in the year one thousand nine hundred and thirty-seven each commission shall arrange to have two (2) registrars present to receive applications for the personal registrations of electors at the polling place or some other suitable place in each election district in the boroughs towns and townships of such county on at least three separate days prior to the thirtieth day previous to the primary election to be held in the year one thousand nine hundred thirty-seven (one of them being in June and another in July and the third day in August) Of the two registrars who shall sit in each election district prior to the thirtieth day previous to the primary in the year one thousand nine hundred and thirty-seven one shall be a member of the part enrolling the largest number of votes within the election district for the preceding November election and the other shall be a member of the party enrolling the second largest number of voters within the election district for such election Such registrars shall be appointed by the commission for the year of one thousand nine hundred and thirty-seven and shall hold office only during such year No person shall be so appointed unless his name is suggested in writing by the county chairman of the party which is entitled to a registrar in such district as herein provided unless the county chairman of the proper party fails to make such suggestion on or before the nineteenth day of June one thousand nine hundred and thirty-seven in which case the commission may appoint any qualified person

(b) The Commission by its own action may or upon the signed petition of at least one hundred qualified electors of any borough town or township requesting the same shall cause at least two registrars to sit not later than thirty days prior to the primary or election for the purpose of receiving personal applications for registrations applications for change of party enrollment and removal notices from electors of said borough town or township at a suitable and conveniently located place in said borough town or township for at least one day and not more than three days prior to the election or primary continuously between the hours of 10 A M and 3 P M and between the hours of 7 P M and 10 P M Such petitions to be effective shall be filed with the Commission at least forty-five days prior to any primary or election immediately upon such motion of the commission or Immediately upon the receipt of any such petition the commission shall notify in writing the county chairmen of the political parties enrolling the largest and second largest number of voters within the county at the preceding November election of the filing of said petition and of the number of registrars the commission will appoint to serve in said boroughs towns and townships Not later than the third day after receipt of said notice said chairmen shall submit to the commission a list of qualified electors of the county to serve as registrars for said days Of the registrars appointed by the commission for such registration days an equal number shall be appointed from the names on each of the lists so submitted Provided however That if either or both of said chairmen shall fail to submit such list within the time herein provided the commission shall appoint an equal number of persons from the list actually submitted and an equal number of any qualified electors of the county or shall appoint as all of such registrars any qualified electors of the county as the case may be

(c) The county election board shall cause any polling place to be open in proper order for use as a place of registration on each day when such polling place may be desired by the registration commission or required by the provisions of this act for use as a place of registration and the county commissioners shall provide for the payment of all rentals for such polling places upon proper vouchers by the treasurer of the county

(d) The board of public education or school directors of each school district shall furnish suitable space in any public school building under its jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the registration commission for use as a place of registration in accordance with the provisions of this act Provided That such use shall not interfere with instruction for the conduct of which such board of public education or school directors shall be responsible

(e) The proper borough town and township authorities

shall furnish suitable space in any borough town or township hall or other municipal building under their jurisdiction or control and shall cause the room or space to be open and in proper order for use as a place of registration on each day when such room or space may be desired by the commission for use as a place of registration Provided That such use shall not interfere with the use for which such room or space is primarily designed

(f) The commission shall publicly announce the address of each place of registration other than the office of the commission and the days and hours when the place shall be open for the registration of electors by posting a notice thereof at its office and at least ten placards or notices thereof in conspicuous places throughout said borough town or township at least three days prior to the date when the place shall be so open and shall also give notice of such time and place of registration by publication at least once in one newspaper of general circulation published in the county at least three days prior to the date when the place shall be so open and by such other newspaper publication as it deems desirable

Section 17 Registration Cards Preparation and Distribution

(a) For the purpose of registering the qualified electors of each borough town or township the commission shall prepare registration cards serially numbered in duplicate and containing spaces for entering the information required by section eighteen of this act and the following affidavit

Registration Affidavit

State of Pennsylvania }
County of } ss:

I hereby swear or affirm that I am a citizen of the United States that on the day of the next election I shall be at least twenty-one years of age and shall have resided in the State of Pennsylvania for one year (or having previously been a qualified elector or a native born citizen of the State and having removed and returned then six months) next preceding said election and in the election district two months that I am legally qualified to vote that I have read (or have had read to me) the foregoing statements made in connection with my registration and that they are true and correct

Subscribed and sworn to before
me this .....day of ....19..

.....
Signature of Voter

.....
Signature of Registrar

(b) Subject to the foregoing provisions of this section the Secretary of the Commonwealth shall prescribe the form of such registration cards

(c) Each card shall be printed on stock of good quality shall be of suitable uniform size and shall be filled out in duplicate for each applicant for registration The commission shall provide suitable binders for filing and indexing the registration cards which binders can be locked The keys of all such binders shall at all times be retained by the commission.

(d) The commission shall keep a record of the serial numbers of the registration cards issued from time to time to each registrar

(e) Before ten o'clock ante meridian on the day following the last day for registration before an election or primary and at such other times as the commission may prescribe each registrar shall return to the commission at its office all registration cards used or unused in his possession and shall account fully in writing for each missing card

(f) Unused registration cards may be re-issued by the commission but the commission shall preserve all other papers records and memoranda as a part of its record

Section 18 Manner of Registration

(a) Every person claiming the right to be registered as an elector must appear in person before the commission a commissioner a registrar or a clerk at the office of the commission or at such other place as the commission shall have designated and answer the questions required to be asked in accordance with this act

(b) He shall first be sworn or affirmed to the truth of the statements which he is about to make and informed that any wilful false statement will constitute perjury and will be punishable as such He then shall be asked to state the facts required herein and his answers together with other information herein required shall be recorded in his presence by the registrar commissioner or clerk in permanent writing or typewriting in duplicate in the proper spaces on the registration cards as follows

(c) (1) The surname of the applicant (2) his Christian name or names (3) his occupation (4) the street or road and number if any of his residence (5) if his residence is a portion only of the house the location or number of the room or rooms apartment flat or floor which he occupies (6) the date his residence in the district began (7) his residence address when he last registered and the year of such registration (8) the sex of the applicant (9) the color of the applicant (10) the state or territory of the United States or foreign country where he was born (11) the date when place where and the court by which naturalized and number of the naturalization certificate (12) if not naturalized personally the name of father mother or husband through whom naturalized (13) whether he is unable by reason of illiteracy to read the names on the ballot or on the voting machine labels (14) whether he has a physical disability which will render him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance and if so his declaration of that fact and his statement of the exact nature of such disability (15) the designation of the political party of the elector for the purpose of voting at primaries (16) the affidavit of registration which shall be signed by the elector attested by the signature of the registrar or clerk and dated by him (17) his height in feet and inches (18) the color of his hair (19) the color of his eyes and (20) the date of his birth Each registration card shall also have a sufficient number of spaces thereon for the insertion of (21) the borough town township ward and election district if any in which the elector resides and to which he may from time to time remove together with his street address in each borough town or township and the other data required to be given upon such removal (22) the date of each election and primary at which the elector votes the number and letter if any of the stub of the ballot issued to him or his number in the order of admission to the voting machines and (23) the signature or initials of the election officer who enters the record of voting on the card

(d) The applicant shall subscribe by oath or affirmation to the registration affidavit on both copies of the registration card This card will hereafter be referred to in this act as the registration card or registration affidavit When filed alphabetically for the county the registration cards will be known as the General Registers when filed by election districts as the District Registers

(e) If the applicant shall allege inability to sign his name the registrar or clerk shall require him to present the affidavits subscribed in person before a registrar commissioner or clerk of two electors who are personally acquainted with the applicant and who know his qualification as an elector Each of said two electors shall state in his affidavit the applicant's residence his own residence his knowledge of the statements made by the applicant under oath or affirmation in applying for registration and his belief that they are true Upon the filing thereof the applicant shall be permitted to subscribe to his oath or affirmation by making his mark except that if the applicant's inability to sign his name is not due to some apparent physical infirmity he shall first also be required to make and file with the registrar or clerk an affidavit of his inability to sign his name Every affidavit required because of an applicant's inability to sign his name shall be filed with the duplicate registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

(f) When the registration of an elector has been completed the registrar commissioner or clerk shall deliver to the registered elector a written or printed statement signed by such registrar commissioner or clerk setting forth the name and address of the elector giving borough town or township and his ward and district if any the fact of registration designation of party enrollment the date thereof and the serial number of his registration card

(g) Any person employed in the service of this Commonwealth or in the service of the Federal Government and required thereby to be absent from any borough town or township wherein he resided when entering such employment his wife or her husband shall be registered as of the district wherein he or she shall have resided immediately prior to entering such service and be enrolled as a member of the political party he or she designates without declaring a residence by street and number All persons employed by this Commonwealth who register in this manner shall produce a certificate from the Auditor General under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of this Commonwealth and also setting forth the nature of such employment and the time when such person first entered such employment

All persons employed by the Federal Government who register in this manner shall produce a certificate from the head of the proper department or chief of the proper division or bureau under the seal of his office setting forth that said person or the husband or wife of said person is actually employed in the service of the United States and also setting forth the nature of such employment and the time when such person first entered such employment

The commission shall retain such certificates and shall cause to be noted on the registration card of each person so registered the fact that such person is an employe of this Commonwealth or of the Federal Government as the case may be

At least once every two years the commission shall verify the employment of all persons thus registered at either the office of the Auditor General of this Commonwealth or at the office of the department division or bureau of the Federal Government in whose employ such person is alleged to be If any such person is found to be no longer an employe of this Commonwealth or of the Federal Government his registration card shall be removed from the district register until such time as said person appears at the office of the commission and declares the street or road and number if any of his residence in the borough town or township

Section 19 Who May Register Who May Vote Electors Need Register Only Once Exception Every person living in a borough town or township who shall possess all the qualifications of an elector as provided in the Constitution and laws of this Commonwealth or who by continued residence in his election district will have obtained such qualifications before the next ensuing election shall be entitled to be registered as herein provided From and after the first day of September one thousand nine hundred thirty-seven no person shall be permitted to vote at any election or primary held in any borough town or township unless he shall have been so registered except by order of a court of common pleas as hereinafter provided and no elector so registered shall be required to register again for any election or primary while he continues to reside at the same address unless his registration is cancelled by reason of his failure to vote during a period of two years as hereinafter provided

Section 20 Applicants to Register May Be Challenged Procedure Challenge Affidavit (a) Any person claiming the right to register may be challenged by a registrar or by any commissioner or by any clerk or by a qualified elector of the borough town or township Any person so challenged shall answer the questions of the challenge affidavit as herein specified and after his answers have been recorded he shall subscribe to them by his signature or mark and swear to their truth

(b) The affidavits of all persons so registered shall be filed with the duplicate registration affidavits and shall be returned with them to the office of the registration commission

(c) The challenge affidavit shall be in form prescribed by the Secretary of the Commonwealth and shall contain spaces for the following information (1) Serial number (2) place and date of execution (3) full name of challenged applicant (4) whether he is married or single (5) if married where his family resides (6) if single where his parents reside (7) where applicant actually resided immediately before he took up his present residence (8) his residence for the four months immediately preceding date of execution (9) the name of his present employer (10) the city town borough and street and number of his place of business (11) the name of his last employer and the year in which he left his employ (12) the city town borough and street and number of said last employers place of business (13) sex of the applicant (14) his color (15) the date of his birth and (16) such distinguishing marks peculiarities and further information for identification as the commission shall prescribe

(d) The challenged applicant shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his residence in the election district If such challenged applicant shall establish his right to be registered as required by this act he shall be permitted to be registered

(e) Any person making application to be enrolled as a member of a political party for the purpose of voting at primaries may be challenged by any qualified elector of the county Any person so challenged shall be enrolled as a member of such party if he shall make and subscribe to an affidavit that at the last election at which he voted he voted for a majority of the candidates of such party all of the candidates of a party for persidential elector being counted as two candidates but if he is unable or unwilling to make such affidavit he shall be denied enrollment as a member of such party but he shall not be deemed to be guilty of any violation or attempted violation of any law by reason thereof

Section 21 Naturalized Applicants Applicants Whose Fathers Mothers or Husbands Were Naturalized All persons claiming the right to vote by reason of naturalization shall produce the proper naturalization papers or a certificate under the seal of the court in which his naturalization was effected before they shall be registered Provided That any person claiming citizenship by reason of the naturalization of his father or mother during his minority may be registered either by the production of his father's or mother's original papers or a certified copy thereof or certificate of the court or by making affidavit as to the court in which and time when his father or mother was naturalized and that he the applicant was then less than twenty-one years of age and that he is unable to produce his father's or mother's papers or a certified copy thereof or certificate And provided further That any woman claiming citizenship by reason of her marriage prior to September twenty-second one thousand nine hundred and twenty-two may be registered either (a) by the production of her husband's original naturalization papers or a certified copy thereof or certificate of the court in which the naturalization was effected or by making affidavit that her husband was naturalized prior to their marriage stating therein the time when and the court in which such naturalization took place and that she the applicant is unable to produce his original naturalization papers or a certified copy thereof or certificate or (b) by the production of evidence that her husband was a native born citizen of the United States Each such affidavit shall be filed with the registration affidavit of the person whose registration it affects and shall be returned therewith to the office of the registration commission

Section 22 Incomplete or Rejected Applications to be Recorded The Registrar commissioner or clerk shall record on registration cards the surname Christian name or names and street and number of residence of each person who applies for registration whether or not the applica-

tion is accepted Whenever the applicant is rejected after a portion of the record has been filled in the registration card or cards shall be marked "Applicant Rejected" and the registrar commissioner or clerk shall note thereon the reason for the rejection and shall sign his name thereto The registrar commissioner or clerk shall forthwith personally notify the applicant if his application for registration is rejected All such cards shall be returned to the commission and shall be preserved for a period of two years

Section 23 Appeal of Rejected Applicant Any person whose application to be registered has been denied by a registrar commissioner or clerk may file a petition with the commission not later than the fifteenth day prior to an election or primary setting forth the ground of his complaint under oath and praying to be registered The commission shall fix a time for a public hearing thereof at its office not later than the tenth day prior to the election or primary At the time so fixed the commission shall hear and dispose of the petition having first given at least forty-eight hours' notice of the hearing to the registrar commissioner or clerk who rejected the petitioner's application for registration The commission if satisfied that the petitioner is entitled to be registered shall direct a registrar commissioner or clerk to register him in the usual manner and shall amend accordingly the records affected but any registrar clerk inspector of registration or qualified elector of the county may appear and show cause why the petitioner should not be registered

Section 24 General Register The duplicate registration cards for all boroughs towns and townships within the county shall be placed in exact alphabetical order and shall be indexed and shall be kept at the office of the commission in a place and in such manner as to be properly safeguarded These cards shall constitute the General Register of all such boroughs towns and townships in the county and shall not be removed from the office of the Commission except upon order of a court of record of the county wherein such borough town or township is located

Section 25 District Registers The original registration cards shall be filed by election districts and within each election district in exact alphabetical order and indexed The cards so filed for each election district shall constitute the District Register for such district The district register shall be kept at the office of the commission except as herein provided and shall be open to public inspection at all times subject to reasonable safeguards rules and regulations

Section 26 Removal Notices (a) The commission shall provide removal notices which it shall cause to be made available for the convenient use of registered electors These notices shall be printed upon cards suitable for mailing addressed to the office of the registration commission and shall contain spaces wherein the elector shall write (1) the borough town or township the street or road and number if any of his present residence and the specific location thereof including the number of the room or rooms apartment flat or floor if his residence is a portion only of a house (2) the borough town or township the street or road and number if any of the address from which he was last registered (3) the date of his removal to his present residence and (4) space wherein the elector shall sign his name The removal notice shall contain a statement that the elector may by filling out properly and signing a removal notice and returning it to the office of the commission secure the transfer of his registration to the election district in which he resides effective as to elections and primaries occurring at least two months after the date of his removal into the new district Each removal notice shall contain a warning to the elector that the notice will not be accepted as an application for transfer of the elector's registration unless the signature thereon can be identified by the commission as the elector's signature in the general and district register Each removal notice to be effective must be received at the office of the commission at least thirty days prior to any primary or election which warning shall also be contained on the removal notice

(b) Any elector who removes his residence from one place to another within the same election district must notify the commission by filing a removal notice with the commission not later than ten days next preceding the primary or election

Section 27 Transfer of Registration (a) Upon receipt not later than the thirtieth day next preceding any primary or election of a signed removal notice properly filled out or a signed request containing the required information and setting forth a removal of residence to another location in the same county the commission shall cause the signature thereon to be compared with the signature on the registration card of the elector from whom the removal notice purports to come and if the signature shall appear authentic shall enter the change of residence in the general and district registers and if the removal shall have been from one election district to another in the same county shall transfer the registration affidavit of the elector from the district register of the election district of his previous residence to the district register of the election district of his new residence

(b) When a request for transfer believed authentic by the commission is received at the office of the commission and shows thereon a removal within the period of two months next preceding an election or primary and the removal shall have been from one election district to another the commission shall transfer the registration card of the elector from the district register of the election district of his previous residence but shall not include it in the register of the district of his new residence until after the election or primary In any such case the commission shall advise the elector promptly in writing of its action

(c) If the commission shall doubt that the request for transfer is authentic it shall without transferring the registration of the elector promptly notify the elector that it will be necessary for him to apply in person at the office of the commission for the transfer of his registration

(d) No elector who is unable to write his name shall be permitted to apply for transfer of registration by use of a written removal notice but each such elector must apply in person at the office of the commission or before a registrar at any registration place designated by the commission and establish his identity and state under oath or affirmation to which he shall affix his mark in the presence of a registrar a commissioner or clerk who shall affix his own signature thereto as a witness the information required of registered electors in a removal notice

Section 28 Change of Enrollment of Political Party Cancellation of Party Enrollment Persons Suffering Disability After Registration to Have Fact Recorded Concellation (a) At any time prior to the fifteenth day next preceding a primary or an election excepting the thirty days next following each election and the five days next following each primary any person who desires to change the enrollment of his political designation or who although registered has not hitherto enrolled as a member of a party may appear before a registrar commissioner or clerk and state in writing over his signature the political party in which he desires to be enrolled and the registrar commissioner or clerk shall cause the enrollment of the elector's political designation to be made or altered accordingly in the general and district registers In such cases the signature of the elector shall be verified by comparison with his signature on the general and district registers before the change of enrollment is made If any elector desiring to change his party enrollment is unable to sign his application he shall make his mark thereto in the presence of the registrar commissioner or clerk and shall produce such other evidence as may be necessary to establish his identity when an elector has applied for a change in the enrollment of his political designation as provided herein the registrar commissioner or clerk shall upon request stamp or mark the change so made on the electors card attesting his registration

(b) At any time not later than the tenth day preced-

ing any primary any qualified elector of the borough town or township including any watcher may petition the commission to cancel the party enrollment of any registered elector of such borough town or township who has previously enrolled as a member of a party for the purpose of voting at primary elections setting forth under oath that he believes that such elector is no longer a member of the party with which he has been enrolled and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered at least twenty-four hours prior to presentation of the same by delivering a copy of the petition to him personally or by leaving it with an adult member of the family with which he resides If at the hearing of any such petition the elector against whom the petition is filed appears and swears or affirms that at the last general or municipal election at which he voted he voted for a majority of the candidates of the party with which he is enrolled at the time of said hearing all of the candidates of a party for presidental elector being counted as two candidates the petition shall be refused otherwise the party enrollment of such elector shall be forthwith cancelled

(c) Any elector who has since the time of registration suffered a physical disability which renders him unable to see or mark the ballot or operate the voting machine or to enter the voting compartment or voting machine booth without assistance shall at least ten days prior to the next succeeding primary or election personally make application under oath to the commission or a registrar or a clerk thereof to have such fact entered on his registration card together with the exact nature of his physical disability which entry shall be made accordingly

(d) When the commission shall ascertain that any elector who has declared his need for assistance is no longer illiterate or no longer suffers from the physical disability stated by him or has voted without assistance it shall forthwith cancel on his registration card the entry relating to illiteracy or physical disability which authorized him to have assistance and shall forthwith notify such elector by mail of its action

Section 29 Reports of Deaths from Registrars of Vital Statistics Cancelling Registration Correction if Person is Falsely Reported Deceased Reports of Removals from Municipal Officers Departments and Bureaus Certain Public Utility Corporations and Real Estate Brokers and Rental Agents Notice

(a) The registrar of vital statistics of every borough town and township shall report in writing at least weekly to the registration commission the deaths of residents of the borough town or township except residents less than twenty years of age Said written report shall contain the full name of the decedent his last residence address the date of his birth if available and the date of his death The commission shall forthwith cancel the registration of each registered elector so reported

(b) Any person falsely reported deceased by any registrar of vital statistics may appear in person before a registrar commissioner or clerk at the office of the commission in such county and prove his identity and the commission thereupon shall correct its records accordingly

(c) All municipal officers departments bureaus and all public utility corporations furnishing electricity gas water or steam to householders in any borough town or township shall report in writing at least once a month to the commission upon forms supplied by the commission all cases of discontinuance of their service to residences together with the names of the persons who contracted for such service and the addresses to which such persons have removed if known to them All real estate brokers and rental agents shall report in writing from time to time to the commission upon the request of the commission all cases of residence property managed by them which have been vacated by the tenants thereof together with the names of such tenants and the addresses to which they have removed if known to them The commission shall forthwith send to each such person who is found to be registered as an elector from the address given in any of the foregoing reports and to all the members of his family and household who are electors registered from the same address the notice provided for by section thirty of this act and shall proceed thereupon in accordance with the provisions of that section

Section 30 Check-up of Registers

(a) At any time prior to the thirtieth day next preceding an election or primary the commission may send by mail to any elector whose name appears in any district register a notice setting forth the elector's name and address as it shall appear in the register and requesting him in case of any error to present the notice on or before the tenth day next ensuing at the office of the commission and secure the correction of the error and warning the elector that any discrepancy between his actual name and address and his name and address as recorded in the original register will constitute ground for challenging his vote Such notice shall contain on the outside a request to the postmaster to return it within five days if it cannot be delivered to the addressee at the address given thereon

(b) At any time prior to the thirtieth day next preceding an election or primary the commission may cause a check-up to be made by postmen of the United States Post Office of any elector whose name appears in any district register

(c) At least once in each four years the commission shall conduct a check-up of each registered elector in the boroughs towns and townships by either of the methods provided for in sub-sections (a) and (b) above

(d) Upon the return by the post office of any such notice which it has been unable to deliver at the given address because the addressee can not be found there or upon report by the Post Office that any registered elector does not reside at the address given on his registration card the commission shall direct an authorized employe to visit in person the address of the elector and if he shall find that the elector does not reside at the address he shall leave at such address the notice prescribed by section thirty-one of this act and the commission shall at the expiration of the time specified in such notice cancel the registration of such person unless he personaly appears and proves his qualifications as an elector

Section 31 Canvass of Registered Voters

(a) The commission may at any time by individual commissioners or by inspectors of registration verify the registration in any election district in the boroughs towns or townships of the county by visiting each building from which an elector is registered and such other buildings as the commission may deem necessary and shall make a record of the name and address of each person registered who shall not be found to reside at the address from which he is registered or who for any other reason shall appear to be not qualified to vote in the election district from which he is registered and shall leave at the address of each such person a notice requiring him to appear personally at the office of the commission on or before a date and hour which the notice shall appoint and which shall be not later than the tenth day proceeding the election or primary next ensuing and satisfy the commission of his qualifications as an elector and the commission shall cause a confirmation of each such notice to be sent by mail promptly to such person at the address from which he is registered the envelope containing such confirmation to be plainly marked that it is not to be forwarded

(b) At the expiration of the time specified in the notice the commission shall cancel the registration of each such person who has not personally appeared and proved his qualifications as an elector

(c) For the purpose of facilitating any such canvass the commission may when necessary appoint special inspectors of registration in number not exceeding double the number of election districts which the commission shall determine to canvass

(d) Such special inspectors shall have and may exercise the powers conferred by this act upon inspectors of registration They shall be qualified electors of the county

and shall be appointed without reference to residence in election districts or to their political affiliations or beliefs

(e) The commission shall instruct each special inspector in his duties

Section 32 Comparison and Correction of Registers Preliminary Street Lists

(a) Commencing thirty days prior to each election and primary the commission shall compare and correct the general and district registers

(b) Three months after each municipal election and seven months after each general election the commission shall prepare for each election district a preliminary street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers

(c) The commission shall cause to be made a sufficient number of exact copies of each such list and as soon as possible and not later than the first day of March in each even-numbered year and the first day of July in each odd-numbered year shall distribute the same among the inspectors concerned with the conduct of primaries and elections and among the parties political bodies candidates and organized bodies of citizens interested therein giving at least ten copies of each street list to the county committee of each political party or political body upon the written application of the chairman thereof and at least ten copies of each street list to the executive or governing board or committee of each organized body of citizens having as its purpose or among its purposes the investigation and prosecution of election frauds upon the written application of the presiding officer of such body of citizens and at least one copy of each street list with which his candidacy is concerned to each candidate upon his written request and keeping two complete sets of such street lists on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 33 Corrected Street Lists Posting Commencing not later than the thirtieth day prior to each primary and election the commission shall prepare for each election district a corrected street list of the names and addresses of all registered electors as of that date resident in the district arranged by streets and house numbers The commission shall cause to be made a sufficient number of exact copies of each such list which may be made by correcting and supplementing exact copies of the preliminary street lists Said lists shall be distributed in the same manner as required for the distribution of preliminary street lists in section thirty-two (c) herein two complete sets of such lists shall be kept on file at the office of the commission convenient for public inspection during all the hours when the other records of the commission are open to public inspection as herein provided

Section 34 Petition to Strike Off Names At any time not later than the tenth day preceding any election or primary any qualified elector of the borough town or township including any watcher and any registrar or inspector of registration may petition the commission to cancel the registration of any registered elector of such borough town or township setting forth under oath supported by the affidavits of at least two adult persons sufficient grounds for such cancellation and also setting forth that due notice of the time and place when said petition would be presented had been given to the person so registered personally at least twenty-four hours prior to the presentation of the same or that he could not be found at the place given in the district register as his residence and that the person in charge thereof to be mentioned by name in said petition had declared that he or she was well acquainted with the names of all persons residing at the address given as such residence and that the person so registered had never been or was no longer one of them or that no such person is residing at the address given whereupon the commission shall forthwith cancel the registration of such elector and amend accordingly the general and district registers and the other records affected unless the person so registered shall appear and show cause why the same should not be done

Section 35 Delivery of District Registers to Election Officers

(a) Not later than noon of the third day preceding an election or primary the commission shall have the district register accurately corrected to date for each election district and shall deliver the same to the election officers for use on election day in the manner in which the county election boards now are or hereafter may be required to deliver election materials Provided the registration commission shall not deliver the registration card for use at the polls on election day of any person who has removed from one election district to another within two months of any general municipal primary or special election The registration commission shall withdraw from the district registers the cards of all such persons before the registers are so delivered

(b) District registers when so delivered shall be contained in suitable binders so constructed and locked that the name address voting record and other data on each card may be visible and that entries may be made on each card but that the cards cannot be removed by the election officers Said binders shall have printed or written thereon the words "District Register of Voters" and the number of the district and ward if any Said binders shall be enclosed within a case or container and shall be locked and sealed by the commission before delivery

Section 36 Persons Registered Are Entitled to Vote at General or Municipal Elections if Identified by Signature Proviso Evidence of Registration Discrepancies Persons Registered and Enrolled May Vote at Primaries if Identified by Signatures Proviso Persons Not Registered are Not Entitled to Vote Challenging of Persons Registered Voter's Certificates Voting Check List Elections and Primaries Counting Et Cetera of Names Checked as Having Voted Sealing of Registers and Voting Check Lists Return of Voting Check List and Registers

(a) Any person whose name is in the district register of any election district in any borough town or township and who upon applying to vote shall have signed his name and address to a voter's certificate in the form hereinafter provided for as a means of identification and whose signature thereon shall have been compared by the election officers in the presence and view of the watchers with the signature of the applicant as recorded in the district register and shall have been deemed authentic by said election officers shall be entitled to vote in such district at any general municipal or special election unless it be shown to the satisfaction of the election officers that he has become disqualified by removal from the district since registration or that he has violated any law of this Commonwealth prohibiting bribery at elections Provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in sub-section (e) of this section

(b) No elector shall be required to sign a voter's certificate as a means of identification if he shall have been unable to sign his name when registered or if having been able to sign his name when registered he subsequently shall have lost his sight or lost the hand with which he was accustomed to sign his name or shall have been otherwise rendered by disease or accident unable to sign his name when he applies to vote but each elector shall establish his identity to the satisfaction of the election officers and in such case a voter's certificate shall be prepared for him by one of the election officers upon which the facts as to such disability shall be noted and attested by the signature of such election officer

(c) No person who applies to vote shall be permitted by any election officer or clerk or other person to see the signature recorded as his in the district register until after he shall have signed his name to the voter's certificate

(d) Any person who is registered and also enrolled as a member of a political party and who upon applying to

vote shall have established his identity by signing his name and address or otherwise as herein required at elections and is otherwise qualified may vote as a member of said party at any primary succeeding such registration without being subject to any challenge regarding his party membership No elector registered and enrolled as a member of any one particular party shall be allowed to receive or vote the ballot of any other political party at any primary election and any qualified elector registered although not enrolled as aforesaid shall be permitted to vote a non-partisan ballot according to any law providing for same at any primary election

(e) No one except a qualified elector who is in actual military or naval service under a requisition of the President of the United States or by the authority of this Commonwealth shall be entitled to vote at any election or primary without being personally registered as an elector in the election district in which he offers to vote except by order of the court of common pleas as herein provided regarding appealed cases Any person although personally registered may be challenged by any qualified elector watcher overseer or election officers at any election or primary as to his identity as to his continued residence in the election district or as to any alleged violation of the laws of this Commonwealth prohibiting bribery at elections and if challenged as to identity or residence he shall produce at least one qualified elector of the election district as a witness who shall make affidavit of his identity or continued residence in the election district and if challenged as to bribery he shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received

(f) The county election board shall cause to be printed for each election district in the borough town or township a suitable number of Voter's Certificates which shall be in form approved by the Secretary of the Commonwealth substantially as follows

VOTER'S CERTIFICATE

(Primary) (Election) .....19....

I hereby certify that I am qualified to vote at this (primary) (election)

Signature .....

Address .....

.....Pennsylvania

Approved .....

Number of stub or ballot issued (or number of admission to voting machines).....

(and party at primary) .....

The voter's certificates shall be so prepared as to be capable of being inserted by the election officers in a suitable file or binder to be furnished by the county election board After a voter's certificate has been presented by an elector and has been compared with his signature in the district register and approved or in the case of an elector who is unable to write the notations hereinabove required have been made thereon one of the election officers who made the comparison shall sign his name or initials thereon and if the elector's signature is not readily legible shall print such elector's name over his signature After the elector has been admitted to vote the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at primaries a letter or abbreviation designating the party in whose primary he votes shall be entered on his voter's certificate and the same shall thereupon be inserted in the file or binder One such file or binder shall be furnished for each election district for each primary and election and shall have printed or written thereon the words "Voting Check List" and the number of the district and ward if any and date of the primary or election The voter's certificates so bound shall constitute the voting check list of the district All voter's certificates prepared by persons applying to vote whose applications to vote are refused by the election officers shall be carefully preserved and returned to the commission with the voting check list

(g) The district registers herein provided for shall constitute the ballot check list of the district As each voter is found to be qualified and votes the election officer in charge of the district register shall write or stamp the date of the election or primary the number of the stub of the ballot issued to him or his number in the order of admission to the voting machines and at the primaries a letter or abbreviation designating the party in whose primary he votes and shall sign his name or initials in the proper space on the registration card or such voter contained in the district register After the polls are closed the names of all electors on the district register marked or stamped as having voted be immediately counted and the result compared with the number of persons voting shown by the voting check list and numbered lists of voters and announced and the cause of any difference ascertained is possible before the ballot-box or voting machine is opened The district register and the voting check list shall be immediately locked and sealed and shall be returned to the custody of the registration commission by the judge of election immediately upon completion of the count and tabulation of the votes cast in the district

Section 37 Examination of District Registers Report of Indications of Fraud to District Attorney (a) Immediately following each election or primary the commission shall cause each district register to be examined

(b) In the case of any elector whom the election officers shall have recorded as removed deceased or challenged and prevented from voting the commission shall ascertain the facts and shall correct the general and district registers in accordance with the procedure outlined in Sections 30 and 31 herein

(c) The commission specifically shall compare the signature of each elector on each voter's certificate with his signature in the district register and shall report forthwith in writing to the district attorney and evidence or indication of probable fraud personation or forgery which may appear to the commission by reason of any comparison of voter's certificates and registers hereby prescribed

(d) Whenever the registration card of any registered elector shall have been entirely filled up so that the entries required to be made thereon by this act can no longer be made the commission shall have prepared and attached to such registration cards in each register a supplemental card Each supplemental card shall be printed in a color different from the registration cards It shall have the same serial number as the registration card followed by the letter "A" "B" et cetera according to the number of supplemental cards attached to each registration card Each supplemental card shall have space thereon for the entry of the surname of the registered elector his Christian name or names the street and number of his residence the ward and election district in which he resides and to which he may from time to time remove together with his street address in each such district and the other data required to be given upon such removal the elector votes and the signature or initials of the election officer who enters the record of voting on the card Each supplemental card shall be attached to the registration card to which it relates by permanent fasteners in such a manner that the contents of the registration card may be examined and the entries required by this act may be made on the supplemental card Whenever supplemental cards are attached to the registration card of any elector the registration card shall be stamped with the words "Supplemental cards attached" together with the date thereof

Section 38 Cancellation of Registration Upon Failure to Vote Within Two Years Request for Reinstatement Within three months after the municipal election held in the year one thousand nine hundred and thirty-nine and within three months after each general and municipal election thereafter the registration commission shall cause all of the district registers to be examined and in case of each elector who has been registered for a period of at least two years and who is not recorded as having voted at any election or primary within the period of two years immediately preceding the date of said municipal or gen-

eral election the commission shall send to such elector by mail at his address appearing upon his registration card a notice setting forth that the records of the commission indicate that he has not voted within a period of two years and that his registration will be cancelled at the expiration of ten days from the date of mailing such notice unless he shall within that period file with the commission either personally or by mail a written request for reinstatement of his registration setting forth his place of residence and signed by him At the expiration of the time specified in the notice the commission shall cancel the registration of such elector unless he has filed with the commission a signed request for reinstatement of his registration as above provided The cancellation of the registration of any such elector for failure to vote within a period of two years shall not affect the right of any such elector to subsequently reregister by personal application to the commission or a commissioner or a registrar or a clerk in the manner provided by this act

Section 39 Cancellation Removal and Preservation of Registration Cards Whenever the registration of an elector is cancelled for any cause the commission shall mark on the registration cards of the elector the word "Cancelled" and the date and cause of cancellation and shall remove them from the general and district registers but each such card shall be kept for five years after which the commission may destroy it

Section 40 Correction by Commission of Errors in Cancellation of Registration Whenever the registration of an elector has been cancelled through error such elector may petition the commission for the re-instatement of his registration not later than the tenth day preceding any primary or election and after a hearing on said application if error on the part of the commission is proved the commission shall re-instate the registration of such elector

Section 41 Appeals to Court Time of Hearing Notice Postponement Hearing Decision of Court Costs and Fees (a) Any person whose claim for registration has been denied by the commission or whose name although previously registered has been removed and not restored by the commission upon a petition filed for that purpose as herein provided or any qualified elector of any borough town or township whose rights are impaired by any general order made by the commission not including refusals to remove names upon any petition of any kind aforesaid may file an appeal with the proper court of common pleas not later than the seventh day preceeding any election or primary setting forth why he feels that an injustice has been done and praying for such order as will give him relief Thereupon any judge of the court shall fix a time and place for hearing the matter in dispute of which notice shall be served with a copy of said appeal by the appellant upon the counsel for the commission and upon any elector or his attorney who opposed the contention of the appellant before the commissin at least forty-eight hours before such matter may be reviewed by the court Proof of notice or the waiver thereof must be filed therein

(b) Any judge of the court may enlarge the time of notice or postpone such hearing as may be reasonable with due regard for the time remaining before the succeeding election or primary At the time so fixed the court or any judge thereof assigned for the purpose shall hear all the witnesses and other evidence that may be offered unless the issue can be decided in some other manner by agreement of the parties concerned

(c) If after any such public hearing the court shall find that an injustice has been done it may reverse or alter the decision of the commission and modify any order made by it accordingly and if necessary issue its mandate to the election officers of any election district to permit the appellant to vote at any designated election or primary although his name may not have been entered in or restored to the district register of such district If the appellant shall not satisfy the court that an injustice has been done the decision of the commission shall be affirmed

(d) The court may compel the appellant or any opposing party other than the commission or in proper cases the county to pay all the witness fees and other legal costs of such appeal which may be taxed by the prothonotary in the usual manner provided however that in all cases where the appeal is sustained by the court the costs advanced by the appellant shall be ordered refunded

Section 42 Production of Documents Et Cetera at Appeals At the written request of any person taking an appeal from any action or order of a commission as aforesaid the commission shall produce at the hearing thereof any petition register or other record in its custody relevant to the issue involved but the commission shall not be obliged to answer any appeal and shall not be obliged by subpoena or otherwise to appear at any such hearing unless it shall deem it expedient to do so

Section 43 Subpoenas and Witness Fees (a) Any person filing any petition of any kind with the commission or opposing same shall have the privilege of having subpoenas issued by the commission to compel the attendance of witnesses upon condition that all witnesses so subpoenaed shall be paid two dollars and fifty cents per day as witness fees in the manner herein provided

(b) The commission on its own motion may subpoena witnesses including registrars each of whom shall also be entitled to daily witness fees at the rate aforesaid to be paid out of any money to be provided for the purpose to the commission by the county commissioners in the same manner as other necessary expenses of such commission are to be provided for

(c) All subpoenas shall be in substantially the same form and shall have the same force and effect as subpoenas now issued by a court of common pleas The commission shall have the benefit of the process of said courts if necessary to enforce any subpoena issued by said commission

(d) No subpoena shall be issued for the berfefit of any person other than the commission until he shall have paid the commission a fee of twenty-five cents for issuing the same and deposited with said commission one day's witness fees for each witness to be summoned thereby whose names shall be given to the commission and entered by it in such subpoena and among the records of the commission No such subpoena shall be of any virtue to require the further attendance of any witness after the day mentioned therein unless the hearing be postponed or continued by the commission and unless before four o'clock post meridan of said day the person for whose benefit it is issued shall have deposited with the commission an additional day's witness fees for each witness whose further attendance is desired As soon as convenient after any hearing is concluded (or postponed or continued) on any day the commission shall disburse the fees deposited with it by any person amoung those witnesses who have appeared in response to subpoena issued and shall return to the person who deposited the same any fees deposited for others who did not attend and shall also pay like fees to any summoned by the commission taking their receipts therefor so long as there are sufficient funds available for such payments provided however that in all cases where the petition of the elector is sustained all costs advanced by him for witness fees and subpoenas shall be refunded to the elector so petitioning

(e) The commission shall pay over to the county treasurer all fees received for subpoenas The accounts of such commission respecting disbursements of witness fees out of appropriation made to such commission by the county commissioners shall be subject to audit from time to time by the county controller

Section 44 Crimes and Penalties (a) Any person who wilfully disobeys a lawful order of the commission or of a commissioner or refuses to obey its or his subpoenas duly issued and served under the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500)

(b) Any wilful false statement made under oath by any person regarding any material matter or thing relating to any subject investigated heard or acted upon by any registrar commissioner clerk judge watcher inspector of registration court or commission by virtue of this act shall be perjury and any person upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(c) Any registrar commissioner or clerk who knowingly registers or permits to be registered a person not lawfully entitled to be registered or who without reasonable cause refuses to register a person entitled to be registered or knowingly assists in preventing such person from being registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(d) Any person who applies for registration or who notifies the commission of a change of his residence address knowing or having reason to know that he is not entitled to be registered or have his residence address changed or any person who declares as his residence a place or address which he knows is not his legal residence or who falsely personates another in an application for registration or who knowingly offers false naturalization papers to establish his claim to be registered shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(e) Any registrar commissioner clerk or assistant or employe of a commission who inserts or intentionally permits to be inserted a name or other entries in any registration card without a proper application in person on the part of the person registered either at the office of the commission or before a registrar appointed by the commission at a place properly designated as provided herein or without requiring the proper evidence of the right of the applicant to be registered or who materially alters any registration card after the entries have been made except upon an order of the court of common pleas or of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(f) Any election officer who knowingly refuses the vote of a duly registered and qualified elector or who knowingly accepts the vote of a person not registered in accordance with the provisions of this act (except that of a person in actual military or naval service or a person having an order of court as aforesaid) or who knowingly receives a vote from a person failsely claiming to be a registered voter shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(g) Any commissioner registrar clerk inspector or registration or other officer assistant or employe or any person partnership or corporation upon whom a duty is laid by this act who shall wilfully delay neglect or refuse to perform such duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(h) Any person who inserts or intentionally permits to be inserted any name or material entry in any registration card street list affidavit petition subpoena certificate report or other record authorized or required by this act to be made or prepared for any purpose herein mentioned except in accordance herewith or who materially alters or destroys an entry which has been duly made therein except as herein provided or who takes and removes any such book paper card or other record from the custody of any person having lawful charge thereof in order to prevent the same from being used or inspected or copied as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than three (3) years

(i) Any person who neglects or refuses to furnish to any commissioner or to any inspector of registration any information which he is herein authorized to obtain or to exhibit any records papers or documents herein authorized to be inspected by him shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(j) Any constable policeman sheriff or other peace or police officer or deputy or subordinate thereof who shall fail upon demand of any commissioner or inspector of registration to render such aid and assistance to him as he shall demand in the maintenance of peace and in the making of arrests without warrant as herein provided or who shall wilfully hinder or delay or attempt to hinder or delay any commissioner or inspector of registration in the performance of any duty shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(k) Any person who intentionally interferes with hinders or delays any other person in the performance of any act or duty authorized or imposed herein shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500) and to undergo an imprisonment of not less than three (3) months nor more than two (2) years

(l) Any registrar commissioner clerk assistant or employe of a commission or any other person who knowingly and wilfully prevents a person from being registered or who by the coercion threats of bodily injury or intimidation prevents or attempts to prevent any person from being registered or from changing his political enrollment in accordance with the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(m) Any registrar commissioner clerk assistant or employe of a commission or any other person who unlawfully destroys or attempts to destroy any card book paper affidavit or other record of the commission or who unlawfully removes or attempts to remove same from the office of the commission shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000) and to undergo an imprisonment of not less than three (3) months nor more than five (5) years

(n) Any person who shall maliciously and without probable cause file a petition for the purpose of striking off the registration or party affiliation of any elector shall upon conviction thereof be subject to a penalty of ten dollars ($10.00)

Section 45 Effective Date Partial Invalidity Legislative Intent (a) Except as otherwise provided herein this act shall become effective immediately upon its final enactment

(b) It is the intention of the General Assembly that if this act cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding unconstitutional any part or parts thereof the remaining provisions of the act shall be given full force and effect as completely as if the part or parts held unconstitutional had not been included herein

Section 46 Repeal of Prior Laws Proviso (a) The following acts of Assembly and amendments and supplements and supplements thereto are hereby repealed absolutely insofar as they affect the personal registration and enrollment of voters in borough towns and townships

1 Section fifty-nine of an act entitled "An act relating to the elections of this Commonwealth" approved July second one thousand eight hundred and thirty-nine (Pamphlet Laws five hundred nineteen)

2 Sections one two three ten and eighteen of an act approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled "A further supplement to the act regulating elections in this Commonwealth"

3 Section one of an act entitled "An act declaratory of and amending the act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four" approved February thirteenth one thousand eight hundred and seventy-four (Pamphlet Laws forty-four)

4 An act entitled "An act to amend sections one two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four changing the time and manner of making the registry of voters and the duties of registry assessors" approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four)

5 An act entitled "An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides" approved June sixteenth one thousand eight hundred and ninety-one (Pamphlet Laws two hundred ninety-eight)

6 An act entitled "An act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the thirtieth day of January Anno Domini one thousand eight hundred and seventy-four as amended by the act of May twenty-ninth one thousand eight hundred and ninety-one (Pamphlet Laws one hundred thirty-four) fixing the place at which the assesors shall sit to perform the duties imposed upon them by the second section of the said supplement of May twenty-ninth on thousand eight hundred and ninety-one in all voting districts or precincts in this Commonwealth where temporary voting places are or may be established" approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws four hundred fifty-five)

7 An act entitled "An act to amend sections two and three of an act entitled 'A further supplement to the act regulating elections in this Commonwealth' approved the twenty-ninth day of May one thousand eight hundred and ninety-one (Pamphlet Laws one hundred and thirty-four) changing the time and manner of making the registry of voters and the duties of registry assessors" approved the sixteenth day of May one thousand eight hundred and ninety-five (Pamphlet Laws seventy-five)

8 Sections three four five six seven and eight of an act entitled "An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assessors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or attempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket" approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three)

9 An act entitled "An act fixing the compensation of election assessors in boroughs and townships at primary elections" approved June second one thousand nine hundred and fifteen (Pamphlet Laws seven hundred twenty-four)

10 An act entitled "An act to amend section one of an act approved the sixteenth day of June one thousand eight hundred ninety-one entitled 'An act to authorize the election of assistant assessor for the purpose of registration of voters in the townships and boroughs containing more than one election district wherein but one assessor for valuation resides' " approved April twentieth one thousand nine hundred and seventeen (Pamphlet Laws eighty-seven)

11 An act entitled "An act regulating the registration and enrollment of voters in boroughs and townships before the primary election" approved the eleventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws nine hundred seventy-two)

12 An act entitled "An act to amend sections four and seven of the act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws one thousand forty-three) entitled 'An act to provide for the registration and enrollment of the voters of the State according to their respective party preferences fixing the compensation of assesors and registry assessors for making said registration and enrollment and prescribing penalties for false registration or enrollment and for voters voting or tempting to vote and for election officers wilfully permitting or conspiring to permit them to vote at a primary by or on any other than their own party ticket' eliminating one of the days required of the assessors and registry assessors sitting at the polling places" approved the seventh day of April one thousand nine hundred and thirty-three (Pamphlet Laws twenty-five)

13 An act entitled "An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assesment and registration of voters in counties other than first and second class and repealing existing acts relating thereto" approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten)

14 Sections one two three four and six of the act entitled "An act to further amend sections one two three ten fifteen eighteen and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred thirty-three eliminating the tax-paying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(15) An act entitled "An act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled 'An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto' by changing such compensation" approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws six hundred seventy)

(16) An act entitled "An act to amend section one of the act approved the twenty-second day of May one thousand nine hundred and thirty-three (Pamphlet Laws nine hundred ten) entitled 'An act fixing the compensation of assessors and registry or assistant assessors performing duties pertaining to the assessment and registration of voters in counties other than first and second class and repealing existing acts relating thereto' by changing such compensation" approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws six hundred ninety-four).

(b) The following acts of Assembly and parts of acts are hereby repealed insofar as they relate to assessors who perform duties relative to elections in boroughs towns or townships or to the assessment or registration of voters therein

1 Sections fifteen and nineteen of an act entitled "A further supplement to the act regulating elections in this Commonwealth" approved January thirtieth one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one)

2 Sections five and seven of an act entitled "An act to further amend sections one two three ten fifteen eight-

een and nineteen of the act approved the thirtieth day of January one thousand eight hundred and seventy-four (Pamphlet Laws thirty-one) entitled 'A further supplement to the act regulating elections in this Commonwealth' as amended pursuant to Amendment Number Five to the Constitution of the Commonwealth adopted November seventh one thousand nine hundred and thirty-three eliminating the taxpaying qualification for voters" approved the seventeenth day of January one thousand nine hundred and thirty-four (Pamphlet Laws two hundred thirty-six one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four)

(c) All other acts or parts of acts of Assembly in conflict or inconsistent with this act or any part hereof are hereby repealed so far as they are inconsistent herewith

(d) The repeal by this act of any act of Assembly or part thereof shall not revive any act or part thereof heretofor repealed or superseded

(e) The provisions of this act shall not affect any act done or any suit or prosecutions pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such acts so repealed respecting any act done or omitted prior to such repeal

And the amendments made thereto having been printed as required by the Constitution

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Haluska,	Law,	Rodgers,
Dando,	Henney,	Mallery	Rupp,
Deitrick,	Howell,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gilson	Lanius,	Rice,	Huffman,

NAYS—7

Bean,	Gelder,	Homsher,	Salus,
Chapman,	Heyburn,	Owlett,	

A majority of all the Senators having voted "aye" the question was determined in the affrmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. JACOBS. Mr. President, I ask unanimous consent that Senate Bill No. 911, on third reading, entitled:

An Act providing for the payment into the State Treasury without escheat of certain moneys and property subject to escheat under existing law namely unclaimed dividends and profits debts and interest on debts proceeds of policies of insurance stock and customers deposits held by certain limited partnerships and unincorporated associations joint stock associations companies and corporations doing business under the laws of this Commonwealth declaring the legislative intent with respect to such payments requiring reports of such money and property by and imposing other duties upon such partnerships associations and corporations conferring powers and imposing duties on certain State officers boards and departments providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General at the suggestion of the Department of Revenue providing for refunds of such moneys and property and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 9, entitled:

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. MALLERY. Mr. President, and members of the Senate, I want to put into the record at this time the 1935 and 1936 records of accidents and deaths in the United States, 211,000 in the two years. With the United States at peace 111,000 Americans met violent deaths in accidents last year. The auto's death toll was 38,500; it was 37,000 the year before. Other public accidents caused 19,000 fatalities; 18.000 the year before. Home accidents—and few realize this, I believe—caused 500 more deaths last year than motor crashes, 39,000, and increase of 7,500 over the 1935 record of 31,500. Traffic fatalities, of course, are only a part of the human toll in motor accident. In addition to the 38,000 reported killed last year 110,000 received permanent disabling injuries.

Accidents can be reduced. I remember a few years ago, in my home city, in the shops it was a common thing to have the ambulance standing by, but industry has reduced accidents, and if industry can reduce accidents, they can be reduced in homes and on the highways. The fact that six states have within the past four years reduced their accidents on highways goes to show that accidents can be reduced in all of the states. Now, these six states that have established that record for reducing accidents on the highways have set up a Safety Commission whose sole duty is to reduce accidents. Mr. President, and members of the Senate, Senate Bill No. 9 is an effort to reduce the accidents in Pennsylvania.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Salus,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Owlett,	Sipe,
Deitrick,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Rodgers,	Huffman,
Gilson,	Lanius,	Rupp,	

NAYS—1

Law.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 20, entitled:

An Act to prohibit certain advertising of intoxicating liquors and intoxicating beverages and providing penalties and for the revocation of licenses and permits

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. RUPP. Mr. President, this bill is far reaching in its effects. It affects industry that employs many people and in which there is invested many hundreds of thousands of dollars. I feel that possibly some good purpose could be accomplished by a regulation of outdoor advertiving insofar as it affects liquor and alcoholic beverages but this bill goes away beyond that regulation and in fact means confiscation. I am going to ask the members of this Senate to support my motion to have the bill recommitted to the Committee on Judiciary General for the purpose of allowing the people whose business is affected by this bill, so that they can be heard, and for the purpose of giving time for a little more study, and so that it will be in good order for final passage.

BILL RECOMMITTED

Mr. RUPP. Mr. President, I move that the bill be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. THOMPSON. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

The PRESIDENT, Senate Bill No. 158, on third reading, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by providing for health rooms providing for enumeration of minors in certain cases; requiring enumeration of illiterate children and alien residents; providing for home and school visitors in lieu of or in addition to, other attendance officers and for their compensation; providing for the education of physically and mentally handicapped children and for the care of uneducable children; authorizing school districts to provide care and treatment of defective ears of pupils; and authorizing school districts of the fourth class to provide medical inspection at their own expense.

is not up from the printer and will go over in its order.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 295, entitled:

An Act proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution.

Mr. FREY. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—18

Bean,	Gelder,	Jacobs,	Salus,
Cavalcante,	Haluska,	Lanius,	Scarlett,
Chapman,	Heyburn,	Mallery,	Wolfenden,
Deitrick,	Homsher,	Owlett,	Huffman,
Dent,	Howell,		

NAYS—22

Dando,	Kilgallen,	Rankin,	Ruth,
DiSilvestro,	Kunkel,	Reed,	Sipe.
Eroe.	Law,	Rice,	Sones,
Frey,	McCreesh,	Rodgers,	Stiefel,
Henney,	McGinnis,	Rupp.	Thompson,
Jaspan,	Pytko,		

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 388, entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Haluska,	Law,	Ruth,
Buckman,	Henney,	Mallery,	Salus,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Chapman,	Homsher,	McGinnis,	Sipe,
Dando,	Howell,	Owlett,	Sones,
Deitrick,	Jacobs,	Pytko,	Stiefel,
Dent,	Jaspan,	Rankin,	Thompson,
DiSilvestro,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,	Rodgers,	Huffman,
Gilson,	Lanius,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

QUESTION OF PERSONAL PRIVILEGE

Mr. CAVALCANTE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Fayette, Mr. Cavalcante, will state his question of personal privilege.

Mr. CAVALCANTE. Mr. President, on the vote just past, I would like to be permitted to make a statement. This resolution was reported out by the Committee on Constitutional Changes. That means that the Committee was in favor of reporting that resolution out for a vote of this Senate. I wish to call your attention that there are seventeen members on the Committee on Constitutional Changes, and the roll just had, shows that only two members of that Committee, voted in favor of the resolution, and in the Committee all of the members voted "Yes," except nine of them. They voted against the resolution which shows that the Committee was fair in reporting a resolution of that kind to the Senate floor to give this Senate an opportunity to demonstrate the courage of their own convictions and publicly vote against a resolution that they might not like, and I trust that the other Committees of this Senate will look at some of the bills that they have in their Committees along the same line. We have bills in committees that are very controversial, and there are members in this Senate who are waiting for these bills to be put on the Senate floor, so that they might have an opportunity to vote for or against these bills. I trust that this vote just taken has illustrated the principle that we all ought to follow, to bring bills that are of interest, out on the floor of the Senate, so that the members of the committees may vote either for or against those bills here on the floor, and permit others who want to vote for the bills and be publicly recorded on the bill by a vote on the Senate floor.

Mr. WOODWARD. Mr. President, is it possible to make a statement in addition to that of the Chairman of the committee.

The PRESIDENT. Make it short Senator.

Mr. WOODWARD .Mr. President, I will make it very short, so that the members may have the information, there are two rival bills, Senator Cavalcante's and my own, and I admit freely that the Senator's bill is better than mine, but the time-lock is not unlocked, and there will be nothing doing on Senator Cavalcante's bill, and the Woodward bill was already passed in 1935 and I think that needs serious consideration. A time-lock amendment may fail and we will be left in the lurch.

The PRESIDENT. I do not see why the Senator from Philadelphia should complain on the floor, when he does not vote for his own bill.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 464, (House Bill No. 565), entitled:

An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a college prescribed by the State Council of Education and providing for injunctions and penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Gilson,	Law,	Ruth,
Buckman,	Haluska,	Mallery,	Salus,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Chapman,	Heyburn,	McGinnis,	Sipe,
Dando,	Homsher,	Owlett,	Sones,
Deitrick,	Jacobs,	Pytko,	Stiefel,
Dent,	Jaspan,	Rankin,	Thompson,
DiSilvestro,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder	Lanius,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 492, (House Bill No. 390), entitled:

An Act relating to the performance of industrial work in homes, regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial homeworkers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and homeworkers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, I am surprised that this bill has reached the position of final passage on this calendar and I am unable to see how any thoughtful Senator can support it. This bill prohibits the manufacture in the homes, of certain articles given by the employer to be made in the homes. Among these enumerated articles are toys and dolls, but the bill permits the Department of Labor and Industry to prescribe rules and regulations which will undoubtedly prevent the manufacture of other articles. The extent to which this legislation was intended to go is shown by the fact that the bill when it passed the House prohibited the manufacture in the home of articles of wearing apparel for children ten years of age or younger.

I received letters from a number of people in my district, a rural district in the western part of Pennsylvania, letters from ladies who said that they are engaged in such work as crocheting, knitting and other work upon dresses and garments which they are advised that they cannot do if this bill is passed. One of these ladies states that she is a cripple, that she is afflicted with infantile paralysis, and she is obliged to sit in an arm chair, but that the work which she has been given to do helps provide for her support and keeps her mind off her physical disability.

Now it is supposed that the passage of this bill will raise the price somewhat, to be paid in factories, of employees there; but where is all this regimentation to lead

to? The Federal Government started in with the limitation of the number of acres which were to be planted to wheat, and they extended that to cotton, and the people who took their cotton acreage out of production turned to potatoes and tobacco, with the result that the Government then tried to limit the production of potatoes; and I am told that a bill has been reported out of committee in the House, and perhaps has already been passed, which would limit the production of tobacco in this State. Are we going to destroy completely all initiative and individual self determination? Are we to regiment and control all the acts of our citizens as though they have no wills of their own? What is to become of all these persons who are doing this class of work? They will be forced to go on relief. I would like to know what would be gained in the end by this? This country is now flooded with toys, novelties, garments and other articles of many descriptions which are made in homes in Europe, Japan and elsewhere; and to pass a bill of this kind will simply permit the country to be flooded more and more with that class of articles. Why do we not let our people work, as that will keep them off relief rolls, keep up their morale and permit them to be self-reliant? Cut out this enormous tax burden for relief. It is about time we again returned to sanity in government. And in addition to this, this bill, in my opinion, is unconstitutional. I ask this Senate to vote down the bill.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Cavalcante,	Heyburn,	Law,	Ruth,
Dent,	Howell,	McCreesh,	Sipe,
DiSilvestro,	Jacobs,	McGinnis,	Stiefel,
Eroe,	Jaspan,	Pytko,	Thompson,
Frey,	Kahle,	Rankin,	Wolfenden,
Haluska,	Kilgallen,	Reed,	Huffman,
Henney	Kunkel,	Rice,	

NAYS—18

Bean,	Ealy,	Mallery,	Salus.
Buckman,	Gelder,	Owlett,	Scarlett,
Chapman,	Gilson,	Rodgers,	Sones,
Dando,	Homsher,	Rupp,	Woodward,
Deitrick,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 733, (House Bill No. 1366), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 672, entitled:

An Act to amend section one, two, twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred sixty) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I desire to interroga. the sponsor of this bill the Senator from Allegheny, Mr. Frey.

The PRESIDENT. Will the Senator from Allegheny, Mr. Frey, permit himself to be interrogated?

Mr. FREY. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I wish the sponsor, Mr. Frey, would tell us why certain theatrical and entertainment producers should have special exemptions from other classes of labor.

Mr. FREY. Mr. President, I did not understand that feature entered into this bill. This bill is directed at unscrupulous entertainment producers with whom the Department has had trouble. At the present time these booking agencies claim exemption from licensure, stating that they are theatrical contractors and not booking agents.

These so called entertainment contractors, booking shows, are in no sense of the word engaging talent for their own use. The performers obtaining engagements through them may be registered with any number of con-

tractors and subject to call at any time. Many of the theatrical booking agents are taking advantage of the entertainers and charging them exorbitant fees for obtaining engagements for them, and in some instances send them to places where jobs do not exist. This bill will undoubtedly place all theatrical booking agents under the provisions of the Act and will enable the Department to prosecute those agents who continue to operate in an unscrupulous manner. The primary objectives of the amendments are to bring under the provision of the Act theatrical booking agents who confine their business almost in its entirety to assigning entertainers to tap rooms, night clubs and road houses.

The amendments will also give more protection to the entertainer who in most instances is not protected and must resort to booking agents for employment.

and the question, recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 740 on third reading entitled:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wage providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 745, entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection or home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner defining non-cancellable health and accident insurance

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 746, entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring moneys and securities against all risk

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 747, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing the manner in which dividends on contributory group insurance policies are to be apportioned

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Hennev	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 749, entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Stiefel,
Dent,	Jacobs,	Pytko,	Sones,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 755, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS 45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,

Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 756 entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Scarlett,
Deitrick,	Homsher,	McGinnis,	Sipe,
Dent,	Howell,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,	Rodgers,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 771 on third reading entitled:

An Act relating to nonprofit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securties Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 787, entitled:

An Act to amend paragraph (a) of section eight of the act aproved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred eighty-nine) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" by requiring additional tests of milk so as to further protect the public against milk-borne diseases

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Lanius,	Rupp,
Cavalcante,	Haluska,	Law,	Ruth,
Chapman,	Henney,	Mallery,	Salus,
Dando,	Heyburn,	McCreesh,	Scarlett,
Deitrick,	Homsher,	McGinnis,	Sipe,
Dent,	Howell,	Owlett,	Sones,
DiSilvestro,	Jacobs,	Pytko,	Stiefel,
Ealy,	Jaspan,	Rankin,	Thompson,
Eroe,	Kahle,	Reed,	Wolfenden,
Frey,	Kilgallen,	Rice,	Woodward,
Gelder,	Kunkel,	Rodgers,	Huffman,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 796 (House Bill No. 917), entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or on farms; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. HALUSKA. Mr. President, I ask unanimous con-

sent to amend title, page 1, line 3 of title, by striking out after the word "or" the following: "on farm" and inserting in lieu thereof: S in agricultural employment; amend section 1, page 1, line 8 by striking out the word "or" the following: "on farms" and inserting in lieu thereof: S in agricultural employment; amend section 6, page 3, line 9, by inserting after the word "engages" the following: S for hire; amend section 6, page 3, line 11, by inserting after the word "operations" the following: S Nothing in this act shall be construed to apply to persons doing blasting or shot-firing in agricultural work on farms.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 814, entitled:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws," empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 826 entitled:

An Act to further amend sections one thousand five hundred one and one thousand five hundred five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring school districts of the first second and third class to provide medical inspection of all pupils of elementary and secondary private schools.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 835 (House Bill No. 196), entitled:

An Act to amend sections one and two of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 868 (House Bill No. 1779) on third reading entitled:

An Act to amend section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 893 on third reading entitled:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 897 (House Bill No. 1561), entitled:

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws one hundred twenty-nine) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 900 (House Bill No. 1766), entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen as added to the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and

maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tuition.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

The PRESIDENT, Senate Bill No. 903 (House Bill No. 1043) on third reading, entitled:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

is not up from the printer and will go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 904, entitled:

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 905, entitled:

An Act to authorize boroughs incorporated towns townships and school districts to file suggestions of nonpayment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Hennev,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 906 on third reading entitled:

An Act regulating procedure in actions of assumpsit and tresspass.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President. I ask unanimous consent that Senate Bill No. 907 on third reading entitled:

An Act to repeal certain parts of acts relating to struck juries.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 908, entitled:

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted aye the question was determined in the affirmative .

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 923 (House Bill No. 1125), entitled:

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred ninety-two) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" by providing educational recreation and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 957 on third reading entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County providing for trial without jury and for the filing of agreements therefor providing for the payment of jury fees.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 975 (House Bill No. 1572) on third reading entitled:

An Act to amend sections one, eight, eleven and thirteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers, granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act;" extending the provisions of said act to unfired pressure vessels.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1028, (House Bill No. 1028), entitled:

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as dental hygienists.

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON FINAL PASSAGE

Mr. EROE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill 489 House Bill No. 177 on final passage, postponed, entitled:

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled as amended "An act relating to domestic animals and providing for their appraisement when condemned to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" as amended by changing the amount of compensation in certain cases

Mr. FREY. Mr. President, I second the motion

The motion was agreed to

And the question recurring.

Will the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Sipe,
Deitrick,	Howell,	Owlett,	Sones,
Dent,	Jacobs,	Pytko,	Stiefel,
DiSilvestro,	Jaspan,	Rankin,	Thompson,
Ealy,	Kahle,	Reed,	Wolfenden,
Eroe,	Kilgallen,	Rice,	Woodward,
Frey,	Kunkel,	Rodgers,	Huffman,
Gelder,			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House in requested.

BILL RECOMMITTED

Mr. JASPAN. Mr. President, I move that Senate Bill No. 233, on second reading, entitled:

An Act providing medical aid for certain pupils in public and private schools apportioning funds to various school districts through the Department of Public Instruction and making an appropriation

be recommitted to the Committee on Appropriations.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 289 (House Bill No. 150) on second reading entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 413 on second reading entitled:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 414 on second reading entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines providing for the safe periodic removal of dust accumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 415 on second reading entitled:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President. I ask unanimous consent that Senate Bill No. 416 on second reading entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremens examining board and the Secretary of Mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON. Mr. President. I ask unanimous consent that Senate Bill No. 566 on second reading entitled:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 632 on second reading entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. RUTH. Mr. President. I move that Senate Bill No. 660 (House Bill No. 793), on second reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the requirements for free transportation of pupils removing certain exemptions from the compulsory attendance act providing for standards for vehicles used requiring public liability insurance coverage and authorizing the withholding of reimbursement in certain cases.

be recommitted to the Committee on Education for further amendment.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 684, as follows:

A joint resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any City Borough Township School District or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the average assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of any county other than Philadelphia shall never exceed ten (10) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding th time any debt is incurred or increased and the debt of the City and County of Philadelphia shall never exceed fifteen (15) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the nine immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the City and County of Philadelphia at any time there shall be deducted from such debt so much of the debt of said City and County as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the City and County of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provisions for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said City and County of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said City and County or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said City and County such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work

for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said City and County shall not be required to levy a tax to pay said interest and sinking fund charges as required by Section Ten Article 9 of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work.

Provided however that any City County Borough Township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 708, as follows:

An Act relating to and regulating the manufacture keeping and storing of explosives requiring permits for magazines and prescribing permit fees and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no person shall manufacture process have keep or store exposives in this Commonwealth except in compliance with this act except that explosives may be manufactured without compliance with this act in experimental or analytical laboratories permission for which has been obtained in writing from the Secretary of Labor and Industry or his duly authorized representative in the laboratories of schools colleges and similar institutions for the purpose of instruction and investigation

Section 2 The term "explosive" or "explosives" whenever used in this act shall be held to mean and include any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions qualities or packing that an ignition by fire.friction by concussion by percussion or by detonator any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb

For the purposes of this act manufactured articles shall not to be held to be explosives when the individual units contain explosives in such limited quantities of such nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of such units to the injury of life limb or property by fire by friction by concession by percussion or by detonator such as fixed ammunition for small arms fire-crackers safety fuse matches et cetera

The term "magazine" as used herein means any building or other structure used for the storage of explosives

The word "person" as used in this act shall be construed to include individuals copartnerships associations and corporations

Section 3 All persons engaged in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device on the date when this act takes effect shall within sixty days thereafter and all persons engaging in the manufacture of explosives or any process involving explosives or where explosives are used as a component part in the manufacture of any article or device fter this act takes effect shall before so engaging make a report in writing subscribed to by such person or his agent to the Department of Labor and Industry the report stating

(1) The location of place of manufacture or processing

(2) The kind of explosives manufactured processed or used

The Secretary of Labor and Industry or his duly authorized representative shall as soon as may be after receiving such report cause an inspection to be made of the explosives plant to see if the same is in accordance with the rules and regulations adopted by the Department of Labor and Industry

Section 4 All persons engaged in keeping or storing explosives on the date when this act takes effect shall within sixty days thereafter and all persons engaged in keeping or storing explosives after this act takes effect shall before engaging in keeping or storing explosives make a report in writing subscribed to by such person or his agent to te Department of Labor and Industry the report stating

(1) The location of the magazine if then existing or in case of a new magazine or a removal of any existing magazine the proposed location of such magazine

(2) The kind of explosives that are kept or stored or intended to be kept or stored and the maximum quantity that is intended to be kept or stored thereat

(3) The distance that such magazine is located or intended to be located from the nearest factory building magazines buildings railroads and highways. The Secretary of Labor and Industry or his duly authorized representative shall as soon as may be after receiving such report cause an inspection to be made of the magazine if then constructed and in case of a new magazine or the removal of an existing magazine as soon as may be after the same is found to be constructed or removed in accordance with the specifications provided for in the rules and regulations of the Department of Labor and Industry and before any explosives may be stored therein the Secretary of Labor and Industry or his duly authorized representative shall determine the amount of explosives that may be kept or stored in such magazines and shall issue a license to the person applying therefor as hereinafter provided

Whenever by reason of change in the physical conditions surrounding said magazine at the time of inspection thereof such as

(a) The erection of buildings nearer said magazines

(b) The construction of railroads nearer said magazine

or

(c) The opening for public travel of highways nearer said magazine then notice of said change or changes must be given in writing to the Secretary of Labor and Industry or his duly authorized representative and the amounts of explosives which may be lawfully had kept or stored in magazine must be reduced to conform to such changed conditions

Whenever any person to whom a license has been issued keeps or stores in the magazine covered by said license any quantity of explosives in excess of the maximum amount set forth in said license or whenever any person fails for thirty days to pay the annual license fee hereinafter provided after the same becomes due or otherwise violates any of the provisions of this act the Secretary of Labor and Industry may cancel such license Whenever a license is cancelled by the Secretary of Labor and Industry for any cause hereinbefore specified the Secretary of Labor and Industry or his duly authorized representative shall notify in writing the person to whom such license is issued of the fact of such cancellation and shall in said notice direct the removal of all explosives stored in said magazine within ten days from the giving of said notice Failure to remove the explosives stored in said magazine within the time specified in said notice shall constitute a violation of this act

Section 5 If at any time any governing body or other authority of any locality may know of any reason why a magazine or building in which explosives are used or kept is not or cannot be conducted in accordance with the provisions of this act and should not be permitted to operate upon notifying the Secretary of Labor and Industry in writing or his duly authorized representative a hearing may be conducted by the said Secretary of Labor and Industry or his duly authorized representative to

show cause why a license should not be issued or should not be revoked

Section 6 All explosive plants and all buildings and magazines wherein explosives are manufactured or stored shall be located operated maintained equipped and conducted so as to provide for the adequate protection for all persons employed in or about such explosive plants or magazines The location of explosives plants with respect to other buildings wherein explosives are manufactured or stored with respect to other buildings railroads and highways and the location of buildings wherein explosives are manufactured or stored with respect to other magazines or buildings when explosives are manufactured shall be in accordance with the regulations adopted by the Department of Labor and Industry

Section 7 There shall be kept in the main office on the premises of such explosives plant a plan of said plant showing the location of all factory buildings and the distance they are located from other factory buildings where persons are employed and from magazines and these plans shall at all times be open to inspection by duly authorized inspectors of the Department of Labor and Industry The superintendent of each plant shall upon demand of said inspector furnish the following information

(a) The maximum amount and kind of explosives material which is or will be present in each building at one time

(b) The nature and kind of work carried on in each building and whether or not said buildings are surrounded by natural or artificial barricades

Section 8 After January first one thousand nine hundred and thirty-eight every person engaging in the keeping or storing of explosives shall be required to have a permit for each magazine used for the keeping or storing of explosives which permit shall issue upon the filing of an application therefor on a form prepared and furnished by the Department of Labor and Industry The application for any such permit shall be accompanied by the proper permit fee which shall be prescribed by the department according to the quantity of explosives which are to be kept or stored in the magazine and shall not be less than two dollars and fifty cents ($2.50) nor more than twenty-five dollars ($25.00) Such permit shall be kept posted conspicuously in or about the magazine for which issued Permits shall expire annually on the thirty-first day of December and shall be renewed annually upon payment of the fee prescribed by the Department of Labor and Industry

Section 9 Every person company or corporation manufacturing storing selling transferring dealing in or in any manner disposing of any explosives shall keep in a book for that purpose an accurate record of all transactions with the date thereof relating to the receiving and disposing of the same which record shall show the amount of each such explosive received by whom transported or conveyed and each and every sale or other disposition made of such explosives with the amount thereof and the name of the person to whom delivery of the same was made who shall be required to receipt therefor Such record shall at all times be open to the inspection of any duly authorized representative of the Commonwealth

Section 10 Nothing contained in this act shall apply to the regular military or naval forces of the United States or its allies nor the duly authorized militia of any state or territory thereof nor to the police or fire departments of this State or any political subdivision within this State providing the same are acting within their official capacity and in the performance of their duties

Nothing contained in this act shall apply to explosives while being transported upon vessels or railroad cars in conformity with the regulations adopted by the Interstate Commerce Commission

Section 11 The Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations for carrying out the provisions of this act and applying these provisions to specific cases

Section 12 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars ($10) or more than one hundred dollars ($100) and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days Any person or persons who shall on second offense violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine of not less than one hundred dollars ($100) and not more than one thousnad dollars ($1000) or to suffer imprisonment for not more than one year or both at the discretion of the court Prosecution for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 13 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

Section 14 All fees collected under the provisions of this act shall be paid into the State Treasury through the Department of Revenue

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 759 on second reading entitled:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers herctofore exempt thereform and repealing existing laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 788, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one Pamphlet Laws six hundred eighty-two entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the

law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended to read as follows

Section 211 (As amended by Act of April 7 1927 Pamphlet Laws 161) FEES The Insurance Commissioner shall charge and collect fees as follows For valuation of life-policies not exceeding one cent for each thousand dollars of insurance valued but in no case shall the minimum fee be less than ten dollars ($10) for filing copy of charter twenty-five dollars for the filing annual or other statement twenty dollars for license to company association or exchange or certified copy or duplicate thereof two dollars for license as excess insurance broker one hundred dollars for license as insurance broker ten dollars for individual and twenty-five dollars for each license in the name of a copartnership or corporation including individual licenses for any duly qualified individuals without extra charge for officers or solicitors not exceeding three for agents' license for each domestic company association and exchange fifty cents for agents' license for each foreign company association and exchange two dollars for each copy of any paper filed in the department twenty cents per folio and one dollar for certifying the same for any other certificate required two dollars for making examinations the expense of the examination All fees collected shall be daily covered into the State Treasury

And said bill having been read at length the second time and agreed to,

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 797, (House Bill No. 1560), entitled:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 834, (House Bill No. 114) entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 867, (House Bill No. 1754), as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provide hospital care and service for subscribers and conferring powers on the Insurance Department with respect thereto

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporatoins may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissioners and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit

(2) Beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever

(3) Any corporation whatsoever organized for any

purpose or purposes involving pecuniary profit to its members or shareholders

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insurance Department The Public Service Commission or the Water and Power Resources Board Provided however That corporations (subject by law to the limited supervision of the Insurance Department) may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a non-profit hospital service plan whereby hospital care and service may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such care and service

Section 2 That the said act is hereby amended by adding at the end of article two section two hundred eighteen as follows

Section 218 Corporations to Provide Hospital Care and Service In the case of the incorporation of any corporation having for its purpose the establishing maintaining and operating of a non-profit hospital service plan whereby hospital care and service may be provided to subscribers to such plan by any hospital with which it has a contract for such care and service

When the articles of incorporation have been filed with the prothonotary he shall forthwith transmit the articles to the Insurance Department Thereupon the department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and within sixty days shall certify upon the articles whether or not the proposed corporation meets with the approval of the department The court shall not approve such application unless and until the articles are returned by the department and unless the department shall have endorsed its approval thereon

Section 3 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 927, (House Bill No. 1692) entitled:

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

The first section of the bill was read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter no township of the first or second class nor any part of any such township shall be annexed to a contiguous city or borough in accordance with any existing law providing for such annexation unless the voters of the entire township have first consented to such annexation Whenever any proceeding for such annexation shall be commenced the same shall not be concluded and the annexation shall not become effective until there has first been submitted to the electors of the entire township in accordance with the election law for the submission of such questions a proper question to ascertain the will of the electors with respect to such proposed annexation Such question shall be printed on ballots provided by the county commissioners and shall be submitted at any general or municipal election occurring at least sixty days after a petition shall have been filed with the county commissioners by the corporate authorities of the borough or city to which such annexation is to be made asking for the submission of such question If at any such election a majority of those voting on such question shall consent to such annexation then such annexation may be made and concluded in the manner provided by law but if a majority of those voting on the question shall vote against such annexation then no further proceedings for such annexation shall be had Any such question shall not be submitted oftener than once in five years Nothing contained in this act shall be construed to apply to proceedings under existing law where provision is now or hereafter made to secure the consent of the electors of any township to any such annexation

On the question,

Will the Senate agree to the section?

Mr. LAW. Mr. President. I move to amend page 1, section 1, line 4, by striking out after the word "first' and before the word "class" the following: "or second"

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to,

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second and third sections of the bill was read as follows and agreed to.

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed.

Section 3 This act shall become effective immediately upon its final enactment

The title of the bill was read as follows

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

On the question,

Will the Senate agree to the title?

Mr. LAW. Mr. President, I move to amend title by striking out in the second line after the word "first" and before the word "class" the following: "or second"

Mr. FREY. Mr. President I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 942, as follows:

An Act to amend subsection third of section one of the act approved the ninth day of July one thousand nine hundred and one (Pamphlet Laws six hundred fourteen) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership possesion occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto in counties other than that

wherein the real estate footways and curbs are located and the writ issues

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That subsection third of section one of the act approved the ninth day of July one thousand nine hundred and one (Pamphlet Laws six hundred fourteen) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by section one of the act approved the twenty-fifth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws seven hundred seventy-five is hereby further amended to read as follows

Section 1 Third The writ of summons and the writ of scire facias in personal actions in cases where a trespass or nuisance has been committed on real estate and in cases where claims are made for damages arising from the ownership possession occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto and in cases arising from any contract relating to real estate may also be served in the manner provided by subsections one and two in any other county than that wherein the real estate [is] footways and curbs are located and in which the writ issues by the sheriff of such other county who shall be deputized for that purpose by the sheriff of the county in which the writ issues

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 945, as follows:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate or copy thereof to the City Council the Mayor and the City Controller making it the duty of the Council to appropriate and provide the sum so estimated to be required and repealing inconsistent legislation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cities of the first class of this Commonwealth there shall be one general sinking fund to be known as the Sinking Fund it shall comprise and contain all the moneys securities bonds and assets now in the several sinking funds of any such city and all such monies securities bonds and assets shall form a single fund to be used for the payment at maturity of all the bonded debts of such city and all accretions and appropriations to the sinking fund of any such city hereafter to be made shall be paid to the Sinking Fund Commission and shall form part of said Sinking Fund it shall be the duty of the Sinking Fund Commission each year to ascertain the amount needed with respect to the bonded debt of any such city requiring sinking fund payments taking into account the requirements of each of said issues for the succeeding year and having in view the dates and times of their respective maturities The total of the needs of the Sinking Fund hereby established shall be thus ascertained and the Sinking Fund Commission on or before the fifteenth day of August in each year shall transmit to the City Council a certificate of the total requirements for the succeeding year for sinking fund purposes and shall send to the Mayor and the City Controller copies thereof In formulating the financial program for the ensuing year the Council shall include therein an appropriation in the total amount so estimated to be required for the aforesaid purpose At the maturity of the respective loans of any such city so much of the Sinking Fund as may be needed for the payment thereof shall be drawn upon and used for their discharge as now provided by law

Section 2 So much of the Act approved the twenty-fifth day of June one thousand nine hundred and nineteen Pamphlet Laws five hundred eighty-one entitled "An act for the better government of cities of the first class of this Commonwealth" and or all other acts or parts of acts as may be inconsistent herewith to the extent of such inconsistency be and the same is hereby repealed

Section 3 This act shall take effect immediately upon its final passage

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 946, as follows:

An Act to amend section two of an act approved the sixteenth day of May one thousand nine hundred and twenty-nine Pamphlet Laws seventeen hundred and seventy-three entitled "An Act to supplement an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for illegal increases thereof' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein shall be deposited in the funds of such corporations for the redemption of bonds of said corporation when the said bonds issued for the acquisition of such property or bonds refunding such original issue shall have been redeemed and paid

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two of an act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for illegal increase thereof' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation and providing for the disposition of the funds realized from such sale" be and the same is hereby amended to read as follows

Section 2 When any such corporation shall have been authorized by proceedings heretofore or hereafter had under the provisions of an Act of Assembly approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) and the amendments and supplements thereto to increase its indebtedness to an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein with the assent of the electors thereof and the corporate authorities having acquired by fee simple any property by use of said funds and the corporate authorities shall deem it for public interest to abandon the use of said property for the purpose as purchased either in whole or in part and by either ordinance or resolution shall so provide then the said corporate authorities shall be and are hereby authorized to dispose of said property so acquired

and the funds so received from said properties shall be deposited in the funds of said public corporation for the redemption of any bonds that were sold and used to pay for said property remaining unpaid at the time of the sale of said property or of any outstanding bonds issued and used to refund bonds so sold and used and if the bonds issued for said property have been redeemed and paid for at the time of the sale of said property then the said fund shall be deposited in funds of said public corporation for the redemption of any bonds authorized and issued by said corporation in pursuance of the increase of the indebtedness of said public corporation to an amount exceeding two (2) per centum of the last preceding assessed valuation of taxable property therein with the assent of the electors thereof

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 951, as follows:

An Act providing for the service of process in civil actions on nonresident owners tenants or users of real estate located within the Commonwealth of Pennsylvania and the footways and curbs adjacent thereto or any such resident of this Commonwealth who shall subsequently become a nonresident and making the ownership possession occupancy control maintenance and use of such real estate footways and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said nonresident upon whom civil service may be served and providing for further notice to the defendants in any such action

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the passage of this act any nonresident of this Commonwealth being the owner tenant or user of real estate located within the Commonwealth of Pennsylvania and the footways and curbs adjacent thereto or any such resident of this Commonwealth who shall subsequently become a nonresident shall by the ownership possession occupancy control maintenance and use of such real estate footways and curbs make and constitute the Secretary of the Commonwealth of Pennsylvania his her its or their agent for the service of process in any civil action or proceedings instituted in the courts of the Commonwealth of Pennsylvania against such owner tenant or user of such real estate footways and curbs arising out of or by reason of any accident or injury occuring within the Commonwealth in which such real estate footways and curbs are involved

Section 2 Such process shall be served by the officer to whom the same shall be directed upon the Secretary of the Commonwealth of Pennsylvania by sending by registered mail postage prepaid at least fifteen (15) days before the return day of such process a true and attested copy thereof and by sending to the defendant by registered mail postage prepaid a like true and attested copy with an endorsement thereon of the service upon said Secretary of the Commonwealth addressed to such defendant at his last known address The registered mail return receipts of the Secretary of the Commonwealth and of such defendant shall be attached to and made a part of the return of service of such process

Section 3 The officer serving such process upon the Secretary of the Commonwealth shall pay to said secretary at the time of service a fee of two dollars ($2.00) which fee shall be taxed as costs in the case The Secretary of the Commonwealth shall keep a record of each such process and the day and hour of the service thereof upon him

Section 4 The court in which the action is pending may order such continuances as may be necessary to afford the defendant reasonable opportunity to appear and defend the action

Section 5 This act shall be construed to extend the right of service of process upon nonresidents and upon residents who subsequently become nonresidents and shall not be construed as limiting any provisions for the service of process now or hereafter existing

Section 6 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 953, as follows:

An Act providing for the commencement of civil actions for damages arising from the ownership posession occupancy control maintenance and use of real estate the footways and curbs adjacent thereto and providing for the service of process in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cases where claims are made for damages arising from the ownership posession occupancy control maintenance and use of real estate the footways and curbs adjacent thereto it shall be lawful to commence an action for the recovery of damages in any Court of record in the county wherein the real estate footways and curbs adjacent thereto it shall be lawful to commence an action for the recovery of damages in any Court of record in the county wherein the real estate footways and curbs are located and service of process may be made by the sheriff of the county in which the action is brought by deputizing the sheriff of the county wherein the defendant resides or where service may be had upon such defendant under the existing laws of this Commonwealth in like manner as process may be now served in the proper county

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

The first section of the bill was read as follows:

Section 1 The word "property' as used in this act shall be construed to mean and include lands buildings earth sand clay gravel rock stone wood materials springs streams rivers lakes easements and rights of way

The term "water-works" as used in this act shall be construed to mean reservoirs dams storing lakes power

plants viaducts aquaducts canals tanks cisterns water mains and pipes pumping stations filtration plants buildings machinery and any other works connected with a public water supply system and necessary for the collection reception storage purification conveyance and distribution of water for domestic and industrial consumption

The word "city" means a city of the first class

On the question,

Will the Senate agree to the section?

Mr. JASPAN. Mr. President, I move to amend page 2, section 1, Line 4—insert after the words "rights of way" the following words: "together with any facilities constructed thereon."

Mr. DANDO. Mr. President I second the motion.

The motion was agreed to.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second to the tenth sections inclusive of the bill were read as follows and agreed to.

Section 2 Any city shall have power and authority to acquire by purchase lease gift or the exercise of the power of eminent domain any property whether situate within or without the corporate limits of such city and to erect or construct thereon water-works for the purpose of supplying water to such city and the inhabitants thereof Any such city shall have power to lay its water mains and pipes over or under any creek stream river bridge highway railroad or railway

Section 3 Whenever any city shall exercise the power of eminent domain for any of the purposes of this act it shall not be necessary for such city to give or tender security for the taking injury or destruction of property but the funds raised or proper and lawful to be raised by the power of taxation in such city shall be pledged and are hereby made security to the owner or owners of property so taken injured or destroyed for all damages which they may sustain on account of such taking injury or destruction and such city shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever

Section 4 Whenever any city has condemned property for water-works purposes under the provisions of this act in any county of this Commonwealth other than the one in which such city is located it shall record a copy of the ordinance making such condemnation in the office of the recorder of deeds of each county where any of such property is located together with any subsequent amendments or supplements to such ordinance

Section 5 Upon the recording of the ordinance of condemnation in the county where any property is located it shall be lawful for the city by its officers agents or contractors to enter upon and take possession of any property so condemned and to erect and construct thereon water-works and to do all things necessary for the purpose of fully carrying out the purposes of this act

Section 6 If the owner lessee or occupier shall refuse to remove his personal property or give up possession of any property taken by the city in the exercise of its power of eminent domain the city may serve written notice upon such owner lessee or his agent or the occupier to remove his personal property and give up possession of such property within sixty days from the date of the service of such notice

If the owner lessee or occupier shall refuse to remove his personal proprty and giv possession upon proof of the service of the notice a writ of habere facias possessionem shall forthwith issue directing the sheriff to give to the city possession

Section 7 If any city in erecting and constructing water-works shall find it necessary in storing water to occupy and overflow with water any portion of any public road the city shall cause such road to be reconstructed at its own expense on a favorable location and in as perfect a manner as the original road and for such purposes is authorized to condemn lands Whenever an agreement as to the price cannot be had with the owners the damages for land so taken shall be assessed as herein provided in the case of property taken for water-works purposes

Section 8 The city shall attempt to agree with the owner of any property taken or to be taken injured or destroyed as to the amount of damage done or likely to be done to him in the taking of such property and in the erection and construction of such water-works and if no agreement can be reached or if the owner cannot be found or is not sui juris the city or the owner or any person interested may apply by petition to the court of common pleas of the county where the property is located or to any law judge thereof in vacation whereupon the court or judge shall appoint three viewers from the county board of viewers to view and ascertain the dam- or destruction and appoint a time not less than twenty ages done by reason of said taking use occupancy injury or destruction and appoint a time not less than twenty nor more than thirty days thereafter when the viewers shall meet at or upon the premises affected Thereupon the same proceedings shall be had for the assessment of damages and the costs and expenses in connection therewith with the same right of appeal and trial by jury as is provided by the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom" the assessment of the damages costs and expenses thereof upon the property benefitted and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom and the amendments and supplements thereto.

Section 9 Any such city shall have power to use the reservoirs dams and water-works erected for water supply purposes for the generation of electric power and to erect the necessary power plants distribution systems substations and inter-tie or transmission lines to enable it to use purchase sell and dispose of electric energy inside and outside its corporate limits and with the consent of the owner thereof to connect its water-works or power plants and lines with any other water-works or electric distribution systems within and without its corporate limits and to use purchase sell and dispose of water for water supply and power purposes and also to sell and distribute water in territory not supplied with water

Section 10 All acts and parts of acts general local or special inconsistent with this act are hereby repealed

Section 11 This act shall become effective immediately upon final enactment

The title of the bill was read as follows and agreed to.

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 995, as follows:

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws three hundred sixty-four) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section nine hundred five of the act approved the fifth day of May one thousand nine hundred thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 905 Filing of Articles of Merger or Consolidation The articles of merger or articles of consolidation as the case may be and proof of the advertisement required by the preceding section shall be delivered to the Department of State If the Department of State finds that such articles conform to law it shall forthwith but not prior to the day specified in the advertisement required by the preceding section endorse its approval thereon and when all bonus fees taxes contributions for unemployment compensation and charges have been paid as required by law shall file the articles and issue to the corporation or its representative a certificate of merger or a certificate of consolidation as the case may be to which shall be attached a copy of the approved articles

Section 2 That clause C of section one thousand seven of said act as amended by section one of the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1123) is hereby further amended to read as follows

C If the Department of State finds that the provisions of this article have been complied with and that the applicant corporation is entitled to an amended certificate of authority it shall forthwith but not prior to the day specified in the advertisement heretofore required by this section endorse its approval upon the application and when all fees contributions for unemployment compensation and charges have been paid as required by law shall file the application and issue to the applicant corporation an amended certificate of authority setting forth the desired changes

Section 3 That clause C of section one thousand fifteen of said act is hereby amended to read as follows

C Upon the filing of such application proof of the advertisement heretofore required by this section and the return for cancellation of the corporation's certificate of authority or the filing of proof that it has been lost or destroyed the Department of State after all bonus taxes contributions for unemployment compensation fees and charges have been paid as required by law shall cancel the certificate of authority if any and shall issue to the corporation or its representative a certificate of withdrawal Upon the issuance of the certificate of withdrawal the authority of the corporation to do business within this Commonwealth shall cease and determine The issuance of such certificate shall not affect any action pending at the time thereof or affect any right of action upon any contract made by such corporation in the Commonwealth before the issuance of the certificate Process against the corporation in an action upon any liability or obligation incurred within this Commonwealth before the issuance of such certificate may be served thereafter upon the Secretary of the Commonwealth

Section 4 That section one thousand one hundred one of said act is hereby amended to read as follows

Section 1101 Voluntary Dissolution by Incorporators The incorporators of a business corporation which has not commenced business or which has not issued any shares may affect the dissolution of the corporation by filing articles of dissolution with the Department of State The articles of dissolution shall be executed under the seal of the corporation signed and verified by a majority of the incorporators and shall set forth

(1) The name of the corporation

(2) The address including street and number if any of its registered office

(3) The date of its incorporation

(4) That the corporation has not commenced business and that none of its shares has been issued

(5) That the amount if any actually paid in on subscriptions to its shares less any part thereof disbursed for necessary expenses has been returned to those entitled thereto

(6) That no debt of the corporation remain unpaid

(7) That all the incorporators elect that the corporation be dissolved

The articles of dissolution shall be delivered to the Department of State If the Department of State finds that the articles conform to law it shall endorse its approval thereon and when all bonus taxes fees contributions for unemployment compensation and charges required by law have been paid shall file the articles and issue a certificate of dissolution to the incorporators or their representative to which shall be attached a copy of the approved articles Upon the issuance of the certificate of dissolution the existence of the corporation shall cease

Section 5 That clause (6) of section one thousand one hundred three of said act is hereby amended to read as follows

(6) If the election to dissolve was by resolution adopted at a meeting of the shareholders the number of shares outstanding the number of shares entitled to vote in respect of the dissolution of the corporation and the number of shares voted for and against the voluntary dissolution of the corporation respectively and if the shares of any class are entitled to vote as a class the number of shares of such class and the number of shares of all other classes voted for and against the voluntary dissolution of the corporation

The certificate of election to dissolve shall be delivered to the Department of State If the Department of State finds that the certificate conforms to law it shall endorse its approval thereon and when all bonus taxes fees contributions for unemployment compensation and charges required by law have been paid shall file the certificate and shall issue to the corporation or its representative a copy of the approved certificate Upon the filing by the

Department of State of a certificate of election to dissolve the corporation shall cease to carry on its business except in so far as may be necessary for the proper winding up thereof but its corporate existence shall continue until a certificate of dissolution has been issued by the Department of State or until a decree dissolving the corporation has been entered by a court of common pleas as elsewhere provided in this act

Section 6 That section one thousand one hundred five of said act is hereby amended to read as follows

Section 1105 Articles of Dissolution When all debts liabilities and obligations of the corporation have been paid and discharged or adequate provision shall have been made therefor and all of the remaining property and assets of the corporation shall have been distributed to its shareholders articles of dissolution shall be executed under the seal of the corporation and signed and verified by two duly authorized officers of the corporation which shall set forth

(1) The name of the corporation

(2) The address including street and number if any of the registered office of the corporation

(3) A statement that the corporation has theretofore delivered to the Department of State a certificate of election to dissolve and the date on which the certificate was filed by the Department of State

(4) A statement that all debts obligations and liabilities of the corporation have been paid and discharged or that adequate provision has been made therefor

(5) A statement that all the remaining property and assets of the corporation have been distributed among its shareholders in accordance with their respective rights and interests

(6) A statement that there are no suits pending against the corporation in any court

The articles of dissolution and proof of the advertisement required by the preceding section shall be delivered to the Department of State If the Department of State finds that such articles conform to law it shall endorse its approval thereon and if all bonus taxes fees contributions for unemployment compensation and charges required by law have been paid shall file the articles and issue to the corporation or its representative a certificate of dissolution to which shall be attached a copy of the approved articles Upon the issuance of the certificate of dissolution the existence of the corporation shall cease

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1005, as follows:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three)

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" be and the same is hereby amended to read as follows

That section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth" as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws two hundred three) is hereby further amended to read as follows

Section 5-A There shall be established and constituted in such cities a civil service commission consisting of five civil service commissioners two of whom shall be appointed by the mayor of such cities and two of whom shall be appointed by the city controller of such cities and the four commissioners so appointed shall elect a fifth commissioner within thirty days after their appointment and they shall hold office for a term of four years and until their successors are severally appointed and qualified Vacancies in the office of civil service commissioner shall in like manner be filled for the remainder of the term by the appointing power which appointed the person whose vacancy is to be filled The commissioners shall elect from among their own number a president and secretary Each commissioner shall qualify by filing with the mayor an oath to perform the duties of his office faithfully and without fear or favor The civil service commission existing prior to the thirtieth day of March one thousand nine hundred and thirty-seven as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by said act approved the thirteenth day of April one thousand nine hundred and twenty-seven be and the same is hereby abolished

Section 2 This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1021, as follows:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any city of the first class may in constructing any sewer or sewer system for the accommodation of a certain portion only of the city constitute the territory into a sewer district or divide it into several sewer districts In every such case of division into several districts the city shall make an estimate of the proportion of the cost of the sewer or sewer system which should be equitably charged on each such district and declare and establish such apportionment by resolution No district shall be charged with more than its due proportion of the cost of the main sewers used jointly by more than one district and the aggregate amount charged on property in any such district shall not exceed the estimate Any amount not legally chargeable upon properties benefited shall be paid by the city

Section 2 The charge for sewer construction in any sewer district shall be assessed upon the properties accommodated or benefited in either of the following methods

(a) By an assessment pursuant to a resolution of the council of the city of each lot or piece of land in proportion to its frontage abutting on the sewer allowing such reduction in the case of properties abutting on more than one sewer as the resolution may specify

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits The amount of the charge on each property shall be ascertained as provided by law for the assessment of benefits by viewers for sewer improvements

(c) By the imposition of a charge or rental against the properties served or accommodated by such sewer or sewer system as provided by law for the imposition of such charges or rentals by cities where more than one district is created the assessment in the different districts may be by different methods

Section 3 All acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1031 (House Bill No. 1477), entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1064 (House Bill No. 2162), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1066 (House Bill No. 1574), entitled:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authirizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. RICE. Mr. President, I move that Senate Bill No. 1066 (House Bill No. 1574), the bill just read be recommitted to the Committee on State Boards.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 120 (Senate Bill No. 1090), entitled:

An Act providing that when judgment is recovered against any insurance company for money due and owing under the terms of a policy issued by such insurance company, an attorney's fee for the plaintiff shall be included in the costs of suit and paid in the same manner as other costs.

Which was committed to the Committee on Judiciary General.

House Bill No. 666 (Senate Bill No. 1091), entitled:

An Act to authorize boroughs, incorporated towns and townships to sue out writs of scire facias on certain tax or municipal claims, or where writs of scire facias have been issued and judgment not entered within five years from the date of issuance, to proceed to judgments in certain cases, or to revive judgments on such claims where more than five years have elapsed since said claims were filed or such judgments were entered or revived, and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments; and the liens thereof.

Which was committed to the Committee on Judiciary General.

House Bill No. 880 (Senate Bill No. 1092), entitled:

An Act to prohibit the admission, in criminal cases, of evidence illegally secured or acquired.

Which was committed to the Committee on Judiciary General.

House Bill No. 905 (Senate Bill No. 1093), entitled:

An Act prohibiting industrial police from carrying weapons when not on duty; requiring them to leave the same at place of employment; and prescribing penalties.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1074 (Senate Bill No. 1094), entitled:

An Act to amend clause (a) of section one thousand eight hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "Administrative Code of 1929" as amended; limiting the amount which may be expended by the Department of Forests and Waters to acquire interior holdings and farms and marginal farms.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1343 (Senate Bill No. 1095), entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," by permitting the filing of claims in more than one county in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1357 (Senate Bill No. 1096), entitled:

An Act limiting the question to be decided in any new trials granted because of the inadequacy or excessiveness of a verdict

Which was committed to the Committee on Judiciary General.

House Bill No. 1462 (Senate Bill No. 1097), entitled:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thousand nine hundred and thirty-four and previous years shall be liens, and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes; reviving such liens and restoring the treasurer's right to sell such lands in certain cases; and saving the rights of intervening purchasers, mortgagees, lien holders, and other encumbrance holders.

Which was committed to the Committee on Municipal Government.

House Bill No. 1475 (Senate Bill No. 1098), entitled:

An Act to amend section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "Practice Act of 1915," providing that the defendant in a counter-claim may ask for an account in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1474 (Senate Bill No. 1099), entitled:

An Act to amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "Municipal Claim and Tax Lien Law," by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias.

Which was committed to the Committee on Judiciary General.

House Bill No. 1476 (Senate Bill No. 1100), entitled:

An Act to amend section one of the act, approved the sixth day of May, one thousand eight hundred and seventy-four (P. L. 125), entitled "An act regulating State tax on certain county officers," as amended, regulating the payment over to the county of excess earnings of county officers.

Which was committed to the Committee on County Government.

House Bill No. 2055 (Senate Bill No. 1101), entitled:

An Act authorizing any county and city, in any county in which the county seat is within the limits of such city, to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city; and providing for the appointment of a board of managers, and for professional staffs and employes, and for the apportionment of costs and expenses.

Which was committed to the Committee on Municipal Government.

House Bill No. 1504 (Senate Bill No. 1102), entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "Vocational Education Law" by further defining and extending the scope of vocational education, and enlarging the provisions for State subsidies.

Which was committed to the Committee on Education.

House Bill No. 1568 (Senate Bill No. 1103), entitled:

An Act to amend the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "Insurance Company Law of 1921" by adding thereto sections four hundred and twenty B (420B), four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

Which was committed to the Committee on Insurance.

House Bill No. 1569 (Senate Bill No. 1104), entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "Vocational Education Law" by further defining and extending the scope of vocational education.

Which was committed to the Committee on Education.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 528

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 528, entitled:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township, Lebanon County.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1130

He also presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That House Bill No. 1130, entitled:

An Act to amend sections fifty and seventy-two as amended, sub-section (b) of section nine hundred ninety-one, section two hundred two, sections two hundred twenty and two hundred twenty-six as amended, sections two hundred twenty-eight and two hundred fifty six, and section two hundred eighty-five as amended, of, and to add sections two hundred eighty-two and two hundred eighty-three to, the act, approved the second day of May, one thousand nine hundred and twenty-five (P. L. 448), entitled, "Fish Law of 1925," further regulating the taking of fish; eliminating the right to use eel chutes, changing certain penalties and prividing new penalties; requiring certain persons to possess fishing licenses; providing for and regulating the revocation of fishing licenses; providing for the payment over of fines collected, and the return of fines erroneously collected; vesting certain additional powers in the Board of Fish Commissioners; eliminating certain restrictions on the use of license fees; regulating closed seasons in boundary lakes; and conferring additional police powers on fish wardens.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE AMENDMENT TO HOUSE BILL No. 1156

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1156, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

HOUSE CONCURS IN SENATE BILL No. 245

He also returned to the Senate, Senate Bill No. 245, entitled:

An Act to amend part of section one of the act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred and four), entitled, "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same," by reducing the fee charged for filing municipal or tax liens.

with the information that the House has passed the same without amendment.

HOUSE CONCURS IN SENATE BILL No. 827

He also returned to the Senate, Senate Bill No. 827, entitled:

An Act to further amend section five of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

with the information that the House has passed the same without amendment.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 245.

An Act to amend part of section one of the act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred and four), entitled, "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same," by reducing the fee charged for filing municipal or tax liens.

SENATE BILL No. 827.

An Act to further amend section five of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILLS INTRODUCED

Mr. THOMPSON. Mr. Preident, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 1105, entitled:

An Act concerning proxies; authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

Which was committed to the Committee on Judiciary General.

Mr. RUTH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 1106, entitled:

An Act to amend section two hundred two as amended, and to add section four hundred twenty-five B to the act approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges; abolishing, creating reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers; providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," by providing for the creation of a State Board of Examiners of Psychologists.

Which was committed to the Committee on Judiciary General.

Mr. RUTH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. RUTH, read in his place and presented to the Chair Senate Bill No. 1107, entitled:

An Act relating to the practice of psychology; defining and providing for the licensing and registration of psychologists and psychological examiners, and for the revocation and suspension of such licenses and registrations, subject to appeal, and for their reinstatement; defining the powers and duties of the State Board of Examiners of Psychologists, and the Department of Public Instruction; and providing penalties.

Which was committed to the Committee on Judiciary General.

Mr. KILGALLEN. Mr. President, I ask unanimous consent to read bills in place at this time.

The PRESIDENT. Is there objection. The Chair hears none.

Mr. KILGALLEN, read in his place and presented to the Chair Senate Bill No. 1108, entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city.

Which was referred to the Committee on Municipal Government.

Mr. KILGALLEN, read in his place and presented to the Chair Senate Bill No. 1109, entitled:

An Act to amend section two thousand six hundred and one of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising consolidating, and changing the law relating thereto," providing for the beginning of a revolving fund for street, sidewalk and sewer improvements by funds raised from bond issues.

Which was referred to the Committee on Municipal Government.

Mr. KILGALLEN, read in his place and presented to the Chair Senate Bill No. 1110, entitled:

An Act to add subdivision (h) to Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing for a revolving fund for permanent street, sidewalk and sewer improvements.

Which was committed to the Committee on Municipal Government.

Mr. KILGALLEN, read in his place and presented to the Chair Senate Bill No. 1111, entitled:

An Act to add subdivision (c) to Article twenty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," by providing for a revolving fund for street, sidewalk and sewer improvements.

Which was committed to the Committee on Municipal Government.

Mr. KILGALLEN, read in his place and presented to the Chair Senate Bill No. 1112, entitled:

An Act to amend subdivision (i) of Article seventeen of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for a revolving fund for street, sidewalk and sewer improvements.

Which was committed to the Committee on Municipal Government.

Mr. GILSON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON, read in his place and presented to the Chair Senate Bill No. 1113, entitled:

An Act authorizing the Department of Property and Supplies, with the approval of the Governor, and the Board of Trustees of the Edinboro State Teachers College to acquire certain tracts of land for the use of said college; and making an appropriation.

Which was committed to the Committee on Appropriations.

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, read in his place and presented to the Chair Senate Bill No. 1114, entitled:

An Act to amend section two hundred two of the act, approved the fourth day of May, one thousand nine hundred twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the incorporation of boroughs.

Which was committed to the Committee on Municipal Government.

Mr. STIEFEL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, read in his place and presented to the Chair Senate Bill No. 1115, entitled:

An Act to amend section 216 of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance; establishing an Insurance Department; and amending, revising and consolidating the law relating to the licensing, qualification, regulation, examination, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations, or exchanges; providing penalties, and repealing existing laws" (and all amendments thereto), by providing for an Insurance Fund, to be expended under the direction of the Insurance Commissioner to aid in the administration of the Insurance Department.

Which was committed to the Committee on Insurance.

REPORTS FROM COMMITTEES

Mr. HOWELL. Mr. President, I ask unanimous consent to make reports from committees at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL, from the Committee on Municipal Government reported as amended, Senate Bill No. 357, entitled:

An Act to amend sections one thousand six and one thousand thirty-five, as amended, and section one thousand sixty-two of the Act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen) entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating the method of making appropriations, expenditures, employments, contracts and purchases by boroughs; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditors' statement; requiring the controller or secretary to file an annual report with such department; conferring jurisdiction of certain cases upon aldermen, magistrates and justices of the peace; and providing penalties.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL, from the Committee on Municipal Government reported as amended, Senate Bill No. 358, entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," providing for and regulating the method of making appropriations, expenditures, contracts, employments, and purchases by the townships; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors, the Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs; requiring auditors to file an annual report with such Department; conferring jurisdiction of certain cases upon alderman, magistrates and justices of the peace; and providing penalties.

Mr. HOWELL, from the Committee on Judiciary General reported as amended, Senate Bill No. 829, entitled:

An Act making it unlawful to solicit the employment of attorneys-at-law, adjusters or investigators for the collection, settlement, or institution of an action for damages, and making it unlawful for any attorney-at-law to promise or give any consideration to such solicitors, and imposing penalties for violations.

Mr. THOMPSON. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 359, entitled:

An Act authorizing courts in certain actions, to order the parties involved therein to submit to blood tests, and prescribing the manner in which the results of such tests may be used as evidence.

Mr. RICE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on State Boards, re-reported as amended, Senate Bill No. 1066 (House Bill No. 1574), entitled:

An Act relating to milk and the products thereof, creating a Milk Control Commission, establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing storage, distribution, delivery and sale of milk and certain products thereof, providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers, authorizing the holding of hearings and the issuance of subpoenas by the commission, conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor, to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products, subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the Commission and for the burden of proof upon such appeals, prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superceded by this act and saving rights duties and proceedings thereunder and making appropriations.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations, reported the following nomination made by His Excellency, the Governor of the Commonwealth, with the recommendation that the same be returned to the Governor:

NOMINATION OF NOTARY PUBLIC RECALLED

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as Notary Public for terms of four years to compute from the date of confirmation:

NORTHAMPTON COUNTY

Mrs. Mary Raudenbush, Bethlehem.

GEORGE H. EARLE.

Mr. SONES. Mr. President, at the request of His Excellency the Governor, I move that this nomination be returned to the Governor.

Mr. FREY. Mr. President, I second the motion.

The motion was agreed to.

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations, reported with a favorable recommendation, the following nominations made by His Excellency, the Governor of the Commonwealth:

BRIGADIER GENERAL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor to nominate for the advice and consent of the Senate Charles Blaine Smathers, of Scotland, Franklin County, for appointment as Brigadier General, Pennsylvania National Guard, vice Robert Morris Brookfield, retired, to serve until lawfully determined or annulled.

GEORGE H. EARLE.

MEMBER WASHINGTON CROSSING PARK COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 12, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Thomas Evans, of 215 South 16th Street, Philadelphia, for appointment as a member of the Washington Crossing Park Commission (to fill a vacancy), until the 3rd Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

ALDERMEN

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 15, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George S. Sigendall, of Meadville, Crawford County, for appointment as Alderman in the First Ward of the City of Meadville, Crawford County, vice Charles F. Clyde, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 13, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate B. Gene Bindi, of Monongahela, Washington County, for appointment as Alderman of the First Ward in the City of Monongahela, Washington County, vice Thomas Ward, deceased, until the first Monday of January, 1938.

GEORGE H. EARLE.

TRUSTEE MANSFIELD STATE TEACHERS COLLEGE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 19, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate George W. Hemminger, of Nicholson, Wyoming County, for appointment as a member of the Board of Trustees of Mansfield State Teachers College, vice W. A. MacCausland, of Mansfield, deceased, for the term of four years, and until his successor is qualified.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BUCKS COUNTY

Mrs. M. R. Tell, Doylestown.

CHESTER COUNTY

A. M. McQuiston, Easttown Twp., Berwyn.

ERIE COUNTY

Fred S. McDonald, Erie.

LEBANON COUNTY

Henry W. Hamilton, Lebanon.

McKEAN COUNTY

Mrs. Marie Fessenden, Kane.
Henry N. Harvender, Bradford.

MONTGOMERY COUNTY

Miss Dorothy Hertzog, Pottstown.
Mrs. Kathryn L. Magowan, Conshohocken.

PHILADELPHIA COUNTY

Mrs. Sadie Fine, 1000 Bankers Securities Bldg., Philadelphia.
Thos. V. Houlihan, 5839 Germantown Ave., Philadelphia.
William J. Paul, 2918 E. St., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 21, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Elizabeth D. Mollenkof, of Broad and Sansom Streets, Philadelphia, Philadelphia County, for re-appointment as a notary public for the term of four years to compute from April 30, 1937.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 14, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

McKEAN COUNTY

R. J. Heiznecker, Kane, April 18, 1937.

YORK COUNTY

A. A. Zeigler, Goldsboro, April 18, 1937.

DELAWARE COUNTY

H. Eugene Bowerman, Upper Darby Twp., Upper Darby, April 20, 1937.

McKEAN COUNTY

F. M. Nash, Bradford, April 23, 1937.

CLEARFIELD COUNTY

Mrs. Violet Butterworth, Chester Hill, April 25, 1937.

ALLEGHENY COUNTY

Miss Irene Kovacs, 1315 Park Bldg., Pittsburgh, April 26, 1937.

PHILADELPHIA COUNTY

Charles Weinberg, 4027 Girard Ave., Philadelphia, May 3, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 20, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Edna L. Chamboredon, South Fayette Twp., Cuddy.
Frank A. Wheeler, Wilkinsburg.

ARMSTRONG COUNTY

E. J. Halberg, Kittanning.

BUTLER COUNTY

Miss Gertrude M. Salisbury, Butler.

WESTMORELAND COUNTY

Miss M. P. Poole, Greensburg.
Laird F. Schrader, Jeannette.

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 19, 1937

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

William A. Schock, 1801 Forbes St., Pittsburgh.
Stanley J. Walkowski, 3426 Butler St., Pittsburgh.

ARMSTRONG COUNTY

Mrs. Alta W. McKelvy, Ford City.
Lloyd W. Moline, Apollo.

BEAVER COUNTY

John S. Littell, Rochester Twp., Rochester.
Frank C. O'Rourke, New Brighton.

DAUPHIN COUNTY

Miss Rosemary D. Dodd, Harrisburg.

DELAWARE COUNTY

Miss Catherine M. Gallagher, Upper Darby Twp. Upper Darby.
Joseph A. Hughes, Jr., Lansdowne.

FAYETTE COUNTY

Miss Bertha L. Darby, Uniontown.

LUZERNE COUNTY

Sister Mary Loretta McGill Dallas Twp., Dallas.

LYCOMING COUNTY

Carl Flock, Jr., Williamsport.

MONTGOMERY COUNTY

Miss Dorothy B. Smith, Conshohocken, Whitemarsh Twp.

NORTHAMPTON COUNTY

Mrs. Marian J. Abel, Hellertown.
Walter K. Geyer, Hellertown.
James E. Knipe, Bethlehem.

PHILADELPHIA COUNTY

Walter J. Blondell, Sr., 322 S. 11th St., Philadelphia.
Miss Rose Bush, 2115 South St., Philadelphia.
Miss Beatrice Ennis, Walnut and Juniper Sts., Philadelphia.
Charles Z. Klauder, Jr., 1429 Walnut St., Philadelphia.
James N. McCarrick, 2218 Catharine St., Philadelphia.

WASHINGTON COUNTY

H. D. Patch, Donora.

YORK COUNTY

Mrs. E. Romaine Coyle, York.

GEORGE H. EARLE

Commonwealth of Pennsylvania
Governor's Office, Harrisburg, April 19, 1937

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

PHILADELPHIA COUNTY

Miss M. Meaney, 505 Chestnut St., Philadelphia, April 22, 1937.

BLAIR COUNTY

Roy I. Feather, Roaring Spring, Taylor Twp., April 24, 1937.

DELAWARE COUNTY

Frank McClatchy, Upper Darby, Upper Darby Twp., May 3, 1937.

ERIE COUNTY

Donald Arbuckle, Erie, May 5, 1937.

GEORGE H. EARLE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Miss Olga I. Bowen, Provident Trust Building, Philadelphia, for appointment as a notary public in and for the City of Philadelphia, for the term of four years to compute from May 3, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Carl H. Frey, Oakmont.
Earl R. Glass, Jr., 2400 Henry W. Oliver Bldg., Pittsburgh.
Miss Janet R. Neaman, 439 Market St., Pittsburgh.
John G. Rainey, 101 Court House, Pittsburgh.
Elmer L. Woods, Farmers Bank Bldg., Pittsburgh.

DAUPHIN COUNTY

John W. Martin, Harrisburg.

FAYETTE COUNTY

Miss Lena M. Show, Uniontown.

LACKAWANNA COUNTY

Miss Lois A. Brain, Scranton.

LUZERNE COUNTY

Miss Mary E. Keeler, Wilkes-Barre.
Warren E. Myers, Wilkes-Barre.
Mrs. Irene Thomas, Wilkes-Barre.

LYCOMING COUNTY

Cloyd E. Ruffaner, Williamsport.

MONTGOMERY COUNTY

Miss Elizabeth R. Fox, Norristown.

PHILADELPHIA COUNTY

P. Di Benedetto, 406 N. 65th St., Phila.
Mrs. Sylvia Manashil, 2547 S. Broad St., Phila.
Michael L. ONeill, 1429 S. 55th St., Phila.
Mrs. L. M. Scheetz, 5046 Chestnut St., Phila.
Francis M. Smith, 813 E. Allegheny Ave., Phila.

TIOGA COUNTY

Mrs. Beatrice C. Coolidge, Wellsboro.

WASHINGTON COUNTY

Charles F. Polacci, Charleroi.

YORK COUNTY

J. F. Buser, Mount Wolf.

GEORGE H. EARLE.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 27, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

John Badovinac, 3441 Forbes St., Pittsburgh.
Frank O. Gardner, 1330 Locust St., Pittsburgh.
Miss Margaret Hollan, Braddock.
Earle B. Lafean, 356 Coltart Ave., Pittsburgh.
John D. Moffat, 515 Plaza Bldg., Pittsburgh.

BUCKS COUNTY

Miss Annie Heller, Riegelsville.

CHESTER COUNTY

Fred W. Ashton, Coatesville.

LUZERNE COUNTY

Joseph W. Stearns, Wilkes-Barre.
T. G. Wadzinski, Wilkes-Barre.

MONTGOMERY COUNTY

G. Carroll Hoover, Norristown.

PHILADELPHIA COUNTY

Joseph P. Parker, 642 S. 52d St., Phila.
Charles H. Young, 1215 W. Glenwood Ave., Phila.

WESTMORELAND COUNTY

Miss Gerda A. Carlson, Scottdale.
L. Russell Grove, New Kensington.

GEORGE H. EARLE.

Commonwealth of Pennsylvania
Governor's Office, Harisburg, April 14, 1937.

To the Honorable, the Senate of the
Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Julius Blaha, 132 7th St., Pittsburgh.
William Leicher, Millvale.
George J. Mayer, 1328 Reesdale St., Pittsburgh.

CAMBRIA COUNTY

John W. Stephenson, Johnstown.

DELAWARE COUNTY

Denis A. Blake, Clifton Heights.

INDIANA COUNTY

Miss Martha Daugherty, Indiana.

LANCASTER COUNTY

Walter A. Buckius, Lancaster.

McKEAN COUNTY

Byron Wolfe, Bradford.

PHILADELPHIA COUNTY

R. G. Bannister, 49th St. and Schuylkill River, Phila.
Alexander O. Dunlap, 5554 Market St., Phila.
Jacob Gable, 627 Wood St., Phila.

WASHINGTON COUNTY

Mrs. Ethel M. Watson, Canonsburg.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 19, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Roy A. House, of Kittanning, Armstrong County, for appointment as Justice of the Peace in the Borough of Kittanning, Armstrong County, (to fill a vacancy) until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 26, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Charles E. Templin, of Douglass Township, Berks County, for appointment as Justice of the Peace in the Township of Douglass, Berks County, (to fill a vacancy), until the first Monday of January, 1938.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Haluska,	Lanius,	Rupp,
Cavalcante,	Henney,	Law,	Ruth,
Chapman,	Heyburn,	Mallery,	Salus,
Dando,	Homsher,	McCreesh,	Scarlett,
Deitrick,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Owlett,	Sones,
Ealy,	Jacobs,	Pytko,	Stiefel,
Eroe,	Jaspan,	Rankin,	Thompson,
Frey,	Kahle,	Reed,	Wolfenden,
Gelder,	Kilgallen,	Rice,	Woodward,
Gilson,	Kunkel,	Rodgers,	

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 735, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1044, entitled:

An Act authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs, and exempting mortgages issued under the National Housing Act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 935 (House Bill No. 1176), entitled:

An Act to amend Article three of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 518 (House Bill No. 302), entitled:

An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred seventy-seven) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of Workmen's Compensation to the city, borough, town or township.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 848, entitled:

An Act to amend section 2551 and to repeal sections 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520 and 2521 of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled, "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," providing for taxation in such cities on the basis of assessments and valuations for county purposes.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 401 (House Bill No. 890), entitled:

An Act to amend section two thousand five hundred eighty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto;" correcting a defect in said section by supplying omitted matter.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 874, entitled:

An Act to amend section forty of the act approved the twenty-ninth day of April, one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) entitled, "An act to provide for the incorporation and regulation of certain corporations," providing for the renewal of charters of corporations, the charters, franchises and property of which have been purchased by another corporation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 936 (House Bill No. 1188), entitled:

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 837 (House Bill No. 753), entitled:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 658 (House Bill No. 646), entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the exercise of the power of eminent domain through the State Board of Housing providing for the supervision and regulation of the activities of such companies by the state Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 695 (House Bill No. 1159), entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred and twenty-four) entitled, "An act relating to the busi-

ness of banking and to the exercise of fiduciary powers by corporations, providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers, including the conversion of National banks into State banks and for the licensing of private bankers, defining the rights, powers, duties, liabilities and immunities of such corporations of existent corporations, authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers, directors, trustees, shareholders, attorneys and other employees of all such corporations or private bankers or of affiliated corporations, association or persons, restricting the exercise of banking powers by any other corporation, association or person and of fiduciary powers by any other corporation, conferring powers and imposing duties upon the courts, prothonotaries recorders of deeds, and certain State departments, commissions and officers, imposing penalties and repealing certain acts and parts of acts," as amended by providing further with regard to limitations upon loans to one corporation or person.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 394 (House Bill No. 655), entitled:

An Act to amend section thirty of the act, approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising and consolidating the law relating thereto;" providing for service on respondents who are lunitics or persons non compos mentis or confined in institutions for mental treatment.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 934 (House Bill No. 877), entitled:

An Act to amend section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (P. L. 6) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 549, entitled:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled, "An act concerning townships of the first class; amending, revising, consolidating and changing the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings, separate bids shall be received for the structural steel and ornamental iron work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 550, entitled:

An Act to amend section two thousand five hundred eleven of the act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 551, entitled:

An Act to amend section one thousand nine hundred and six of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred thirty-two) entitled, "An act relating to cities of the third class; and amending, revising and consolidating the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 552, entitled:

An Act to amend section five hundred sixty-three of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 553, entitled:

An Act to amend section eight hundred four of the act approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing that in awarding certain contracts for the erection, construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 554, entitled:

An Act to amend section one of the act approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws one hundred fifty-five) entitled, "An act regulating the letting of certain contracts for the

erection, construction, and alteration of public buildings," providing that in such cases separate contracts shall be awarded for the structural steel and ornamental iron work.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 933 (House Bill No. 369), entitled:

An Act to amend section one of Article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 875, entitled:

An Act to cede jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County, and over the tract of land and buildings occupied by the New Cumberland Depot located in York County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1022, entitled:

An Act to re-enact and further amend the act approved the seventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws eight hundred seventy-eight) entitled as amended, "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal Court in and for any district within the Commonwealth, or in the custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another," extending the provisions of said act to corporations not engaged in receiving deposits of money, securities and other property for safe keeping.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 813, entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 357, entitled:

An Act to amend sections one thousand six and one thousand thirty-five, as amended, and section one thousand sixty-two of the act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen) entitled, "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating the method of making appropriations, expenditures, employments, contracts and purchases by boroughs; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs; regulating the preparation of the auditors' statement requiring the controller or secretary to file an annual report with such department; conferring jurisdiction of certain cases upon aldermen, magistrates and justices of the peace; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 358, entitled:

An act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred and two A to the act approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," providing for and regulating the method of making appropriations, expenditures, contracts, employment, and purchases by the townships; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors, the Department of Highways, and the Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs; requiring auditors to file an annual report with such Department; conferring jurisdiction of certain cases upon aldermen, magistrates and justices of the peace; and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 829 (House Bill No. 1176), entitled:

An Act making it unlawful to solicit the employment of attorneys-at-law, adjusters or investigators for the collection, settlement, or institution of an action for damages, and making it unlawful for any attorney-at-law to promise or give any consideration to such solicitors, and imposing penalties for violations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 859, entitled:

An Act authorizing courts in certain actions, to order the parties involved therein to submit to blood tests, and prescribing the manner in which the results of such tests may be used as evidence.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following Committees will meet:

Pension Committee, in Room 265, Wednesday, April 28th, at 10:30 a. m.

Mines and Mining, in Room 302, Wednesday, April 28th, at 11:15 a. m.

Judiciary Special in Room 265 after adjournment today.

Municipal Government in Room 265 after adjournment tomorrow, the 28th.

Agriculture in Room 200, Wednesday the 28th, at 9:45 a. m.

Labor and Industry in Room 400, Wednesday the 28th, at 2:30 p. m.

Aeronautics in Room 265 on Tuesday, May 4th, at 11:30 a. m.

Law and Order in Room 200, Wednesday, the 28th, after adjournment.

Elections in Room 400, Tuesday, May 4th, at 11:00 a. m.

State Boards, a very important meeting, Wednesday the 28th, at 3:00 p. m. in Room 265.

Game and Fisheries tomorrow, Wednesday, at 10:00 a. m. in Room 200.

Finance, tomorrow, Wednesday, at 11:00 a. m., in Room 400.

Public Health, tomorrow at 11:30 a. m., in Room 402.

The Committee on County Government will meet on Tuesday, May 4th, at 10:30 a. m. in Room 402.

The Committee on Highways will meet tomorrow, Wednesday in Room 302, at 3:30 p. m.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon, tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:22 p. m. until twelve o'clock noon, tomorrow, April 28th, 1937.

HOUSE OF REPRESENTATIVES

TUESDAY, April 27, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Fuman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Bless Jehovah. All that is in us bless His Holy name. He gives us the sunshine and the rain. He painted the rainbow on the clouds. He maketh the world beautiful. He restoreth our strength when our body is tired and our heart is heavy. He watches over at night-time when we sleep. So may we not be ashamed to pause together and utter sincere praise unto our heavenly Father.

And our heavenly Father we are requested to mention unto Thee that one member of this body, Arthur R. Schor, has been called home because of sickness in family. We pray Thy blessing upon Mr. Schor and family. May they know through Thee, that all members are interested in their welfare.

In Christ's name.—Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. McKINNEY, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence, bills numbered and entitled, as follows:

SENATE BILL No. 643. (HOUSE BILL No. 2211).

An Act regulating and prescribing the computation and running of sentences for criminal offenses.

Referred to the Committee on Judiciary General.

SENATE BILL No. 671. (HOUSE BILL No. 2212).

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties.

Referred to the Committee on Labor.

SENATE BILL No. 895. (HOUSE BILL No. 2213).

An Act requiring the suspension of safety-nets under men working at certain heights upon construction of buildings monuments and bridges.

Referred to the Committee on Labor.

SENATE BILL No. 1004. HOUSE BILL No. 2214).

An Act declaring bonds issued by The General State Authority legal investments for the investment of certain funds and moneys.

Referred to the Committee on State Government.

RESOLUTION INTRODUCED AND REFERRED

By Mr. RUEBEN E. COHEN. RESOLUTION No. 71.

In the House of Representatives, April 26, 1937.

Whereas, during recent years there has been not only a marked and substantial change in the method of dealing generally in securities, but also an offering to the public of many novel types of investments and the furnishing of services in connection with securities; and

Whereas, the jurisdiction of the Pennsylvania Securities Commission under existing law may not be sufficiently comprehensive to deal with such problems and to afford to the investing public adequate protection and safeguards in connection with such transactions:

Now, Therefore, be it

Resolved, That the Department of Banking, and the

Pennsylvania Securities Commission, of the Commonwealth of Pennsylvania, be and they are hereby directed to make a survey of such dealings, and activities, and a study of the existing law under which the Pennsylvania Securities Commission presently has jurisdiction over transactions in securities within this Commonwealth, and to report thereon to the next regular session of the House of Representatives, together with such conclusions, and such recommendations and suggestions for legislation, as are deemed necessary and expedient in the premises; and be it further

Resolved, That a copy of this resolution be transmitted to the Secretary of Banking, and the Pennsylvania Securities Commission, by the Chief Clerk of this House.

Referred to the Committee on Banking.

SENATE MESSAGE

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled, as follows, viz:

SENATE BILL No. 515.

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read, as follows:

HOUSE BILL No. 1038.

An Act providing that in all cases where writs of habeas corpus are granted the judge may inquire into the facts of the case including an examination into the record proceedings and evidence produced against the person committed or detained before the committing judge officer magistrate or grand jury and making such records proceedings and evidence available for inspection by the petitioner or his counsel

HOUSE BILL No. 1051.

An Act to amend section one, section two, and section five of an act approved the twenty-fifth day of June one thousand nine hundred and thirteen (P. L. 555) entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose; and providing penalties for the violation of the provisions hereof," further defining water obstructions and enlarging the powers and duties of the Water and Power Resources Board by further providing for the regulation of any changes that in any manner diminish the course current or cross section of any stream or body of water

HOUSE BILL No. 1183.

An Act providing for the taking over by the Commonwealth under certain terms, conditions and limitations of certain streets in cities of the first as State highways and for the improvements, construction, reconstruction, resurfacing, and maintenance by the Commonwealth of said streets; imposing duties on such cities and on public utlity companies using such streets; providing that no assessment shall be made upon the Commonwealth in the elimination of reconstruction of any grade crossing thereon; authorizing cities, persons, associations, or corporations to enter into agreements with the Commonwealth to bear a portion of the cost of construction; regulating the replacement of certain facilities of public utility companies; prohibiting the making of any opening in said streets after improvement without a permit and providing penalty therefor; regulating the maintenance of detours; authorizing the increase of city indebtedness in certain cases; and appropriating money in the Motor License Fund for the purposes of this act.

HOUSE BILL No. 2118.

An Act to further amend section six of the act approved the second day of May one thousand eight hundred ninety-nine (Pamphlet Laws one hundred eighty-four) entitled "An act to provide revenue by imposing a mercantile license tax on venders of or dealers in goods wares and merchandise and providing for the collection of said tax" by clarifying the provisions relating to appeals

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 515.

An Act authorizing county commissioners in counties of the seventh and eighth classes to transfer surplus county moneys to the poor district and providing for the expenditure of the moneys so transferred for poor district purposes

SENATE BILL No. 22.

An Act to amend section one of and to add sections two and three to the act approved the nineteenth day of July one thousand nine hundred thirty-five (P. L. 1348) entitled 'An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

SENATE BILL No. 372.

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class

SENATE BILL No. 801.

An Act to amend the title and sections one and two of the act, approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia, over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent, dependent, and neglected

children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

SENATE BILL No. 916

An Act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

Mr. ACHTERMAN in the Chair.

LEAVES OF ABSENCE

Mr. STANK asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. Reuben E. Cohen asked and obtained leave of absence for Mr. SCHOR.

Mr. FLANNERY asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. Ostroff asked and obtained leave of absence for Mr. LEWIS.

Mr. Imbrie asked and obtained leave of absence for Mr. HALL for the remainder of the week on account of an injury.

Mr. Yeakel asked and obtained leave of absence for Mr. STOCKHAM for last night and today's session.

Mr. MERRELL asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. McKINNEY asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. WATKINS asked and obtained leave of absence for himself for the remainder of the week after today's session.

REPORTS FROM COMMITTEES

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, reported as amended, House Bill No. 1020, entitled:

An Act to amend the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, six hundred twenty-four), entitled "An act relating to the business of banking, and to the exercise of fiduciary powers by corporations; providing for the organization of corporations with fiduciary powers, and of banking corporations, with or without fiduciary powers, including the conversion of National Banks into State banks, and for the licensing of private banks; defining the rights, powers, duties, liabilities, and immunities of such corporations, of existent corporations authorized to engage in a banking business, with or without fiduciary powers, of private bankers, and of the officers, directors, trustees, share holders, attorneys, and other employes of all such corporations or private bankers, or of affiliated corporations, associations, or persons; restricting the exercise of banking powers by any other corporation, association, or person, and of fiduciary powers by any other corporation; conferring powers and imposing duties upon the courts, prothonotaries, recorders of deeds and certain State departments, commissions, and officers; imposing penalties; and repealing certain acts and parts of acts," by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. PERSHING, from the Committee on Military Affairs, reported as committed, House Bill No. 304, entitled:

An Act granting a pension for military service to Robert R. Hoffman of the County of Lehigh.

Mr. OSTROFF, from the Committee on Judiciary General, reported as amended, House Bill No. 1753, entitled:

An Act to create an agency in the public interest, to be known as the Pennsylvania State Bar, for the purpose of organizing and governing persons who practice law, and regulating said practice; to provide for the organization, government, membership and powers of said agency, and to provide penalties for the violation of the act, and repealing of acts or parts of acts in conflict therewith.

Mr. SKALE, from the Committee on Corporations, reported as committed, House Bill No. 1437, entitled:

An Act to amend sections two hundred and eleven, three hundred and twelve, seven hundred and seven and eight hundred and seven of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 289), entitled "An act relating to non-profit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, prothonotaries of such courts, recorders of deeds, and certain State departments, commissions, and officers; authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporation," by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth; and conferring discretionary powers upon the courts.

Mr. SKALE, from the Committee on Judiciary General, reported as committed, House Bill No. 1333, entitled:

An Act to amend section one of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-nine (P. L. 1804), entitled "An act relative to certain judgments; prescribing duties of prothonotaries; and repealing prior legislation"; requiring a certificate of the address of the defendants on the entry of certain judgments.

Mr. ROTHENBERGER, from the Committee on Agriculture, reported as committed, House Bill No. 1897, entitled:

An Act authorizing the Governor to enter into compacts with the Governors of certain other States and possessions of the United States relative to the producing of tobacco.

Mr. VAN ALLSBURG, from the Committee on Counties, reported as committed, House Bill No. 1006, entitled:

An Act to amend article ten of the act, approved the second day of May, one thousand nine hundred and twenty-nine, (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by making it unlawful to interfere with drains and ditches under or along county highways; and prescribing penalties.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, reported as committed, House Bill No. 1576, (Senate Bill No. 404), entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (P. L. 336), entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participations in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly," extending said act for a further period of two years.

Mr. HESS, from the Committee on Judiciary General reported as committed, House Bill No. 1773, (Senate Bill No. 311), entitled:

An Act authorizing the recording and copying of documents plats papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1234, entitled:

An Act to amend section five hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changing the requirements relating to the annexation of boroughs and townships to cities of the third class

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1411, entitled:

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith," by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, cancelling, revoking or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1055, entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," as added, prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2169, (Senate Bill No. 831), entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1246, as follows:

An Act to prohibit the recruiting or the securing or offering to secure employment for persons to take places of employes where a labor strike is pending or a lockout exists

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any person for himself or as agent or servant of any firm or corporation to recruit any person or persons for employment or to secure or offer to secure for any person or persons any employment when the purpose of such recruiting securing or offering to secure employment is to have such persons take the place of employment of employes in an industry where a labor strike is then pending or a lockout exists

Section 2 This act shall become effective immediately upon final enactment

Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000) or to suffer imprisonment for a term not exceeding one year or both at the discretion of the court

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 875, (Senate Bill No. 6), as follows:

An Act relating to employes and organizations thereof defining labor disputes prescribing the procedure by which and the conditions under which injunctions may be granted in such disputes and the scope thereof declaring certain undertakings and promises between employers and employes contrary to public policy and void prescribing the nature of proof necessary in actions arising out of labor disputes against persons or associations prescribing the terms and conditions for bonds to be furnished prior to the issuance of injunctions prescribing the procedure in case of appeal from granting injunctions limiting the duration of temporary and permanent injunctions in case of labor disputes and providing for the payment of costs and repealing all acts or parts of acts inconsistent herewith

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows Section 1 This act shall be known and may be cited as the "Labor Anti-Injunction Act"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1839, entitled:

An Act to limit the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That hereafter neither the Supreme Court nor the Superior Court of this Commonwealth shall have any power or jurisdiction to declare invalid as offending any provision of the Constitution of this Commonwealth or any law or part thereof heretofore or hereafter enacted by the General Assembly of this Commonwealth unless five judges of said court shall concur in the decision holding such law or part thereof unconstitutional

On the question,

Will the House agree to the section?

Mr. MARINO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1, page 1, line 11, by striking out the word: "five" and inserting in lieu thereof: "six"

On the question,

Will the House agree to the amendment?

Mr. TURNER. Mr. Speaker, I object to the amendment.

The SPEAKER. The question before the House is will the House agree to the amendment.

Mr. TURNER. I say, Mr. Speaker, I object, to the amendment, and I ask for a roll call. Mr. Speaker, I understand the bill at the present time provides for a five to two decision by the Supreme Court on constitutional questions, and that this amendment would make it six to one. Am I correct in that assumption?

Mr. MARINO. That is correct, Mr. Speaker.

Mr. TURNER. I think, Mr. Speaker, that five to two is bad enough, but six to one is infinitely worse. Therefore I am opposed to it and ask for a roll call.

The yeas and nays were required by Mr. TURNER and Mr. HABBYSHAW.

Mr. MARINO. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—78

Allmond,	Falkenstein,	Matthews, H. T.,	Schrope,
Arnold,	Finnerty,	McFall,	Shaw,
Aukerman,	Fitch,	McGee,	Shoemaker,
Baine,	Flannery,	McShane,	Shugarts,
Brancato,	Haberlen,	Mellott,	Smith, John A.,
Broad,	Hagerty,	Mihm,	Spengler,
Brownfield,	Hamilton, F. P.,	Mooney,	Stank,
Burrows,	Hays,	Moran,	Thomas,
Caputo,	Hering,	Murrin,	Vallbus,
Chervenak,	Hindman,	O'Brien,	VanSickle,
Coakley,	Hirsch,	O'Connor,	Vogt,
Cohen, R. E.,	Holland,	Ominsky,	Wagner,
Coleman,	Holstrom,	Patterson, C. S.,	Walsh,
Costanzo,	Hontz,	Patterson, J. W.,	Weiss, D. H.,
Decker,	Horting,	Pershing,	Weiss, S. A.,
Dickinson,	Jirolanio,	Piole,	Westrick,
Donohoe,	Keenan,	Reese,	Wright,
Dougherty,	Lopresti,	Reising,	Yanoshat,
Downey,	Lovett,	Robinson,	Yourishin,
Elpern,	Marino,	Sarraf,	

NAYS—62

Achterman,	Hamilton, R. S.,	Muir,	Stewart,
Atkins,	Huntley,	Munley,	Strode,
Baker, J. J.,	Imbrie,	Peale,	Terry,
Baker, F. T.,	Kane,	Perry,	Trout,
Boltz,	Kelso,	Preston,	Turner,
Boose,	Kline,	Readinger,	VanAllsburg,
Boyer,	Leisey,	Rothenberger,	Wall,
Bradley,	Longaker,	Schrock,	Wampole,
Cadwalader,	Lyons,	Schumacher,	Watkins,
Caesar,	Matthews, J. F.,	Serrill,	Webster,
Davies,	McCullough,	Sloan,	Wilson,
Fiss,	McDevitt,	Snyder,	Winner,
Gillette,	McKinney,	Sollenberger,	Wood,
Gorski,	Merrell,	Sproul,	Woodside,
Habbyshaw,	Moomaw,	Stackpole,	Yeakel,

So the question was determined in the affirmative and the amendment was agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read as follows:

An Act to limit the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional

On the question,

Will the House agree to the title?

Mr. MARINO. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend title, page 1, line 1 of title, by striking out the word: "limit" and inserting in lieu thereof: "define"

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of a hearing.

The motion was agreed to.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, under the rules, a member is only permitted to vote when he is within the hall of the House. Will the Speaker be good enough to explain what is defined as the hall of the House? Does it include the cigar stand on the other side, the Governor's office, the Senate, or the restaurant downstairs, or is it confined to this room?

The SPEAKER. The floor of the House is defined as that space included within the four walls of this room and the floor thereof. It does not include the lobby.

Mr. TURNER. It does not include, Mr. Speaker, the lobby and the hall outside of the doors of this House?

The SPEAKER. That is correct.

BILL PASSED OVER

Mr. SAMUEL A. WEISS. Mr. Speaker, I ask that House Bill No. 2172, Senate Bill No. 639, Printer's No. 332, be passed over in its order.

Mr. YOURISHIN. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Weiss.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. YOURISHIN. Mr. Speaker, may I ask the gentleman from Allegheny Mr. Weiss as to why he wants the bill to go over in its order.

Mr. SAMUEL A. WEISS. Mr. Speaker, the Legislative Reference Bureau have been preparing amendments so as to have this bill conform in some respects with the Federal Wagner Labor Relations Act. I have just had a call from Mr. Fertig and he says that he has not yet had time to finish the preparation of those amendments as he did not have a reprint of the Labor Bill as it was reported out of the Labor Committee of the House last night. The amendments will be over in a few minutes and I wish the Chairman of the Committee on Labor would permit this bill to go over in its order.

Mr. YOURISHIN. I will, Mr. Speaker, but I want to see those amendments.

Mr. SAMUEL A. WEISS. The gentleman will see the amendments as soon as they come over here.

The SPEAKER. The Chair hears no objection and the bill will be passed over in its order.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2173, (Senate Bill No. 640), as follows:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as "Pennsylvania Labor Mediation Act"

Section 2 It is the public policy of the Commonwealth to encourage employers and employes by their representatives to make and maintain agreements concerning wages hours and conditions of employment and to settle all controversies arising out of the application of such agreements

Section 3 When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "employer" includes an employer and any person acting directly or indirectly on behalf of or in the interest of an employer with the employer's knowledge or ratification but a labor organization or any officer or any officer or agent thereof shall be considered an employer only with respect to individuals employed by such organization

(c) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice as provided in the Act of 1937 entitled "Pennsylvania Labor Relations Act" This term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid nor shall it include any individual employed by his parent or spouse or in the domestic service of any person in the home of the employer

(d) The term "representatives" is not limited to individuals but shall include labor organizations and individual representatives need not themselves be employed by and a labor organization serving as a representative need not be limited in membership to employes of the employer whose employes are represented

Section 4 The parties or either party to a controversy between employers and employes may invoke the services of the department or the department may proffer its services in a controversy over the making maintaining or the application of an agreement between employers and employes concerning wages hours or conditions of employment Whenever the services of the department have been invoked by any party to a controversy or when the department has proffered its services the department shall promptly put itself in communication with the parties to such controversy and shall use its best efforts by mediation through a representative of the Bureau of Mediation and Arbitration in the Department to bring them in agreement

Section 5 For the further purpose of carry out the provisions of this act the Department at the request of both the employer and the employes may set up a commission or panel whose members shall serve in such controversy without pay

Section 6 Whenever a controversy shall arise between an employer and his employes which is not settled either in conference between representatives of the parties or through mediation in the manner provided in the preceding sections such controversy may by agreement of the parties be submitted to arbitration one person to be select-

ed by the employer one person to be selected by the employes and a third to be selected by the representatives of the employer and employes and in the event of any such appointment or selection not being made upon the request of the parties in the controversy the Department may select the third person to arbitrate the matter submitted provided however that the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purpose of this Act or of any provision thereof nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity

Section 7 Nothing in this act shall be construed so as to interfere with impede or diminish in any way the right of employes to strike or engage in other concerted activities

Section 8 If any clause sentence paragraph or part of this Act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein

Section 9 All acts or parts of acts whether general special or local inconsistent herewith are hereby repealed Provided that this act shall not apply to any controversy involving unfair labor practices or the selection of collective bargaining representatives provided for in the act of 1937 entitled "Pennsylvania Labor Relations Act"

Section 10 This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RESTORED TO CALENDAR

Mr. MORAN. Mr. Speaker, I move that Rule 50 of this House be suspended for the specific purpose of restoring House Bill No. 250, Printer's No. 489, entitled "An act authorizing cities, boroughs and towns to construct, acquire, own, operate and control waterworks and electric plants and appurtenances thereto, and to sell and purchase water and electrical energy both within and without their corporate limits; conferring the power of eminent domain; conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof; providing for the incorporation and election of a board of directors to operate and manage such works, and defining its powers and duties; and prescribing penalties" to the House calendar which was dropped from the third reading postponed calendar by reason of not having been called up within the five-day period required under the rules of the House.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, I desire to interrogate the gentleman from Allegheny, Mr. Moran.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. MORAN. I will, Mr. Speaker.

Mr. TURNER. I would like to ask the gentleman from Allegheny whether he droped this bill intentionally from the calendar, Mr Speaker, allowing the five days to elapse".

Mr. MORAN. I did not, Mr. Speaker.

On the question recurring,

Will the House agree to the motion?

On a rising vote, one hundred and nine members, or more than a majority, having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

TIME EXTENDED ON BILL

Mr. MORAN. Mr. Speaker, I move that the time on this bill be extended five days.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 752, entitled:

An Act regulating the removal of sand, gravel and coal from the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of this Commonwealth and providing for the imposition, collection and lien of charges for such materials taken, removed or dredged from such waters title to which is in whole or in part in the Commonwealth, requiring persons, associations, copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue; providing for appeals and providing penalties and refunds.

On the question,

Will the House agree to the bill on third reading?

Mr. PRESTON. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, page 1, line 5 of title, by striking out the word "charges" and inserting in lieu thereof: "royalties"

Amend sec. 3, page 4, line 17, by inserting after the word "ton" the following: "of two thousand pounds"

Amend sec. 3, page 4, line 28, by striking out the words "charge of" and inserting in lieu thereof: "royalty to be fixed by the board as above provided, not however exceeding"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

BILLS PASSED OVER

There being no objection House Bill No. 2073, Printer's No. 596 was passed over at the request of Mr. OMINSKY.

There being no objection House Bill No. 2039, Printer's No. 653 was passed over at the request of Mr. McELROY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1462, entitled:

An Act providing for and extending the time during which taxes on seated lands for the tax year one thou-

sand nine hundred and thirty-four and previous yearse shall be liens and during which the county treasurer shall have the right to sell the lands on which such taxes are liens for the payment of such taxes reviving such liens and restoring the treasurers right to sell such lands in certain cases and saving the rights of intervening purchasers mortgagees lien holders and other encumbrance holders

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine,	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 905, entitled:

An Act prohibiting industrial police from carrying weapons when not on duty requiring them to leave the same at place of employment and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—176

Achterman,	Finnerty,	Lyons,	Sarraf,
Alexander,	Fiss,	Mallen,	Schrock,
Allen,	Fitch,	Marino,	Schrope,
Allmond,	Flanagan,	Matthews, H. T.,	Shaw,
Arnold,	Flannery,	McArdle,	Shea,
Atkins,	Flinchbaugh	McCullough,	Shepard,
Aukerman,	Ganser,	McDermott,	Shoemaker,
Baine	Gerard,	McDevitt,	Shugarts,
Baker, J. J.,	Gillette,	McElroy,	Siegel,
Balthaser,	Gorski,	McFall,	Simon,
Bierly,	Habbyshaw,	McGee,	Skale,
Blank,	Haberlen,	McKinney,	Sloan,
Bohn,	Hagerty,	McShane,	Smith, James A.,
Boies,	Hamilton, F. P.,	Melchiorre,	Smith, John A.,
Boltz,	Hamilton, R. S.,	Mellott,	Spengler,
Bradley,	Harkins,	Mihm,	Stank,
Brancato,	Harmuth,	Moomaw,	Strode,
Brigerman,	Hays,	Mooney,	Thomas,
Broad,	Hering,	Moran,	Thompson,
Brown,	Hess,	Moul,	Toole,
Brownfield,	Hetrick,	Munley,	Tronzo,
Burrows,	Hindman,	Murrin,	Trout,
Caesar,	Hirsch,	Nagel,	Valibus,
Caputo,	Holland,	O'Brien,	VanAllsburg,
Chervenak,	Holmes,	O'Connor,	VanSickle,
Coakley,	Holstrom,	O'Keefe,	Vogt,
Cohen, H. B.,	Hontz,	Ominsky,	Wagner,
Cohen, R. E.,	Horting,	O'Neill,	Wall,
Coleman,	Huntley,	Ostroff,	Walsh,
Coolahan,	Imbrie,	Patterson, C. S.,	Wampole,
Corrigan,	Jirolanio,	Patterson, J. W.,	Watkins,
Costanzo,	Kane,	Perry,	Weiss, D. H.,
Davies,	Keenan,	Pershing,	Weiss, S. A.,
Decker,	Kelso,	Piole,	Welliver,
DeNote,	Kilroy,	Powers,	Welsh,
Dickinson,	Kline,	Preston,	Westrick,
Donohoe,	Kroll,	Readinger,	Whalen,
Dougherty,	LaRue,	Reese,	Whitenight,
Downey,	Leisey,	Reising,	Woodside,
Dubbs,	Levy,	Richter,	Wright,
Dyson,	Long,	Robinson,	Yanoshat,
Eckels,	Longaker,	Rothenberger,	Yourishin,
Elpern,	Lopresti,	Ruffennach,	Zappala,
Falkenstein,	Lovett,	Rush,	Furman,

NAYS—24

Baker, F. T.,	Muir,	Sollenberger,	Webster,
Boose,	Peale,	Sproul,	Weidemann,
Boyer,	Royer,	Stackpole,	Wilson,
Cadwalader,	Schumacher,	Stewart,	Winner,
Matthews, J. F.,	Serrill,	Terry,	Wood,
Merrell,	Snyder,	Turner,	Yeakel,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1074, entitled:

An Act to amend clause (a) of section one thousand eight hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative

departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended limiting the amount which may be expended by the Department of Forests and Waters to acquire interior holdings and farms and marginal farms

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine	Gorski,	Mellott,	Snyder,
Baker, J. J.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, F. T.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNcte,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1317, (Senate Bill No. 245), entitled:

An Act to amend part of section one of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 504), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand; and to provide the time for paying the same," by reducing the fee charged for filing municipal or tax liens.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine,	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2055, as follows:

An Act authorizing any county [and city in any] of the second class and any city in any such county in which the countyseat is within the limits of such city to agree upon the joint management and control of all city hospitals and institutions and all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the second class of this Commonwealth where the countyseat is within the limits of any city and county commissioners and the proper corporate authorities of such city shall have the power and they are hereby authorized to agree upon the administration management maintenance control and operation of all city hospitals and institutions and of all county hospitals and institutions within the county under one board of managers and to share the expenses thereof in such manner and proportions as shall be agreed upon

Section 2 Such board of managers shall consist of seven members Three members one of whom shall be a member of the board of county commissioners shall be appointed by the county commissioners Two members shall be appointed by the mayor of such city One member who shall be a member of city council shall be appointed by the council of such city One member shall be appointed by the county commissioners and mayor jointly In acting on the appointment of such last member the three county commissioners together shall have one vote and the mayor shall have one vote

The members of the board shall be appointed for terms of four years and shall serve without compensation

The board shall organize each year by electing one of its members chairman and another member secretary of the board

Section 3 The board of managers shall employ a superintendent for each hospital and institution under its control and such medical surgical nursing and other staffs and such other employes as they deem necessary for the proper conduct of the activities of the respective hospital or institution

All persons appointed by the board shall be qualified according to standards not inconsistent with law adopted by the board and pursuant to such oral or written examinations as the board shall prescribe In so far as possible vacancies shall be filled by promotions from among the then employes of the board

The salaries or other compensation of all appointees of the board shall be fixed by the board subject to the approval and ratification by the salary board of the county and the proper corporate authorities of the city and shall be paid by the county and city in such proportions as shall be agreed upon by the county commissioners and such corporate authorities

Section 4 The board of managers shall subject to the approval of the county commissioners of the county and the proper corporate authorities of the city make such by-laws rules and regulations for the management of the several hospitals and institutions as it may deem advisable

Section 5 The right of appointment by the board of managers of a superintendent for each hospital and institution surgical nursing and other staffs and other employes shall not be limited or restricted in any manner by the requirements of the present civil service act applicable to any city nor shall any such act apply to any person so appointed

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine,	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boles,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 666, entitled:

An Act to authorize cities boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the re-instatement of the liens of such claims and judgments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,

Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, John A.,
Aukerman,	Gillette,	Melchiorre,	Smith, James A.,
Baine,	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Pitle,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1568, as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended by adding thereto sections four hundred and twenty B (420B) four hundred and twenty C (420C) and four hundred and twenty D (420D) to read as follows

Section 420B Definition of Industrial Insurance Industrial life or industrial endowment insurance is hereby declared to be that form of insurance either

(1) Under which premiums are payable weekly or

(2) Under which premiums are payable monthly or oftener but other than weekly if the face amount of insurance provided in the policy is less than one thousand dollars and the words "Industrial Policy" are printed upon the face of the policy

In all such policies as above defined in subdivision one (1) the words "industrial policy" must be printed upon the policy as a part of the descriptive matter

Section 420C Uniform Industrial Policy Provisions From and after the first day of January nineteen hundred and thirty-eight no policy of Industrial Insurance shall be issued or delivered to take effect in this Commonwealth or be issued by a life insurance company organized under the laws of this Commonwealth unless the same shall contain in substance the following provisions

(a) A provision that the insured is entitled to a grace of four (4) weeks within which the payment of any premium after the first may be made except that where premiums are payable monthly the insured shall be entitled to a grace of one month or 30 days During such period of grace the policy shall continue in full force but in case the policy becomes a claim during said grace period before the overdue premiums are paid the amount of overdue premiums may be deducted in any settlement under the policy

(b) A provision that the policy shall constitute the entire contract between the parties but if the company desires to make the application a part of the contract it may do so provided a copy of such application shall be endorsed upon or attached to the policy when issued and in such case the policy shall contain a provision that the policy and the application therefor shall constitute the entire contract between the parties

(c) A provision that the policy shall be incontestable after it has been in force during the life-time of the insured two years from its date of issue except for nonpayment of premium and except for violation of the conditions of the policy relating to naval or military service in time of war and except as to provisions and conditions relating to benefits in the event of total and permanent disability and those granting additional insurance specifically against death by accident

(d) A provision that if the age of the insured has been misstated the amount payable under the policy shall be such as the premium would have purchased at the correct age

(e) A provision that the policy shall participate in the surplus of the company and that the company will annually determine the portion of any divisible surplus accruing on the policy and indicating the conditions under which the company shall apportion such dividends to the policyholder

(f) A provision that in event of default in premium payments after premiums have been paid for three full years there shall be available a stipulated form of insurance effective from the due date of the defaulted premium the net value of which stipulated form of insurance shall not be less than the reserve on the policy (exclusive of reserves if any for provisions relating to benefits in the event of specific types of disability or provisions granting additional insurance specifically against death by accident and for provisions granting

benefits in addition to life insurance) at the end of the last completed quarter of the policy year for which premiums have been paid and on any dividend additions thereto if any (the policy to specify the mortality table and rate of interest and also the method of valuation if other than net level premium adopted for computing such reserve) less a specified maximum percentage (not more than two and one-half) of the maximum face amount insured by the policy and of dividend additions thereto if any and less any existing indebtedness to the company on or secured by the policy provided however that the said percentage or other rule of calculation so stated as to permit determination of the values shall be specified for each year for which required values are not included in the policy and provided a company may in lieu of the provision herein permitted for the deduction from the reserve of a sum not more than two and one-half per centum of the maximum face amount insured by the policy and of any dividend additions thereto insert in the policy a provision that a deduction of one-fifth of said reserve may be made or said two and one-half per centum of the maximum face amount insured or one-fifth of said reserve at the option of the company Provided further that after premiums have been paid for five full years the policy may be surrendered to the company at its home office within four weeks of the due date of the defaulted premium for a specific cash value at least equal to the sum which would otherwise be available for the purchase of insurance as aforesaid and provided further that the company may defer payment of such cash value for not more than six months after application therefor is made In the event that such cash or other non-forfeiture value is not requested within the required period it shall be provided that a stipulated form of insurance shall automatically become effective

(g) A table showing in figures the non-forfeiture options available under the policy at the end of each year upon default in premium payments during the premium payment period but not to exceed the first twenty (20) years of the policy such table to begin with the year in which such values become available and providing that the company will furnish upon request an extension of such table beyond the years shown in the policy

(h) A provision that the policy if not surrendered for its cash value or if the period of extended insurance has not expired may be reinstated within one year from the date of default in payment of premiums upon payment of all overdue premiums and the payment or reinstatement of any other indebtedness to the company upon said policy and at the option of the company interest thereon at a rate not to exceed six per centum per annum and upon the presentation of evidence satisfactory to the company of the insurability of the insured

(i) A provision that when a policy shall become a claim by the death of the insured settlement shall be made upon receipt of due proof of death

(j) A form number and title on the face of the policy clearly and correctly describing its form

Any such policy may be issued or delivered in this Commonwealth which in the opinion of the Insurance Commissioner contains provisions on any one or more of the several foregoing requirements more favorable to the policyholder than hereinbefore required The policies of an insurance company organized under the laws of any other State or foreign government may contain when issued in this Commonwealth any provision which may be prescribed by the laws of the State or government under which the company is organized not contrary to the provisions heretofore prescribed and the policies of a life insurance company organized under the laws of this Commonwealth when issued in any other State territory or foreign country may contain any provision required by the laws of such State territory or foreign country to be contained in the policies issued therein

Any of the foregoing provisions or parts thereof not applicable to non-participating or term policies shall to that extent not be incorporated therein and the provisions of this section shall not apply to policies issued or granted pursuant to the non-forfeiture provisions prescribed in sub-section (f) of this section

Section 420D Prohibited Industrial Policy Provisions From and after the first day of January nineteen hundred and thirty-eight no policy of industrial life or industrial endowment insurance shall be issued or delivered to take effect in this Commonwealth or be issued by a life insurance company organized under the laws of this Commonwealth if it contains any of the following provisions

(a) A provision limiting the time within which any action at law or in equity may be commenced to less than two years after the cause of action shall accrue

(b) A provision by which the settlement on the maturity of any policy shall be of less value than the amount promised on the face of the policy plus dividend additions if any less any indebtedness to the company on or secured by the policy and less any premiums that may be the terms of the policy be deducted payments to be made in accordance with the terms of the policy

(c) A provision to the effect that the agent soliciting the insurance is the agent of the person insured under said policy or making the acts or representations of such agent binding upon the person so insured under said policy

(d) A provision by which the company may pay the proceeds of the policy at the death of the insured to any person other than the beneficiary designated in the policy except that the policy may provide that if the beneficiary does not within the period stated therein which shall not be less than thirty (30) days after the death of the insured submit proof of claim in the manner and form required by this policy or if there is no beneficiary designated in the policy other than the estate of the insured or if the beneficiary is a minor or is not legally qualified to give a valid release or dies before the insured then in any such case the company may pay the proceeds of the policy to the executor or administrator of the insured or to any relative by blood or connection by marriage of the insured appearing to the company to be equitably entitled to the same

(e) A provision by which the company may deny liability under the policy for the reason that the insured has previously obtained other insurance from the same company

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,

Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1504, entitled:

An Act to further amend the act approved the first day of May, one thousand nine hundred and thirteen (P. L. 138), entitled "An act defining vocational education, providing for the establishment and regulation of vocational schools; and providing for State aid in the maintenance thereof; and for the payment of tuition by certain school districts, and reimbursement thereof by the State." by further defining and establishing the scope of vocational education, and enlarging the provisions for State subsidies.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1474, entitled:

An Act to amend section fifteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom, for the lien and collection of certain taxes theretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the revival of other than tax claims by a suggestion of non-payment and averment of default before or after judgment on scire facias.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,

Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1357, entitled:

An Act limiting the questions to be decided in any new trial granted because of the inadequacy or excessiveness of a verdict

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Fitch,	McElroy,	Siegel,
Alexander,	Flanagan,	McFall,	Simon,
Allen,	Flannery,	McGee,	Skale,
Allmond,	Flinchbaugh,	McKinney,	Sloan,
Arnold,	Ganser,	McShane,	Smith, James A.,
Atkins,	Gerard,	Melchiorre,	Smith, John A.,
Aukerman,	Gillette,	Mellott,	Snyder,
Baine,	Gorski,	Merrell,	Sollenberger,
Baker, F. T.,	Habbyshaw,	Mihm,	Spengler,
Baker, J. J.,	Haberlen,	Moomaw,	Sproul,
Balthaser,	Hagerty,	Mooney,	Stackpole,
Bierly,	Hamilton, F. P.,	Moran,	Stank,
Blank,	Hamilton, R. S.,	Moul,	Stewart,
Bohn,	Harkins,	Munley,	Strode,
Boles,	Harmuth,	Murrin,	Terry,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Turner,
Broad,	Holland,	Ostroff,	Valibus,
Brown,	Holmes,	Patterson, C. S.,	VanAllsburg,
Brownfield,	Holstrom,	Patterson, J. W.,	VanSickle,
Burrows,	Hontz,	Peale,	Vogt,
Cadwalader,	Horting,	Perry,	Wagner,
Caesar,	Huntley,	Pershing,	Wall,
Caputo,	Imbrie,	Piole,	Walsh,
Chervenak,	Jirolanio,	Powers,	Wampole,
Coakley,	Kane,	Preston,	Watkins,
Cohen, H. B.,	Keenan,	Readinger,	Webster,
Cohen, R. E.,	Kelso,	Reese,	Weidemann,
Coleman,	Kilroy,	Reising,	Weiss, D. H.,
Coolahan,	Kline,	Richter,	Weiss, S. A.,
Corrigan,	Kroll,	Robinson,	Welliver,
Costanzo,	LaRue,	Rothenberger,	Welsh,
Davies,	Leisey,	Royer,	Westrick,
Decker,	Levy,	Ruffennach,	Whalen,
DeNote,	Long,	Rush,	Whitenight,
Dickinson,	Longaker,	Sarraf,	Wilson,
Donohoe,	Lopresti,	Schrock,	Winner,
Dougherty,	Lovett,	Schrope,	Wood,
Downey,	Lyons,	Schumacher,	Woodside,
Dubbs,	Mallen,	Serrill,	Wright,
Dyson,	Marino,	Shaw,	Yanoshat,
Eckels,	Matthews, H. T.,	Shea,	Yeakel,
Elpern,	Matthews, J. F.,	Shepard,	Yourishin,
Falkenstein,	McArdle,	Shoemaker,	Zappala,
Finnerty,	McCullough,	Shugarts,	Furman.
Fiss,	McDermott,		

NAYS—2.

McDevitt, Muir,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1476, entitled:

An Act to amend section one of the act approved the sixth day of May one thousand eight hundred and seventy-four (Pamphlet Laws 125) entitled "An act regulating State tax on certain county offices" as amended regulating the payment over to the county of excess earnings of county officers

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189.

Achterman,	Fitch,	McElroy,	Simon,
Alexander,	Flanagan,	McFall,	Skale,
Allen,	Flannery,	McGee,	Sloan,
Allmond,	Flinchbaugh,	McShane,	Smith, James A.,
Arnold,	Ganser,	Melchiorre,	Smith, John A.,
Atkins,	Gerard,	Mellott,	Snyder,
Aukerman,	Gillette,	Merrell,	Sollenberger,
Baine,	Habbyshaw,	Mihm,	Spengler,
Baker, J. J.,	Haberlen,	Moomaw,	Sproul,
Balthaser,	Hagerty,	Mooney,	Stackpole,
Bierly,	Hamilton, F. P.,	Moul,	Stank,
Blank,	Hamilton, R. S.,	Munley,	Stewart,
Bohn,	Harkins,	Murrin,	Strode,
Boles,	Harmuth,	Nagel,	Terry,
Boltz,	Hays,	O'Brien,	Thomas,
Boose,	Hering,	O'Connor,	Thompson,
Boyer,	Hess,	O'Keefe,	Toole,
Bradley,	Hetrick,	Ominsky,	Tronzo,
Brancato,	Hindman,	O'Neill,	Trout,
Brigerman,	Hirsch,	Ostroff,	Turner,
Broad,	Holland,	Patterson, C. S.,	Valibus,
Brown,	Holmes,	Patterson, J. W.,	VanAllsburg,
Brownfield,	Holstrom,	Peale,	VanSickle,
Burrows,	Horting,	Perry,	Vogt,
Cadwalader,	Huntley,	Pershing,	Wagner,
Caesar,	Imbrie,	Piole,	Wall,
Caputo,	Jirolanio,	Powers,	Walsh,
Chervenak,	Kane,	Preston,	Wampole,
Coakley,	Keenan,	Readinger,	Watkins,
Cohen, H. B.,	Kelso,	Reese,	Webster,
Cohen, R. E.,	Kilroy,	Reising,	Weidemann,
Coleman,	Kline,	Richter,	Weiss, D. H.,
Coolahan,	Kroll,	Robinson,	Weiss, S. A.,
Corrigan,	LaRue,	Rothenberger,	Welliver,

Costanzo,	Leisey,	Royer,	Welsh,
Davies,	Levy,	Ruffennach,	Westrick,
Decker,	Long,	Rush,	Whalen,
DeNote,	Longaker,	Sarraf,	Whitenight
Dickinson,	Lopresti,	Schrope,	Wilson,
Donohoe,	Lovett,	Schumacher,	Winner,
Dougherty,	Lyons,	Serrill,	Wood,
Downey,	Mallen,	Shaw,	Woodside,
Dyson,	Marino,	Shea,	Wright,
Eckels,	Matthews, H. T.,	Shepard,	Yanoshat,
Elpern,	Matthews, J. F.,	Shoemaker,	Yourishin,
Falkenstein,	McArdle,	Shugarts,	Zappala,
Finnerty,	McDermott,	Siegel,	Furman,
Fiss,			

NAYS—11.

Baker, F. T.,	Hontz,	McKinney,	Schrock,
Dubbs,	McCullough,	Moran,	Yeakel,
Gorski,	McDevitt,	Muir,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1475, entitled:

An Act to amend section eleven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (P. L. 483), entitled "An act relating to practice in the courts of common pleas in actions of assumpsit and trespass, except actions for libel and slander; prescribing the pleadings and procedure to be observed therein, and giving the courts power to enforce its provisions;" providing that the defendant in a counter-claim may ask for an account in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—198.

Achterman,	Fitch,	McDevitt,	Siegel,
Alexander,	Flanagan,	McElroy,	Simon,
Allen,	Flannery,	McFall,	Skale,
Allmond,	Flinchbaugh,	McGee,	Sloan,
Arnold,	Ganser,	McKinney,	Smith, James A.,
Atkins,	Gerard,	McShane,	Smith, John A.,
Aukerman,	Gillette,	Melchiorre,	Snyder,
Baine	Gorski,	Mellott,	Sollenberger,
Baker, F. T.,	Habbyshaw,	Merrell,	Spengler,
Baker, J. J.,	Haberlen,	Mihm,	Sproul,
Balthaser,	Hagerty,	Moomaw,	Stackpole,
Bierly,	Hamilton, F. P.,	Mooney,	Stank,
Blank,	Hamilton, R. S.,	Moul,	Stewart,
Bohn,	Harkins,	Muir,	Strode,
Boies,	Harmuth,	Munley,	Terry,
Boltz,	Hays,	Murrin,	Thomas,
Boose,	Hering,	Nagel,	Thompson,
Boyer,	Hess,	O'Brien,	Toole,
Bradley,	Hetrick,	O'Connor,	Tronzo,
Brancato,	Hindman,	O'Keefe,	Trout,
Brigerman,	Hirsch,	Ominsky,	Turner,
Broad,	Holland,	O'Neill,	Valibus,
Brown,	Holmes,	Ostroff,	VanAllsburg,
Brownfield,	Holstrom,	Patterson, C. S.,	VanSickle,
Burrows,	Hontz,	Patterson, J. W.,	Vogt,
Cadwalader,	Horting,	Perry,	Wagner,
Caesar,	Huntley,	Pershing,	Wall,
Caputo,	Imbrie,	Piole,	Walsh,
Chervenak,	Jirolanio,	Powers,	Wampole,
Coakley,	Kane,	Preston,	Watkins,
Cohen, H. B.,	Keenan,	Readinger,	Webster,
Cohen, R. E.,	Kelso,	Reese,	Weidemann,
Coleman,	Kilroy,	Reising,	Weiss, D. H.,
Coolahan,	Kline,	Richter,	Weiss, S. A.,
Corrigan,	Kroll,	Robinson,	Welliver,
Costanzo,	LaRue,	Rothenberger,	Welsh,
Davies,	Leisey,	Royer,	Westrick,
Decker,	Levy,	Ruffennach,	Whalen,
DeNote,	Long,	Rush,	Whitenight,
Dickinson,	Longaker,	Sarraf,	Wilson,
Donohoe,	Lopresti,	Schrock,	Winner,
Dougherty,	Lovett,	Schrope,	Wood,
Downey,	Lyons,	Schumacher,	Woodside,
Dubbs,	Mallen,	Serrill,	Wright,
Dyson,	Marino,	Shaw,	Yanoshat,
Eckels,	Matthews, H. T.,	Shea,	Yeakel,
Elpern,	Matthews, J. F.,	Shepard,	Yourishin,
Falkenstein,	McArdle,	Shoemaker,	Zappala,
Finnerty,	McCullough,	Shugarts,	Furman,
Fiss,	McDermott,		

NAYS—2.

Moran,	Peale,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1343, entitled:

An Act to further amend the first paragraph of section nine of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by permitting the filing of claims in more than one county in certain cases.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200.

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,
Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser,	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,

Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 880, entitled:

An Act to prohibit the admission in criminal cases of evidence illegally secured or acquired

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Fitch,	McDevitt,	Shugarts,
Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McShane,	Sloan,
Atkins,	Gerard,	Melchiorre,	Smith, James A.,
Aukerman,	Gillette,	Mellott,	Smith, John A.,
Baine,	Gorski,	Merrell,	Snyder,
Baker, J. J.,	Habbyshaw,	Mihm,	Sollenberger,
Balthaser,	Haberlen,	Moomaw,	Spengler,
Bierly,	Hagerty,	Mooney,	Sproul,
Blank,	Hamilton, F. P.,	Moran,	Stackpole,
Bohn,	Hamilton, R. S.,	Moul,	Stank,
Boles,	Harkins,	Munley,	Stewart,
Boltz,	Harmuth,	Murrin,	Strode,
Boose,	Hays,	Nagel,	Terry,
Boyer,	Hering,	O'Brien,	Thomas,
Bradley,	Hess,	O'Connor,	Thompson,
Brancato,	Hetrick,	O'Keefe,	Toole,
Brigerman,	Hindman,	Ominsky,	Tronzo,
Broad,	Hirsch,	O'Neill,	Trout,
Brown,	Holland,	Ostroff,	Turner,
Brownfield,	Holmes	Patterson, C. S.,	Valibus,
Burrows,	Holstrom,	Patterson, J. W.,	VanAllsburg,
Cadwalader,	Hontz,	Peale,	VanSickle,
Caesar,	Horting,	Perry,	Vogt,
Caputo,	Huntley,	Pershing,	Wagner,
Chervenak,	Imbrie,	Piole,	Walsh,
Coakley,	Jirolanio,	Powers,	Wampole,
Cohen, H. B.,	Kane,	Preston,	Watkins,
Cohen, R. E.,	Keenan,	Readinger,	Webster,
Coleman,	Kelso,	Reese,	Weidemann,
Coolahan,	Kilroy,	Reising,	Weiss, D. H.,
Corrigan,	Kline,	Richter,	Weiss, S. A.,
Costanzo,	Kroll,	Robinson,	Welliver,
Davies,	LaRue,	Rothenberger,	Welsh,
Decker,	Leisey,	Royer,	Westrick,
DeNote,	Levy,	Ruffennach,	Whalen,
Dickinson,	Long,	Rush,	Whitenight,
Donohoe,	Lopresti,	Sarraf,	Wilson,
Dougherty,	Lovett,	Schrock,	Winner,
Downey,	Lyons,	Schrope,	Wood,
Dubbs,	Mallen,	Schumacher,	Woodside,
Dyson,	Marino,	Serrill,	Wright,
Eckels,	Matthews, H. T.,	Shaw,	Yanoshat,
Elpern,	Matthews, J. F.,	Shea,	Yeakel,
Falkenstein,	McArdle,	Shepard,	Yourishin,
Finnerty,	McCullough,	Shoemaker,	Zappala,
Fiss,	McDermott,		Furman,

NAYS—5

Baker, F. T.,	McKinney,	Muir,	Wall,
Longaker,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 120, entitled:

An Act providing that when judgment is recovered against any insurance company for money due and owing under the terms of a policy issued by such insurance company an attorney's fee for the plaintiff shall be included in the costs of suit and paid in the same manner as other costs

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. HARKINS. Mr. Speaker, I desire to interrogate the gentleman from Schuylkill, Mr. Hirsch.

The SPEAKER. Will the gentleman from Schuylkill permit himself to be interrogated?

Mr. HIRSCH. I will, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, I desire to inquire of the gentleman from Schuylkill, Mr. Hirsch, whether or not this is a lawyer's bill?

Mr. HIRSCH. I do not think it is, Mr. Speaker.

Mr. HARKINS. Mr. Speaker, if this bill is not a lawyer's bill I would like to inquire whether or not it is an insurance bill.

Mr. HIRSCH. Mr. Speaker, this bill is to protect small policy holders in case there is litigation, to take care of the plaintiff's costs, and the bill is self-explanatory. I think that the gentleman from Allegheny, Mr. Harkins, has enough intelligence to interpret the bill without asking me about it.

Mr. HARKINS. Mr. Speaker, I desire to thank the gentleman from Schuylkill for his evidently high opinion of my intelligence. I supposed he was more familiar with the bill inasmuch as he was the sponsor of the bill, feeling that his intelligence was greater, that he could give me more than I could get from a slight perusal of it.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—185

Achterman,	Flanagan,	McDermott,	Shepard,
Alexander,	Flannery,	McElroy,	Shoemaker,

Allen,	Flinchbaugh,	McFall,	Shugarts,
Allmond,	Ganser,	McGee,	Siegel,
Arnold,	Gerard,	McKinney,	Simon,
Atkins,	Gillette,	McShane,	Skale,
Aukerman,	Gorski,	Melchiorre.	Sloan,
Baine,	Haberlen,	Mellott,	Smith, James A.,
Baker, J. J.,	Hagerty,	Merrell,	Smith, John A.,
Balthaser	Hamilton, F. P.,	Mihm,	Spengler,
Bierly,	Hamilton, R. S.,	Moomaw,	Sproul,
Blank,	Harmuth,	Mooney,	Stackpole,
Bohn,	Hays,	Moran,	Stank,
Boies,	Hering,	Muir,	Strode,
Boltz,	Hess,	Munley,	Terry,
Bradley,	Hetrick,	Murrin.	Thomas,
Brancato,	Hindman,	Nagel,	Thompson,
Brigerman,	Hirsch,	O'Brien,	Toole,
Broad,	Holland,	O'Connor,	Tronzo,
Brown,	Holmes,	O'Keefe,	Trout,
Brownfield,	Holstrom.	Ominsky,	Turner,
Burrows,	Hontz,	O'Neill,	Valibus,
Cadwalader,	Horting,	Ostroff,	VanAllsburg,
Caesar,	Huntley,	Patterson, C. S.,	VanSickle,
Caputo,	Imbrie,	Patterson, J. W.,	Vogt,
Chervenak,	Jirolanio,	Peale,	Wagner,
Coakley,	Kane,	Perry,	Wall,
Cohen, H. B.,	Keenan,	Pershing,	Walsh,
Cohen, R. E.,	Kelso,	Piole,	Wampole,
Coleman,	Kilroy,	Powers,	Watkins,
Coolahan,	Kline,	Preston,	Webster,
Corrigan,	Kroll,	Readinger,	Weiss, D. H.,
Costanzo,	LaRue,	Reese,	Weiss, S. A.,
Davies,	Leisey,	Reising,	Welliver,
Decker,	Levy,	Richter,	Welsh,
DeNote,	Long,	Robinson,	Westrick,
Dickinson,	Longaker,	Rothenberger,	Whalen,
Donohoe,	Lopresti,	Royer,	Whitenight,
Dougherty,	Lovett,	Ruffennach,	Wilson,
Downey,	Lyons,	Rush,	Winner,
Dubbs,	Mallen,	Sarraf,	Wright,
Dyson,	Marino,	Schrope,	Yanoshat,
Eckels,	Matthews, H. T.,	Schumacher,	Yeakel,
Falkenstein,	Matthews, J. F.,	Serrill,	Yourishin,
Finnerty,	McArdle,	Shaw,	Zappala,
Fiss,	McCullough,	Shea,	Furman,
Fitch,			

NAYS—15

Baker, F. T.,	Habbyshaw,	Schrock,	Weidemann,
Boose,	Harkins,	Snyder,	Wood,
Boyer,	McDevitt,	Sollenberger,	Woodside,
Elpern,	Moul,	Stewart,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2178, (Senate Bill No. 827), entitled:

An Act to further amend section five of the act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (P. L. 944), entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class," by fixing the time for annual meetings and requiring other meetings of the salary board.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Skale,
Allmond,	Ganser,	McKinney,	Sloan,
Arnold,	Gerard,	McShane,	Smith, James A.,
Atkins,	Gillette,	Melchiorre.	Smith, John A.,
Aukerman,	Gorski,	Mellott,	Snyder,
Baine,	Habbyshaw,	Merrell,	Sollenberger,
Baker, F. T.,	Haberlen,	Mihm,	Spengler,
Baker, J. J.,	Hagerty,	Moomaw,	Sproul,
Balthaser	Hamilton, F. P.,	Mooney,	Stackpole,
Bierly,	Hamilton, R. S.,	Moran,	Stank,
Blank,	Harkins,	Moul,	Stewart,
Bohn,	Harmuth,	Muir,	Strode,
Boies,	Hays,	Munley,	Terry,
Boltz,	Hering,	Murrin.	Thomas,
Boose,	Hess,	Nagel,	Thompson,
Boyer,	Hetrick,	O'Brien,	Toole,
Bradley,	Hindman,	O'Connor,	Tronzo,
Brancato,	Hirsch,	O'Keefe,	Trout,
Brigerman,	Holland,	Ominsky,	Turner,
Broad,	Holmes,	O'Neill,	Valibus,
Brown,	Holstrom,	Ostroff,	VanAllsburg,
Brownfield,	Hontz,	Patterson, C. S.,	VanSickle,
Burrows,	Horting,	Patterson, J. W.,	Vogt,
Cadwalader,	Huntley,	Peale,	Wagner,
Caesar,	Imbrie,	Perry,	Wall,
Caputo,	Jirolanio,	Pershing,	Walsh,
Chervenak,	Kane,	Piole,	Wampole,
Coakley,	Keenan,	Powers,	Watkins,
Cohen, H. B.,	Kelso,	Preston,	Webster,
Cohen, R. E.,	Kilroy,	Readinger,	Weidemann,
Coleman,	Kline,	Reese,	Weiss, D. H.,
Coolahan,	Kroll,	Reising,	Weiss, S. A.,
Corrigan,	LaRue,	Richter,	Welliver,
Costanzo,	Leisey,	Robinson,	Welsh,
Davies,	Levy,	Rothenberger,	Westrick,
Decker,	Long,	Royer,	Whalen,
DeNote,	Longaker,	Ruffennach,	Whitenight,
Dickinson,	Lopresti,	Rush,	Wilson,
Donohoe,	Lovett,	Sarraf,	Winner,
Dougherty,	Lyons,	Schrock,	Wood,
Downey,	Mallen,	Schrope,	Woodside,
Dubbs,	Marino,	Schumacher,	Wright,
Dyson,	Matthews, H. T.,	Serrill,	Yanoshat,
Eckels,	Matthews, J. F.,	Shaw,	Yeakel,
Elpern,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McDevitt,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1569, entitled:

An Act to further amend the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws 138) entitled "An act defining vocational education providing for the establishment and regulation of vocational schools and providing for State aid in the maintenance thereof and for the payment of tuition by certain school districts and reimbursement thereof by the State" by further defining and extending the scope of vocational education

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—200

Alexander,	Flanagan,	McElroy,	Siegel,
Allen,	Flannery,	McFall,	Simon,
Allmond,	Flinchbaugh,	McGee,	Skale,
Arnold,	Ganser,	McKinney,	Sloan,
Atkins,	Gerard,	McShane,	Smith, James A.,

Aukerman,	Gillette,	Melchiorre,	Smith, John A.,
Baine,	Gorski,	Mellott,	Snyder,
Baker, F. T.,	Habbyshaw,	Merrell,	Sollenberger,
Baker, J. J.,	Haberlen,	Mihm,	Spengler,
Balthaser	Hagerty,	Moomaw,	Sproul,
Bierly,	Hamilton, F. P.,	Mooney,	Stackpole,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boles,	Harmuth,	Muir,	Strode,
Boltz,	Hays,	Munley,	Terry,
Boose,	Hering,	Murrin,	Thomas,
Boyer,	Hess,	Nagel,	Thompson,
Bradley,	Hetrick,	O'Brien,	Toole,
Brancato,	Hindman,	O'Connor,	Tronzo,
Brigerman,	Hirsch,	O'Keefe,	Trout,
Broad,	Holland,	Ominsky,	Turner,
Brown,	Holmes,	O'Neill,	Valibus,
Brownfield,	Holstrom,	Ostroff,	VanAllsburg,
Burrows,	Hontz,	Patterson, C. S.,	VanSickle,
Cadwalader,	Horting,	Patterson, J. W.,	Vogt,
Caesar,	Huntley,	Peale,	Wagner,
Caputo,	Imbrie,	Perry,	Wall,
Chervenak,	Jirolanio,	Pershing,	Walsh,
Coakley,	Kane,	Piole,	Wampole,
Cohen, H. B.,	Keenan,	Powers,	Watkins,
Cohen, R. E.,	Kelso,	Preston,	Webster,
Coleman,	Kilroy,	Readinger,	Weidemann,
Coolahan,	Kline,	Reese,	Weiss, D. H.,
Corrigan,	Kroll,	Reising,	Weiss, S. A.,
Costanzo,	LaRue,	Richter,	Welliver,
Davies,	Leisey,	Robinson,	Welsh,
Decker,	Levy,	Rothenberger,	Westrick,
DeNote,	Long,	Royer,	Whalen,
Dickinson,	Longaker,	Ruffennach,	Whitenight,
Donohoe,	Lopresti,	Rush,	Wilson,
Dougherty,	Lovett,	Sarraf,	Winner,
Downey,	Lyons,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McDevitt,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

The SPEAKER (Roy E. Furman) in the Chair.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2163, (Senate Bill No. 49), entitled:

An Act to amend clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 2, page 2, line 22 by striking out the words "[on the]" and inserting in lieu thereof "immediately upon final enactment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHEPPARD asked and obtained permission for the Committee on Legislative Apportionment to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2164, (Senate Bill No. 58), entitled:

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the County of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the County or City of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in civil and criminal actions and in equity

On the question,

Will the House agree to the bill on third reading?

Mr. OMINSKY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend line 11 of the title by inserting between the words "in" and "civil" the word "certain"

Amend line 12 of the title by inserting between the words "and" and "in" the words "certain actions"

Amend page 5, section 3, line 3 by striking out the word [upon] and inserting in lieu thereof the following: "immediately upon final enactment"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Mr. BURROWS. Mr. Speaker, I desire to call up at this time House Bill No. 1765, Printer's No. 636, on page 11 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. BURROWS,

The House resumed the consideration on third reading of House Bill No. 1765, entitled:

An Act to further amend the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education

On the question,

Will the House agree to the bill on third reading?

Mr. BURROWS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 3 (section 1126) page 4, line 20, by striking out the words "county public school psychologist" and inserting in lieu thereof the following: 'supervisor of special education"

Amend section 3 (section 1126) page 4, line 24, by striking out the words "county public school psychologist" and inserting in lieu thereof the following: "supervisor of special education"

Amend section 3 (section 1126), page 4, line 25, by striking out the words "county public school psychologist" and inserting in lieu thereof the following: "supervisor of special education"

Amend section 4 (section 1127), page 6, line 29 and page 7, line 1, by striking out the words "county public school psychologist" and inserting in lieu thereof the following: "supervisor of special education"

Amend section 4 (section 1127), page 3, line 1, by striking out the word "association" and inserting in lieu thereof the following: "county board of school directors"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RESOLUTIONS

RECALLING HOUSE BILL No. 1130 FROM THE GOVERNOR

Mr. SIEGEL offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 27, 1937.

Resolved (if the Senate concur), that House Bill No. 1130, Printer's No. 643, entitled "An Act to amend sections fifty and seventy-two as amended sub-section (b) of section one hundred ninety-one sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" further regulating the taking of fish changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. ALLEN offered a resolution which was filed with the Clerk under the Rules.

SYMPATHY EXTENDED

Mr. HAYS offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 27, 1937.

On Wednesday, April 21, 1937, Clarion County and the Commonwealth of Pennsylvania lost one of its most distinguished citizens by the death of William L. Sansom at his home in Clarion, at the age of eighty-three years.

Mr. Sansom was a life long resident of Pennsylvania, an upright, honorable, Christian Gentleman, a civic leader, a veteran newspaper publisher, and a valued employe of the Commonwealth at the time of his passing.

He was editor and publisher of the Clarion Democrat, a weekly newspaper for almost half a Century, and for the past eighteen months, was Assistant Director of the State Library.

He will be mourned and missed by his family and many close friends, leaving a void in the County and State that cannot be entirely filled.

Therefore Be It Resolved, that the House of Representatives by this action go on record as deeply regretting the loss to the County of Clarion and the Commonwealth of Pennsylvania, in the death of William L. Sansom and extend its sympathies to his family and friends.

Resolved, that a copy of this Resolution be sent to the family of the deceased by the Chief Clerk of this House.

Mr. PRESTON offered a resolution which was filed with the Clerk under the Rules.

RECALLING HOUSE BILL No. 528 FROM THE GOVERNOR

Mr. BOLTZ offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 27, 1937.

Resolved (if the Senate concur), that House Bill No. 528, Printer's No. 91, entitled "An act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

TEMPORARY FLOOD CONTROL

Mr. LOPRESTI offered a resolution and asked and ob-

tained unanimous consent for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 27, 1937.

Whereas, the people of the City of Johnstown, during the March floods of 1936, suffered damage to the extent of approximately $40,000,000, about one-fifth of the total loss suffered in the entire Commonwealth during said flood period; and

Whereas, the residents of Johnstown were advised at five o'clock yesterday morning that another flood menaced the city; and

Whereas, while said flood fortunately will not be as severe as the flood of 1936, nevertheless, it has resulted in a considerable amount of property damage, and necessitated merchants moving their stocks of goods and residents moving their furniture as a precautionary measure; and

Whereas, the water-shed in the vicinity of Johnstown appears to have the heaviest rainfall annually within this Commonwealth, and this city is the one most frequently visited by disastrous floods; and

Whereas, flood stages at Johnstown are a continual menace to regions between said city and the City of Pittsburgh, and also to this latter city; therefore be it

Resolved, that the House of Representatives urges the Power and Water Resources Board, in the exercise of its flood control powers, to inaugurate, in and about Johnstown, as soon as the same can be done, a system of temporary flood control projects, such as stream channel improvements, the elimination of water obstructions etc., as may decrease the hazards of flood until such time as permanent flood control works may be constructed, and further urges said board to commence its permanent program of flood control works on said water-shed because it constitutes the most dangerous condition in the State;

Resolved, that a copy of this resolution be transmitted to the Water and Power Resources Board by the Chief Clerk of this House.

On the question,

Will the House adopt the resolution?

It was adopted.

REPORTS FROM COMMITTEES

Mr. HIRSCH, from the Committee on Ways and Means, reported as amended, House Bill No. 121, entitled:

An Act imposing a state emergency tax payable by those herein defined as distributors on fuel oil used or sold and delivered within the Commonwealth; providing for the collection and lien of the tax and the distribution and use of the proceeds thereof; requiring such distributors to secure permits to give security to file reports and to retain certain records; imposing duties on retail dealers, common carriers and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain state officers and departments; providing for refunds; imposing penalties; and making an appropriation.

Mr. BLANK, from the Committee on Judiciary General, reported as committed, House Bill No. 717, entitled:

An Act to further amend clause (a) of section two of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 388), entitled "An act relating to the jurisdiction, powers, and procedure of the orphans' court and the court of common pleas as to sales, mortgages, conveyances on ground-rent leases, extinguishment of ground-rents, partition, exchange, squaring and adjusting of lines between adjoining owners, consolidation and combination of mining lands and the leasing thereof, the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands, and the subdivision of premises so as to command the highest price or greatest rents, and, for such purpose, the laying out or dedication of roads, streets, and alleys, or the vacation of such as have not been accepted by the public authorities, where the court shall be of opinion that such decree will be to the interest and advantage of all those interested; and where the legal title is held by minors, lunatics, habitual drunkards, or weak-minded persons, a married person whose spouse is a lunatic, or has abandoned him or her for one year or has been absent and unheard of for seven years; by corporations having no capacity to convey or by any unincorporated association, by any religious, beneficial, or charitable society or association, incorporated or unincorporated, and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law; by a corporation, or individual or individuals, and is subject to a trust of any description whatever; by any person as to whom a presumption of death may have arisen, or any interest wherein is held by any person under legal disability to dispose thereof; where the legal title is an estate tail or is subject to the lien of debts of a decendent not of record, contingent remainders, executory devises, or remainders to a class, some or all of whom may not be in being or ascertained; where estates shall have been devised or granted for special or limited purposes, where there is a power of sale but the time may have arrived for its exercise, any preliminary act may not have been done to bring it into exercise, the time limited for its exercise may have expired, or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State, have died, refuse to act, unreasonably withhold consent, or be absent and unheard of, where there has been or shall be a defective appointment in any deed or will, and the necessary power is not given to the executor, devisee, or appointee to make sale and conveyance; where a trust has been created, and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm; and to the effects of such decree," extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

Mr. ACHTERMAN, from the Committee on Judiciary General, reported as committed, House Bill No. 1879, entitled:

An Act to amend section one of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-five (P. L. 450), entitled "An act to promote public morals, abolishing civil causes of action for alienation of affections, except in certain cases, and breach of promise to marry; making it unlawful to file, cause to be filed, threaten to file, or threaten to cause to be filed any such action; fixing a time for the commencement of such causes of action heretofore accrued; declaring void all future contracts in settlement of such actions; making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties," correcting an error in said section.

Mr. BOLTZ, from the Committee on Agriculture, reported as amended, House Bill No. 1898, entitled:

An Act to provide for the supervision and regulation of the production of tobacco; to create a tobacco commission, and provide for local tobacco committeemen and other agencies and employes, and to define and to provide for their functions, duties and powers; to provide for the appointment, compensation, costs and expenses of said commission and of committeemen, agencies and employes thereof; to provide for the raising of funds for the administration of this act, and for the disposition of the revenue hereunder; to provide a fund to compensate tobacco producers for crop failures and losses from fire; to impose penalties for violation of this act; and to provide for the cooperation of the commission with commissions of

certain other States and possessions of the United States for the purpose of uniformly regulating and controlling the production of tobacco in this State and each of such States and possessions.

Mr. BLANK, from the Committee on Corporations, re-reported as amended, House Bill No. 135, entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators, or those attempting to form an association, of labor groups, to approve or disapprove their incorporation, or their attempted association, or right to do business within the Commonwealth.

Mr. WOODSIDE, from the Committee on Judiciary General, re-reported as amended, House Bill No. 2125 (Senate Bill No. 64), entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin.

SENATE MESSAGES

CONCURRENCE IN HOUSE RESOLUTION No. 17

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives as follows:

In the House of Representatives, February 8, 1937.

Whereas, The Triangle of the City of Pittsburgh, has been flooded several times during the past years as a result of the river overflowing its banks; and

Whereas, On each occasion of the flood waters coming into the Triangle District, great property damages were suffered by the citizens of Pittsburgh; and

Whereas, Engineering authorities have expressed the opinion that by the construction of flood walls along the river at this point, future floods could be prevented; and

Whereas, Not only could future floods be thus prevented, but the flood walls could be so constructed as to encase the railroad tracks along the river and carry along the top thereof a beautiful boulevard, therefore be it

Resolved, (if the Senate concur) That a joint legislative committee is hereby created composed of three members of the House of Representatives appointed by the Speaker of the House, and two members of the Senate appointed by the President Pro Tempore of the Senate, whose duty it shall be to make a broad investigation to determine the feasibility and desirability of constructing flood walls to protect the Triangle of the City of Pittsburgh and to ascertain the approximate cost thereof; and be it further

Resolved, That said joint committee shall make a report to the General Assembly at this or the next regular session of the Legislature as early as possible with such recommendations as are deemed appropriate.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 177.

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled as amended "An act relating to domestic animals, and providing for their appraisement when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," as amended, by changing the amount of compensation in certain cases.

HOUSE BILL No. 196.

An Act to amend sections one and two of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eight-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday

HOUSE BILL No. 565.

An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a college prescribed by the State Council of Education and providing for injunctions and penalties

HOUSE BILL No. 1125.

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education' by providing educational recreational and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education

HOUSE BILL No. 1366.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A

HOUSE BILL No. 1561.

An Act to amend sections two three four five and six of the act approved the thirteenth day of April one thousand nine hundred and twenty-one (Pamphlet Laws 129) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture the sale the offering for sale or exposing for sale or the having in possession with intent to sell of adulterated or deleterious butter defining butter and prescribing the penalty for the violation thereof" further defining butter and the adulteration of butter conferring powers on the Department of Agriculture and the courts of quarter sessions and providing penalties

HOUSE BILL No. 1766.

An Act to amend sections one thousand four hundred forty-one and one thousand seven hundred and sixteen as added of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by further defining cost of tuition

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled, as follows:

HOUSE BILL No. 1156.

An Act to provide for the permanent personal registration of electors in boroughs, towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors, requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 16, page 15, by striking out in lines 6 and 7 the following: "September second (one of them being in July and another in August and the third day being September first)" and inserting in lieu thereof the following: "the thirtieth day previous to the primary election to be held in the year one thousand nine hundred thirty-seven (one of them being in June and another in July and the third day being in August)"; also in line 9 by striking out the words "September second" and inserting in lieu thereof the words "the thirtieth day previous to the primary"; also on page 16, line 6, by inserting after the word "least" the words "one day and not more than."

Amend section 17, page 23, by striking out in line 18 the word "and"; also same line by inserting after the word "thereof" the words "and the serial number of his registration card."

Amend section 19, page 25, by striking out in line 11 the words "effective date of this act" and inserting in lieu thereof the words "first day of September one thousand nine hundred thirty-seven."

Amend section 27, page 32, by striking out in lines 10 to 12 inclusive the following: "In any case the commission shall advise the elector promptly in writing of its action."

Amend section 36, page 44, by inserting after the word "elections" in line 17 the following: "Provided that if the signature on the voters certificate as compared with the signature as recorded in the district register shall not be deemed authentic by any of the election officers such elector shall not be denied the right to vote for that reason but shall be considered challenged as to identity and required to make the affidavit and produce the evidence as provided in sub-section (e) of this section;" also on page 47, by striking out in line 24, the words "mary or election" and inserting in lieu thereof the words "of the district and ward if any and date of the primary or election"; also in line 25 by striking out all of said line as follows: "of the district and ward if any and date of the pri".

Amend section 37, page 48, by striking out in lines 27 and 28 the following: "Entry of Information in General Registers Following Elections and Primaries" and inserting in lieu thereof the words "Examination of District Registers:" also on page 50, by striking out at the end of line 22 the syllable "reg-"; also at the beginning of line 23, by striking out the syllable "istered"; also in same line by inserting after the word "elector" the words "who has been registered for a period of at least two years and".

Amend section 41, page 53, by striking out at the beginning of line 25, the word "in".

Amend Section 43, page 55, line 27, by striking out the word "petitioned" and inserting on lieu thereof the word "petitioning".

Amend section 44, page 61, by inserting after line 3, the following new paragraph:

"(n) Any person who shall maliciously and without probable cause file a petition for the purpose of striking off the registration or party affiliation of any elector shall upon conviction thereof be subject to a penalty of ten dollars ($10.00)"

On the question,

Will the House agree to the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Fiss,	McDermott,	Shepard,
Alexander,	Fitch,	McDevitt,	Shoemaker,
Allen,	Flanagan,	McElroy,	Shugarts,
Allmond,	Flannery,	McFall,	Siegel,
Arnold,	Flinchbaugh,	McGee,	Simon,
Atkins,	Ganser,	McKinney,	Skale,
Aukerman,	Gerard,	McShane,	Sloan,
Baine,	Gillette,	Melchiorre,	Smith, James A.,
Baker, F. T.,	Gorski,	Mellott,	Smith, John A.,
Baker, J. J.,	Haberlen,	Merrell,	Snyder,
Balthaser,	Hagerty,	Mihm,	Sollenberger,
Bierly,	Hamilton, F. P.,	Mooney,	Spengler,
Blank,	Hamilton, R. S.,	Mooney,	Stackpole,
Bohn,	Harkins,	Moran,	Stank,
Boles,	Harmuth,	Moul,	Stewart,
Boltz,	Hays,	Muir,	Strode,
Boose,	Hering,	Munley,	Terry,
Boyer,	Hess,	Murrin,	Thomas,
Bradley,	Hetrick,	Nagel,	Thompson,
Brancato,	Hindman,	O'Brien,	Toole,
Brigerman,	Hirsch,	O'Connor,	Tronzo,
Broad,	Holland,	O'Keefe,	Trout,
Brown,	Holmes,	Ominsky,	Valibus,
Brownfield,	Holstrom,	O'Neill,	VanAllsburg,
Burrows,	Hontz,	Ostroff,	VanSickle,
Cadwalader,	Horting,	Patterson, C. S.,	Vogt,
Caesar,	Huntley,	Patterson, J. W.,	Wagner,
Caputo,	Imbrie,	Peale,	Wall,
Chervenak,	Jirolanio,	Perry,	Walsh,
Coakley,	Kane,	Pershing,	Wampole,
Cohen, H. B.,	Keenan,	Piole,	Watkins,
Cohen, R. E.,	Kelso,	Powers,	Webster,
Coleman,	Kilroy,	Preston,	Weidemann,
Coolahan,	Kline,	Readinger,	Weiss, D. H.,
Corrigan,	Kroll,	Reese,	Weiss, S. A.,
Costanzo,	LaRue,	Reising,	Welliver,
Davies,	Leisey,	Richter,	Welsh,
Decker,	Levy,	Robinson,	Westrick,
DeNote,	Long,	Rothenberger,	Whalen,
Dickinson,	Longaker,	Royer,	Whitenight,
Donohoe,	Lopresti,	Ruffennach,	Wilson,
Dougherty,	Lovett,	Rush,	Winner,
Downey,	Lyons,	Sarraf,	Wood,
Dubbs,	Mallen,	Schrock,	Wright,
Dyson,	Marino,	Schrope,	Yanoshat,
Eckels,	Matthews, H. T.,	Schumacher,	Yeakel,
Elpern,	Matthews, J. F.,	Serrill,	Yourishin,
Falkenstein,	McArdle,	Shaw,	Zappala,
Finnerty,	McCullough,	Shea,	Furman,

NAYS—4

Abbyshaw,	Sproul,	Turner,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

ANNOUNCEMENTS

COMMITTEE MEETINGS

There will be a meeting of the Geological Survey Committee in the Conference Room at the rear of the House on Wednesday, April 28, at 10 a. m.

There will be no meeting of the Committee on Utilities tomorrow.

The Committee on Counties will meet immediately after this session in Room 324.

The Committee on Labor will meet immediately after this session in Room 521.

American Legion Post No. 27 invites all ex-service men to attend the Smoker at their club at 21 South Front Street tonight at 7 o'clock.

On Tuesday, May 4, there will be a public hearing on House Bill No. 121 in the House Caucus Room at 10 a. m.

There will be a public hearing today at 4 p. m. on House Bill 1330 before the Committee on Judiciary General in the House Caucus Room.

On Tuesday, May 4, at 4 p. m. there will be a public hearing on House Bill 1758 in the House Caucus Room before the Committee on State Government.

There will be a public hearing this afternoon at 4 o'clock on House Bill 621 in Room 101 before the Committee on State Boards.

Committee meetings for tomorrow:

Appropriations at 12 noon in Room 332.
Constitutional Amendments at 12:30 in Room 323.
Education at 10 a. m. in the House Caucus Room.
Insurance at 12 noon in Room 324.
Judiciary General at 11 a. m. in Room 325.
Judiciary Special at 11:30 a. m. in Room 546.
Mines and Mining at 12:30 in Room 521.
Motor Vehicles at 11 a. m. in Room 323.
Repeal Bills at 11:30 a. m. in Room 546.
State Boards at 12 noon in Room 402.
State Government at 11 a. m. in Room 521.
Townships at 11 a. m. in Room 324.
Public Health and Sanitation at 11 a. m. in Room 544.

ANNOUNCEMENT BY THE SPEAKER

The Chair wishes to announce a meeting of the Committee on Rules at 3:40 this afternoon in the Speaker's office.

ADJOURNMENT

Mr. TRONZO. Mr. Speaker, I move that this House do now adjourn until tomorow at 1:00 p. m.

The motion was agreed to, and (at 3:27 p. m) the. House adjourned until Wednesday, April 28, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

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Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, APRIL 28, 1937. No. 50.

SENATE

WEDNESDAY, April 28, 1937.

The Senate met at 12 o'clock noon.

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D., offered the following prayer:

Our Father, we lift our hearts in praise to the giver of every good gift, source of life and light and every joy. When we consider Thy Heavens, the work of Thy fingers, the moon and the stars, which Thou hast ordained, we ask, "What is man, that Thou art mindful of him; and the son of man, that Thou visitest him?" Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Sunshine and rain Thou hast given to the evil and to the good.

Help us to be worthy of Thy goodness; to walk as made in Thy image; to live lives of service; to discover a debt of love in every gift of grace.

Wherefore, let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. KAHLE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared its table and laid before the Senate the following communications:

THANKS FOR THE PASSAGE OF THE MUNDY TENURE BILL

Communication from Miss Nellie E. Bork of the Pennsylvania State Teachers League expressing appreciation and thanks for passing the Mundy Tenure Bill a few weeks ago.

Which was referred to the Committee on Education.

OPPOSING THE CHAIN STORE TAX BILL.

Petition from Mrs. Mary Dougherty, Philadelphia, Pa., opposing the Chain Store Tax Bill.

Which was referred to the Committee on Finance.

FAVORING PASSAGE OF SENATE BILL NO. 645.

Communication from Leo Kearns, Corres. Sec'y of the Federation Flat Glass Workers of Jeannette, Pa. favoring the passage of Senate Bill No. 645 introduced by Senator Dent.

Which was referred to the Committee on State Boards.

OPPOSING THE PASSAGE OF SENATE BILL NO. 883.

Petitions from thousands of blind people, protesting against the passage of Senate Bill No. 883 which is to destroy the blind pension fund.

Which was referred to the Committee on Pensions.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

NOTARIES PUBLIC.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BRADFORD COUNTY

Mial E. Lilley, Towanda.

DAUPHIN COUNTY

Miss Gale Naylor, Harrisburg.

FAYETTE COUNTY

Fred J. Chalfant, Brownsville.

PHILADELPHIA COUNTY

S. Royden Fanning, 133 S. 4th St., Philadelphia.
Stanley Langman, 19 N. 60th St., Philadelphia.

WASHINGTON COUNTY

G. Kenneth Gering, Washington.
Alvin E. Miller, Jr., Cannonsburg.

WESTMORELAND COUNTY

Mrs. Grace L. Kerr, Derry.

YORK COUNTY

Mrs. Esther Doll, York.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Bess H. Hopwood, of Uniontown, Fayette County, for appointment as a notary public in and for the City of Uniontown, for the term of four years to compute from May 5, 1937.

GEORGE H. EARLE.

REPORTS FROM COMMITTEES

Mr. SONES, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 723, (House Bill No. 1157), entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act, approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats on boundary waters exempting outboard motor boats from licensure and regulating license fees for such motor boats, providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

Mr. REED, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 66, entitled:

An Act to amend section five of the act, approved the sixteenth day of May, one thousand nine hundred twenty-nine (P. L. 1780), entitled "An act to fix the salaries and compensation of the judges of the Supreme Court, the judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphan's courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

Mr. REED, from the Committee on State Government, re-reported as amended, Senate Bill No. 435, entitled:

An Act to re-enact and amend the act approved the seventh day of June, one thousand eight hundred and eighty-seven (P. L. 365) entitled, "An act to encourage and authorize the formation of cooperative associations, productive and distributive, by farmers, mechanics, laborers, or other persons," by extending and changing the provisions thereof; imposing an annual fee on such associations; and subjecting them to State taxes imposed on non-profit corporations.

Mr. HOWELL, from the Committee on Public Health, reported as committed, Senate Bill No. 1045, entitled:

An Act to amend the title and sections one, two, three, four and five of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1349) entitled, "An act providing for the purchase and for the distribution of vitamin products as defined in this act, to certain pupils in the public schools; conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department or property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation;" extending the provisions of said act to children under twelve years of age.

Mr. DEITRICK, from the Committee on Game and Fisheries, reported as committed, Senate Bill No. 609, entitled:

An Act permitting and regulating fishing in certain reservoirs used for public water supply purposes in accordance with rules and regulations adopted by the Board of Fish Commissioners; modifying the laws with respect to trespass; and imposing penalties

Mr. OWLETT, from the Committee on Finance, reported as committed, Senate Bill No. 1017, (House Bill No. 2154), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June, one thousand nine hundred thirty-seven, evidenced by tax anticipation notes secured by, and payable from, current revenue, levied, assessed collectible and accruing during such two fiscal years; defining the powers and duties of the Governor, the Auditor General, and the State Treasurer in relation thereto; providing for the payment of interest on, and the repayment of, such loans; and making an appropriation.

To be recommitted after second reading.

Mr. RANKIN, from the Committee on Finance, reported as amended, Senate Bill No. 655, (House Bill No. 228), entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined, prescribing the method and manner of collecting such tax and its disposition including appropriations for school purposes and for the purpose of administering this act and providing penalties.

Mr. KUNKEL, from the Committee on Finance, reported as committed, Senate Bill No. 954, entitled:

An Act to amend sub-section (b) of section one thousand three hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession to the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties effecting every department board commission and officer of the State government every political sub-division of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions for the recovery of property subject to escheat; authorizing escheators to bring a bill of discovery and to compel answers and to subpoena persons or corporations having a knowledge of property subject to escheat, and making other provisions for proceedings upon such bill.

Mr. McCREESH, from the Committee on Agriculture,

reported as committed, Senate Bill No. 495, (House Bill No. 569), entitled:

An Act to amend sections three and nine of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 650), entitled "An act requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, re-sale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licensees; imposing certain duties on such dealers and brokers and their agents, conferring powers on said department; and providing penalties;" by providing for the payment of license fees for dealers and brokers and their agents.

Mr. McCREESH, from the Committee on Agriculture reported as committed, Senate Bill No. 1013, (House Bill No. 1029), entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties.

Mr. RICE, from the Committee on Judiciary Special reported as committed, Senate Bill No. 937, (House Bill No. 1299), entitled:

An Act to establish a separate orphans' court in and for the County of York.

Mr. KAHLE, from the Committee on Judiciary Special, reported as committed, Senate Bill No. 932, (House Bill No. 185), entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

Mr. DENT, from the Committee on Pensions, reported as committed, Senate Bill No. 247, entitled:

An Act granting a pension for military service to Robert R. Hoffman of the County of Lehigh.

Mr. HENNEY, from the Committee on State Government, reported as committed, Senate Bill No. 200, entitled:

An Act to repeal clauses (c) and (d) of section two thousand and three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and re-organizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers' Colleges; abolishing, creating, re-organizing and authorizing the re-organizing of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined." by limiting certain powers of the Department of Highways.

Mr. SIPE, from the Committee on State Government, reported as amended, Senate Bill No. 1033, (House Bill No. 1651), entitled:

An Act to amend the act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (P. L. 858), entitled "An act establishing a State employes retirement system, and creating a retirement board for the administration thereof; establishing certain funds from contributions by the Commonwealth and contributing State employes, defining the uses and purposes thereof and the manner of payments therefrom, and providing for the guaranty by the Commonwealth of certain of said funds; imposing powers and duties upon the heads of departments in which State employes serve; excepting annuities allowances, returns, benefits, and rights from taxation and judicial process; and providing penalties," as amended, further defining State employes; providing for retirement allowances where all back deductions have not been paid; specifying when State employes shall join the system; imposing certain duties on the heads of agencies of the State government; fixing the liability of certain special operating funds; further regulating retirements rights, retirement allowances, withdrawals and the computation of service allowances; imposing certain duties on the board; transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members.

BILLS INTRODUCED

Mr. CAVALCANTE read in his place and presented to the Chair Senate Bill No. 1116 entitled:

An Act to amend section one of the act, approved the eighth day of July, one thousand nine hundred and nineteen (P. L. 759), entitled "An act granting the right and lawful authority to corporations to construct, operate, and maintain tunnels under the bed of navigable streams where necessary to reach their coal supply, subject to the approval of the Water Supply Commission," extending the provisions of said act to additional corporations.

Which was committed to the Committee on Forests and Waters.

Mr. DENT read in his place and presented to the Chair, Senate Bill No. 1117 entitled:

An Act to amend the act of the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 922) by restricting the sale and transportation of goods, wares and merchandise prepared and manufactured within and without this Commonwealth by convicts and prisoners, and providing penalties.

Which was committed to the Committee on Labor and Industry.

Mr. HENNEY read in his place and presented to the Chair Senate Bill No. 1118 entitled:

An Act licensing and regulating private detectives private police and private guards prescribing penalties and repealing inconsistent acts.

Which was committed to the Committee on Law and Order

Mr. DANDO read in his place and presented to the Chair Senate Bill No. 1119 entitled:

An Act providing for the qualifications, examinations, appointment, term of office and removal of Anthracite Mine Inspectors; conferring powers and imposing duties in connection therewith upon the Governor, the Anthracite Mine Inspectors' Examining Board, the Department of Mines and the courts; and imposing penalties.

Which was committed to the Committee on Mines and Mining.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 1120 entitled:

An Act to amend section ten and section fifteen of the act approved the sixteenth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws two hundred seven) entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly", by providing further procedure for preserving such liens and enforcing payment of such claims.

Which was committed to the Committee on Municipal Government.

Mr. MUNDY read in his place and presented to the Chair Senate Bill No. 1121 entitled:

An Act providing for the erection, construction and equipment of a new Pennsylvania Industrial School to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties, to the extent, and in the manner, provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Which was committed to the Committee on Welfare.

ALSO read in his place and presented to the Chair Senate Bill No. 1122 entitled:

An Act providing for the erection, construction and equipment of a Maximum Security State Penitentiary for the detention, care, maintenance and employmnt of maximum security prisoners transferred thereto from the Eastern and Western State Penitentiaries; designating the manner of acquiring or setting aside of land for the erection and construction thereon of the Penitentiary by The General State Authority; authorizing the Commonwealth to lease the penitentiary and its grounds from The General State Authority, upon its completion, and the Department of Welfare to manage and operate the same; providing that the cost of maintaining convicts therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of convicts in State penitentiaries ;and conferring powers and imposing duties upon certain State departments, boards, commissions and officers.

Which was committed to the Committee on Welfare.

Mr. MALLERY read in his place and presented to the Chair Senate Bill No. 1123 entitled:

An Act regulating the business of selling gasoline, motor oil and lubricants to the consumer; imposing upon the Department of Revenue the duty of enforcing the act and the power to adopt certain regulations relative thereto; and imposing penalties.

Which was committed to the Committee on Judiciary General.

ALSO read in his place and presented to the Chair Senate Bill No. 1124 entitled:

An Act making an appropriation to the Safety Commission.

Which was committed to the Committee on Appropriations.

BILLS SIGNED

The PRESIDENT PRO TEMPORE, (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 177, entitled:

An Act to amend section two of the act approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 682), entitled as amended "An act relating to domestic animals, and providing for their appraisement when condemned to prevent the spread of disease; and regulating payments by the Commonwealth in such cases, and the payment of salvage by butchers," as amended, by changing the amount of compensation in certain cases.

House Bill No. 196, entitled:

An Act to amend sections one and two of the act, approved the thirty-first day of May, one thousand eight hundred and ninety-three (P. L. 188), entitled "Legal Holding Law," as amended, declaring Flag Day, the fourteenth day of June, a legal holiday.

House Bill No. 555, entitled:

An Act to amend sections two, four, five, eight, thirteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three, (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

House Bill No. 1125, entitled:

An Act to amend sections one, two and six of the act approved the second day of May, one thousand nine hundred and twenty-five (P. L. 492), entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education, for boys and girls who are employed and for adults, as a function of the public schools of this Commonwealth; and to facilitate the proper organization and administration of such extension education," by providing educational, recreational and social opportunities for out-of-school youth who are not employed; by reducing the number of petitioners required for applications for extension classes; and by requiring certain qualifications for teachers and leaders in extension education.

House Bill No. 1156, entitled:

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries

prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions elections officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasures county controllers registrars of vital statistics public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties.

House Bill No. 1366, entitled:

A Joint Resolutoin proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A.

House Bill No. 1561, entitled:

An Act to amend sections two, three, four, five and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (P. L. 129), entitled "Butter Law" further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

House Bill No. 1766, entitled:

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen, as added, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by further defining cost of tuition.

Whereupon,

The PRESIDENT PRO-TEMPORE, (Mr. Harvey Huffman,) in the presence of the Senate signed the same.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 377, as follows:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" as amended in part by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1306) is hereby re-enacted and further amended to read as follows

An Act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or county

Section 1 Be it enacted That whenever the Commonwealth has heretofore acquired or may hereafter acquire an easement for highway purposes upon lands underlaid by mineable coal the Highway Mining Commission hereinafter created upon application of the Secretary of Highways the county or the owner of the coal underlying such lands or the person entitled to remove the same in case the assessment of damages is desired or of the owner or person entitled to remove the coal only if the removal of the coal is desired in lieu of damages is hereby empowered to determine authorize and direct the underlying or adjacent coal if any to be left in place for the purpose of furnishing vertical or lateral support to said highway the underlying or adjacent coal if any which may be removed and the material if any to be substituted for the coal so removed together with the method and manner of placing such material in the mine workings for the purpose of furnishing both vertical and lateral support to such highway and the party or parties by whom the expense thereof shall be paid The president judge of the court of common pleas of the county in which the highway is situated who shall be the chairman thereof one member of the Public [Service] Utility Commission or an engineer designated by it the Secretary of Mines or his designated representatives the Secretary of Highways or his designated representative and an engineer designated by the owner or person entitled to remove the coal are hereby constituted a special commission to be known as the Highway Mining Commission This commission shall have exclusive jurisdiction of the mining of coal under highways and judicial powers to hear and determine all evidence which may be presented to compel the attendance of witnesses and the production of books records and other information by subpoena to conduct such investigations as it may deem necessary to make and enforce such orders decrees and rules of procedure as it may deem advisable to determine and assess damages if any for coal required to be left in place and benefits if any for improvements or betterments to allocate among the parties in interest the cost of its proceedings as well as any work which it may order performed and to enforce its orders and decrees through the court of common pleas of the county in which the highway is situated A majority of the commission of which the chairman must be one may act for and exercise the powers of the commission All parties in interest shall have the same right of appeal from decisions orders and decrees of the Highway Mining Commission to the Superior and Supreme Courts as now or hereafter provided for appeals from the decisions orders and decrees of courts of common pleas

Section 2 The condemnation or acquisition of any easement for highway purposes as hereinabove provided shall not be considered as including the condemnation or acquisition of any coal which may be removed under the terms of any agreement authorized by this act

Section 3 Any damages sustained by the owner of the coal or the person entitled to remove the same as a result of any oblibation to furnish vertical and lateral support arising because of the acquisition of such easement for highway purposes which obligation did not exist prior to the date of such acquisition shall be determined and paid in accordance with the provisions of this act Any county which may be liable for damages for coal required to be left in place for the support and safety of highways as herein set forth shall have authority to enter into agreements to indemnify the Commonwealth for any damages or reimburse it for the replacement of any highway which may be injured or destroyed by the removal of coal under or adjacent to such highway This act shall not be construed to create any new right of action for damages or any right of action or procedure not existing or available at the time of the original acquisition of such easement

Section [3] 4 This act shall [not] apply in all counties of the [second class] Commonwealth

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40.

Cavalcante,	Henney,	Law,	Rodgers,
Dando,	Heyburn,	Mallery,	Rupp,
Deitrick,	Homsher,	McCreesh,	Ruth,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Jacobs,	Mundy,	Sones,
Ealy,	Jaspan,	Owlett,	Stiefel,
Eroe,	Kahle,	Pytko,	Thompson,
Gelder,	Kilgallen,	Rankin,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS ON THIRD READING AND FINAL PASSAGE

Mr. RICE. Mr. President, I call up at this time for consideration, Senate Bill No. 1066 (House Bill No. 1574), entitled:

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making an appropriation.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1066, (House Bill No. 1574), as follows:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and order and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Table of Contents

ARTICLE I Purpose Short Title Definitions
Section 101 Legislative Purpose
Section 102 Short Title
Section 103 Definitions Construction
ARTICLE II Organization of the Commission
Section 201 Appointment and Terms of Members Quorum
Section 202 Qualifications and Salaries
Section 203 Secretary Administrative Code
ARTICLE III General Powers of the Commission
Section 301 Regulation of Milk Industry
Section 302 Specific Powers not Impairment of General Powers
Section 303 Official Seal Evidence
Section 304 Hearings Witness Fees
Section 305 Subpoenas Oaths
Section 306 Contempt
Section 307 Adoption of Rules Regulations and Orders
Section 308 Posting and Service of Rules Regulations and Orders
Section 309 Certification of Rules Regulations and Orders
Section 310 Entry and Inspection
Section 311 Interstate and Federal Compacts
ARTICLE IV Licenses of Milk Dealers
Section 401 Milk Dealers Required to be Licensed
Section 402 Milk Dealers Subject to Exemption
Section 403 Applications
Section 404 Grounds for Refusal Suspension or Revocation
Section 405 Hearings and Orders
Section 406 Cancellation
Section 407 Transfer
Section 408 License Fees Generally
Section 409 License Fees of Certain Milk Dealers Dealers
Section 410 Computation of License Fees
Section 411 Classification of Licenses
Section 412 Other Licenses
ARTICLE V Bonds of Milk Dealers
Section 501 Milk Dealers Required to File Bonds
Section 502 Computation of Amount of Certain Bonds

Section 503 Time of Filing
Section 504 Requisites of Bonds Substitution
Section 505 Financial Statement
Section 506 Increase or Decrease of Bond
Section 507 Duty of State Treasurer
Section 508 Interest of Dividends upon Securities
Section 509 Suit by Commission
Section 510 Effect of Order by Commission
Section 511 Procedure for Disbursing Proceeds
Section 512 Cooperatives
Section 513 Subdealers' Bonds
ARTICLE VI Weighing and Testing
Section 601 Weighing or Measuring Permits
Section 602 Certified Testers
Section 603 Certified Weighers and Samples
Section 604 Refusal Suspension and Revocation of Permits and Certificates
Section 605 Transfer
Section 606 Samples Check Tests
Section 607 Violations
Section 608 Payment for Milk Statement
ARTICLE VII Records Reports and Information
Section 701 Records
Section 702 Reports
Section 703 Dissemination of Information Conferences
ARTICLE VIII Prices of Milk
Section 801 Requisites of Orders Fixing Price of Milk
Section 802 Wholesale and Retail Prices
Section 803 Prices to Producers
Section 804 Classification
Section 805 Price Increases
Section 806 Terms and Methods of Payment
Section 807 Violations
Section 808 Prices of Certain Milk
Section 809 Cooperatives
ARTICLE IX Appeals and Review
Section 901 Appeals from General Orders
Section 902 Appeals from Special Orders
Section 903 Supersedeas
Section 904 Pleading and Service
Section 905 Certification of Record
Section 906 Scope of Inquiry
Section 907 Costs
Section 908 Jurisdiction of Superior and Supreme Courts
ARTICLE X Penalties and Remedies
Section 1001 Summary Offenses
Section 1002 Misdemeanors
Section 1003 Actions to Enforce Compliance
Section 1004 Application for Injunction Remedies
Section 1005 Proceedings Before the Commission
Section 1006 Perjury
ARTICLE XI Moneys and Expenses of Commission
Section 1101 Milk Control Fund
Section 1102 Expenses
Section 1103 Refunds
Section 1104 Approval of Governor
Section 1105 Miscellaneous Fees
Section 1106 Appropriations
ARTICLE XII Saving Provisions
Section 1201 Severability
Section 1202 Interstate Commerce
Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly
ARTICLE XIII Repeals and Effective Date
Section 1301 Acts Specifically Repealed
Section 1302 Effective Date

Whereas The production sale and distribution of milk and certain milk products in this Commonwealth are attendant with serious conditions affecting milk producers milk dealers and consumers of milk the following legislative findings of fact with respect thereto are hereby made

1 Milk is the most necessary human food vital for promotion of the public health and for development of strength and vigor in the race It is a most fertile field for the growth of bacteria and therefore its production and distribution have been surrounded by more costly sanitary requirements than those of any other commodity in this the third greatest milk producing and consuming State of the nation

2 Milk consumers are not assured of a constant and sufficient supply of pure wholesome milk unless the high cost of maintaining sanitary conditions of production and strandards of purity is returned to the producers of milk If this is not done large numbers dispose of their herds or engage in milk strikes and remaining producers supply unhealthful milk or milk lower quality because of financial inability to comply with sanitary requirements and to keep vigilant against contamination Public health is menaced when milk dealers do not or cannot pay a price to producers commensurate with the cost of sanitary production or when consumers are required to pay excessive prices for this necessity of life

3 Milk dealers must handle constant surpluses to meet the emergency requirements of normal variations in fluid consumption and to meet seasonal variations in production which amounts in excess of fluid requirements must find a market in fluid use or in manufacture and tend to demoralize the industry Only one per centum of the milk dealers of the Commonwealth handle over sixty per centum of the milk sold by producers to dealers and persons have often combined privately to establish practices or fix prices to the detriment of producers or consumers

4 Milk producers must make delivery of their highly perishable commodity immediately after it is produced and must generally accept any market at any price Under the utilization method of payment prevailing in the milk industry particularly in cities the value of this market is unknown until the milk dealer sells the fluid milk and uses or disposes of the surplus Furthermore only the dealers have facilities for accurately weighing and testing milk This knowledge of weights tests and uses is in the exclusive possession of the dealers The producers' lack of control over their market is aggravated by the trade custom of dealers in paying weeks after delivery keeping producers obligated to continue delivery in order to receive payment for previous sales and permitting dealers to operate on the producers' capital without giving security therefore Hence milk producers are subject to fraud and imposition and do not possess the freedom of contract necessary for the procuring of cost of production

Whereas public control of the milk industry in recent years is stabilizing the conditions therein and a relaxation of control will cause a return to the unhealthful uneconomic deceptive and destructive practices of the past with respect to this paramount industry upon which the health and welfare of the Commonwealth largely depends and

Whereas It is necessary to preserve and promote the strength and vigor of the inhabitants of this Commonwealth to protect the public health and welfare and to prevent fraud and imposition upon consumers and producers by continuing to treat the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania as a business affecting the public health and affected with a public interest

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Purpose Short Title Definitions

Section 101 Legislative Purpose In the exercise of the police power of the Commonwealth it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared that this act shall be and is hereby enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the public health and welfare and for the prevention of fraud

Section 102 Short Title This act shall be known and may be cited as the "Milk Control Law"

Section 103 Definitions Construction The following terms shall be construed in this act to have the follow-

ing meanings except in those instances where the context clearly indicates otherwise

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer who purchases milk for consumption or use

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk Dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

"Subdealer" means any milk dealer handling milk within the Commonwealth who sells all such milk to consumers or stores in the same containers as those in which he puchased it from other milk dealers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

ARTICLE II

Organization of the Commission

Section 201 Appointment and Terms of Members Quorum There is hereby created an independent administrative commission to be known as the Milk Control Commission The commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate for terms of six (6) years each and until their successors shall have been appointed and qualified except that the terms of the members first taking office shall expire May first one thousand nine hundred thirty-nine May first one thousand nine hundred forty-one and May first one thousand nine hundred forty-three respectively as designated by the Governor at the time of appointed and qualified

The Governor shall designate one of the members of the commission as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside

Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

Section 202 Qualifications and Salaries Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States

No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The chairman of the commission shall receive a salary of six thousand five hundred dollars ($6,500) per annum The other members of the commission shall receive salaries at the rate of six thousand dollars ($6,000) per annum

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

ARTICLE III

General Powers of the Commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 302 Specific Powers not Impairment of General Powers The operation and effect of any provisions of this act conferring a general power upon the commission shall not be impaired or qualified by the granting to the commission by this act of a specific power or powers

Section 303 Official Seal Evidence The commission may for the authentication of its records process and proceedings adopt keep and use a common seal of which seal judicial notice shall be taken in all courts of this Commonwealth and any process writ notice or other document which the commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the commission and all reports and documents filed with the commission may be proved in any court of this Commonwealth by a copy thereof certified to by the chairman or secretary of the commission with the seal of the commission attached

Section 304 Hearings Witness Fees The commission or any member thereof may hold such hearings at the Capitol or elsewhere as it deems necessary to carry out the pro-

visions of this act Each witness required to attend before the commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All hearings of the commission shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act The commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 306 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the commission to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his lass known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 309 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission to the effect that a general rule regulation or order was duly posted and publicized as provided in this act shall be prima facie evidence of such posting and publicity

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations to exchange information hold joint hearings and issue join complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

ARTICLE IV

Licenses of Milk Dealers

Section 401 Milk Dealers Required to be Licensed Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

Section 403 Applications An application for a license to operate as a milk dealer shall be completed and filed by the dealer with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commis-

sion. Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer after determination by the commission that the dealer

(1) Has rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) Has without reasonable cause failed to account and make payment for any milk purchased from a producer

(3) Has committed any act injurious to the public health or public welfare or to trade or commerce in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of dealing of such nature as to satisfy the commission of an intent of the milk dealer to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period unless the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of facts in support thereof

Section 406 Cancellation Where the commission declines to grant a license to an applicant or revokes a license and the dealer appeals therefrom obtaining a supersedeas the reason assigned for declining to grant or for revoking the license shall not be a reason for declining to grant the same dealer a license for a subsequent license period However in the event that the appeal from the order of the commission is dismissed or otherwise terminated favorably to the commission any license issued for such subsequent period shall be automatically cancelled five days after the termination of the appeal unless the commission otherwise orders

Section 407 Transfer Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the commission to such transfer is obtained but a received an executor or administrator who succeeds to the business of a licensee may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the commission Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license Applications for such transfers shall be filed with the commission at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 408 License Fees Generally The commission shall charge and collect license fees from milk dealers on a yearly basis as follows Where a milk dealer received produced or brought within the Commonwealth during

the calendar year preceding the period for which the license is issued a daily average total quantity of milk

(1) Not exceeding twenty (20) pounds a license fee of one dollar ($1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a license fee of three dollars ($3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars ($10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars ($15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars ($30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars ($40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars ($50.00)

(8) Exceeding four thousand (4,000) pounds but not exceeding five thousand (5,000) pounds a license fee of seventy-five dollars ($75.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars ($75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars ($100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars ($150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars ($200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars ($300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars ($500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars ($1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars ($1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars ($2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000) pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars ($3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars ($5,000.00)

The commission shall charge and collect license fees from subdealers on a yearly basis of fifteen dollars ($15.00) for each route owned or operated at the commencement of the licenses period

Except as otherwise expressly provided by this act the license fee fixed by this section shall be paid before any license fee or any renewal thereof is issued Where a license is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

Section 409 License Fees of Certain Milk Dealers Milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the annual fee as follows

(1) For a license issued on or after August first but prior to November first three-fourth of the annual fee

(2) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month preceding calendar year shall submit with their application a license fee in the sum of one dollar ($1.00) and in addition thereto at such time or times as the commision may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated

Section 410 Computation of License Fees Milk sold and distributed out side of this Commonwealth in any state which charges milk dealers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commision shall prescribe Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer from another milk dealer subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer and not sold by him to stores or consumers Applicant milk dealers other than sub-dealers receiving their entire supply from milk dealers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 411 Classification of Licenses The commission may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon January second one thousand nine hundred and thirty-four

Section 412 Other Licenses The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

ARTICLE V

Bonds of Milk Dealers

Section 501 Milk Dealers Required to File Bonds It shall be unlawful for a milk dealer to purchase milk from producers unless the milk dealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value ofthe highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars ($100,000.00) The bond shall be upon a form prescribed by the commission sonditioned for the payment by the milk dealer of all amounts due including amounts due under this act and the orders of the commission for milk sold by such producers to the milk dealer during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer who pays producers in full each week for milk purcased by him from such producers the bond shall be in a sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars ($50,000)

Section 502 Computation of Amount of Certain Bonds Milk purchased by milk dealer from producers outside the Commonwealth and sold by such dealers as fluid milk

within Commonwealth shall be included in computing the amount of such bond except where such dealer has filed a bond for the protection of such producers with the state wherein the milk is purchased or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer purchasing or intending to purchase milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission

Section 503 Time of Filing The bond herein required shall be filed with the dealers application for a license and shall be filed within the time for filing such application

Section 504 Requisites of Bonds Substitution A corporate surety bond shall be executed to the Commonwealth by the milk dealer as principal and by a corporate surety company authorized to do business in this Commonwealth as surety An individual surety bond shall be executed to the Commonwealth by the milk dealer as principal and by one or more individuals as surety or sureties who shall have sole title to real estate the fair valuation of which free and clear or in excess of all encumbrances shall be at least equal to the amount of the bond A collateral bond shall be executed to the Commonwealth by the milk dealer as principal shall set forth therein the collateral posted with such bond and shall have attached thereto the collateral properly assigned and transfered to the Commonwealth of Pennsylvania The collateral posted with such bond shall be cash in an amount equal to the amount of the bond or such bond shall be secured by an actual deposit with the commission or with a bank bank and trust company or national bank within the Commonwealth of money to full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved bythe commission The security or securities deposited therewith shall constitute a trust fund for producers from whom the dealer purchases milk

The commission may likewise grant to any milk dealer the authority to substitute for any bond surety or any collateral another bond surety or other collateral provided that such other bond surety or collateral meets all the requirements of this act

Section 505 Financial Statement A milk dealer shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased the amount due to the producers and any other relevant facts required by the commision pertinent to the dealer or the dealer's surety or sureties

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling milk to such milk dealers does not adequately protect such producers the commission may require such milk dealer to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable and shall not in any event exceed fifty thousand dollars ($50,000) In the case of a milk dealer who pays producers in full each week for milk purchased by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value and in any event shall not exceed twenty-five thousand dollars ($25,000)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk purchases of the milk dealer or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling milk to such milk dealer

Section 507 Duty of State Treasurer All bonds together with any moneys or securities given as collateral therefor received by the commission from milk dealers pursuant to the provisions of this section shall be transmitted by the commission to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the commission

Section 508 Interest or Dividends upon Securities The milk dealer shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer with the commission and transmitted by the commission to the State Treasurer for safe-keeping in accordance with the provisions of this act Provided however That the milk dealer not shall be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer based on milk sold by such producer to the milk dealer

Section 509 Suit by Commission The commission shall have the power in its discretion to sue on the bond on behalf of producers Suit may be brought in the name of the Commonwealth upon relation of the commission or of the Attorney General in such manner as debts are now by law recoverable

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer to be indebted thereunder such order shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission may prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers based on sales of milk by them to a milk dealer who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer shall be insufficient to pay in full the amounts due to producers who have sold milk to such milk dealer the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' Bonds It shall be unlawful for a subdealer to buy milk from a milk dealer who purchases milk from producers unless the subdealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer and shall be conditioned for the payment by the subdealer of all amounts due under this act and the orders of the commission for milk purchased from milk dealer or dealers during the license year subject however to the further condition that if at time of default such milk dealer or dealers are indebted to producers the proceeds thereof shall be held on the account of such dealer or dealers for th benefi of such producers Such bond shall be filed annually with the subdealer's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as provided in the other sections of this article for the bonds of other milk dealers and for suits thereon except where the protection of such milk dealers selling to the subdealer or of producers selling to such milk dealers requires

the substitution of such dealers and producers in applying such terms and conditions to the bonds of subdealers

ARTICLS VI

Weighing and Testing

Section 601 Weighing or Measuring Permits It shall be unlawful for any milk dealer to buy or receive milk from producers at any plant station creamery factory or other place within the Commonwealth where such milk is weighed or measured or to sell or deliver milk to stores or consumers unless the milk dealer holds a permit for each place of weighing or measuring such milk issued by the commission as herein provided

The weighing or measuring permit shall be issued by the commission for each such place upon application therefor by the milk dealer on a form prescribed by the commission furnishing information including that pertaining to the apparatus and methods used and persons engaged in weighing or measuring the milk The application shall be accompanied by a fee of five dollars ($5.00) and shall be filed before commencing to weigh or measure milk and annually thereafter on or before December first

Each weighing or measuring permit shall be issued hereunder for the term of one calendar year and shall be posted and kept in plain view of persons delivering milk at the place for which it is issued

Section 602 Certified Testers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the butterfat test thereof is conducted by a tester certified by the commission

The certified tester shall keep an accurate record of all tests made and copies of such record shall be kept for a period of two (2) years by him and by the milk dealer

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk testing issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to the apparatus and methods used in testing be issued a certificate and be designated therein as a certified tester

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a tester's certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in milk testing reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a tester's certificate as herein prescribed

The application for a tester's certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to test milk and annually thereafter on or before December first

The tester's certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the plant in which the certified tester is employed

Section 603 Certified Weighers and Samplers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the samples taken for testing purposes shall be made by a certified tester or certified weigher and sampler and according to the method prescribed in this act

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk weighing and sampling issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to apparatus and methods used in weighing and sampling be issued a certificate and be designated therein as a certified weigher and sampler

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a weighing and sampling certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in weighing and sampling milk reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a certificate as a certified weigher and sampler The application for such weighing and sampling certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to sample milk and annually thereafter on or before December first

The weighing and sampling certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the room in which the certified weigher and sampler is employed

Section 604 Refusal Suspension and Revocation of Permits and Certificates The commission may decline to grant or may suspend or revoke a weighing or measuring permit a tester's certificate or a weighing and sampling certificate where the applicant therefor or holder thereof has violated any provision of this act for the weighing measuring testing or sampling of milk or has violated any rules regulations or orders of the commission respecting the weighing measuring testing or sampling of milk or has engaged in any practice with respect thereto which causes milk producers to be underpaid for their milk or which causes stores or consumers to overpay for such milk or which otherwise defrauds or tends to defraud milk producers stores or milk consumers

The procedure before the commission and of the commission with respect to the refusal suspension or revocation provided for herein and the procedure governing appeals from such action of the commission shall be as that prescribed in this act with respect to milk dealers' licenses issued hereunder

Licenses permits and certificates heretofore issued by the Pennsylvania Department of Agriculture under acts repealed hereby and which are in force upon the effective date of this act shall be deemed permits and certificates issued by the commission hereunder until the expiration dates thereof and the holders shall be subject to all applicable provisions of this act

Section 605 Transfer The permits and certificates herein provided for may not be assigned or transferred

Section 606 Samples Check Tests Milk dealers buying or receiving milk from producers on the basis of or with reference to the amount or percentage of butterfat contained in such milk as determined by the method commonly known as the "Babcock Test" shall make such test at least once every sixteen (16) days The milk from each producer shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk bought or received from said person and shall cover a period of not more than sixteen (16) days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk from each producer concerned and composite samples of all producers concerned shall cover the same period of time

Any person taking a sample or samples of milk either from the aliquot part of each lot of milk sampled or from the composite lot of milk sampled shall thoroughly stir or mix the contents of each and every container immediately before such sample or samples are taken in such manner that the milk is thoroughly mixed in each container before the sample is taken No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which will prevent such thorough stirring or mixing Each composite sample shall be held in an airtight bottle such bottle being plainly showing the name or number of the producer whose milk the composite sample represents and

the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples

The commission may require that the composite samples be tested on the premises where they are taken After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten (10) days after the rendering of a statement to the producer for milk delivered during such period in order to make possible a check test

Every milk dealer affected by the provisions of this act shall within two (2) days after the day on which the test herein provided for has been made notify the producer or his agent of the result of such test stating the period of time during which said composite samples were taken Notice under this section shall be given by posting of the results of said tests continuously for ten (10) days in a conspicuous place in the plant or receiving station or in writing delivered to the producer or his agent Where a daily test is made on milk and the average of these several tests is used as a basis of settlement there shall also be a composite sample taken covering the period of the first half of the month and a composite sample taken covering the period of the last half of the month and such samples shall be held intact on the premises for a period of not less than ten (10) days after the rendering of a statement to the producers for milk delivered during each such period in order to make possible a check test

The commission shall make check tests and other reasonable tests whenever in its judgment such tests are advisable for the public welfare and may also require additional samples or additional composite samples from time to time

Section 607 Violations It shall be unlawful for any milk dealer or other person engaged or employed in the business of buying or receiving milk from producers or selling or delivering milk to stores or consumers on the basis of or with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample or to underread overread or erroneously manipulate the "Babcock Test" used for determining the amount or percentage of butterfat in such milk or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees (135°) to one hundred forty-five degrees (145°) Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

It shall also be unlawful for such milk dealer or other person so engaged or employed to ascertain the "Babcock Test" of the milk by use of any glassware except standard "Babcock Test" glassware and weights which have been previously inspected and approved by the Department of Internal Affairs If the amount or percentage of butterfat is determined by any method other than the "Babcock Test" no utensil or instrument shall be used in such determination until it has been inspected and approved by the commission

Section 608 Payment for Milk Statement Milk dealers shall determine weight measure and butterfat content of milk as provided in this act or in rules regulations or orders of the commission pertaining thereto and consistent with this act Payment for milk shall be made either upon the basis of weight measure or butterfat content or any combination thereof as the rules regulations or orders of the commission may require

Milk dealers buying or receiving milk from producers shall furnish to each producer or his agent a written statement showing the amount of milk delivered daily during the period for which payment is made and unless the commission otherwise provides the average butterfat test of the milk delivered for such period Such statement shall set forth such information as may be required by the commission shall be furnished periodically at the time of payment prescribed by the commission and in no event less often than monthly Provided however That a written statement of weights may be given daily to the producer or his agent in lieu of such periodic statement of the amount of milk delivered unless the commission otherwise provides

It shall be unlawful to use as the basis of payment for milk any amount or percentage of butterfat therein which has been ascertained from a sample containing milk that has been so treated as to cause it to test lower or higher than the milk from which it was taken

It shall be unlawful for any person including any milk dealer to knowingly fraudulently or negligently weigh measure sample or test milk or cause milk to be weighed measured sampled or tested in such manner as to cause stores or milk consumers or to make any false or misleading statement with respect to the weight measurement sampling or testing of milk

ARTICLE VII

Records Reports and Information

Section 701 Records Milk dealers subject to license by the commission shall keep within the Commonwealth the following records

(1) A record of the quantity of all milk received or produced detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test weights prices paid and deductions or charges made

(2) A record of the quantity of all milk sold detailed as to grade use location market outlet and size and style of container with prices and amounts received therefor and the butterfat test thereof

(3) A record of the quantities of all milk transported shipped or hauled including the distances and the amounts paid for the movement of such milk in all cases where the dealer pays on his own account or on the account of producers for the movement thereof

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk and milk products

(7) A record of all other transactions affecting the assets liabilities or net worth of the dealer

(8) Such other records and information as the commission may deem necessary for the proper enforcement of this act

The records herein required shall be kept in the possession of the milk dealer for a period not less than two years unless the commission otherwise provides

Section 702 Reports Each milk dealer shall from time to time as required by rule regulation or order of the commission make and file a verified report on forms prescribed by the commission of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period specified in the order and shall be filed within a time fixed by the commission

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for the sale of milk

ARTICLE VIII

Prices of Milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested parties shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer and to the milk dealer

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise amend an official order defining milk marketing areas or fixing prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing after giving reasonable notice thereof to interested persons to whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to such issuance of the order

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 802 Wholesale and Retail Prices The commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices may fix by official order the maximum wholesale and retail prices to be charged for milk sold within any milk marketing area of the Commonwealth wheresoever produced including milk sold by

(1) Milk dealers to other milk dealers

(2) Milk dealers to consumers

(3) Milk dealers to stores either for consumption on the premises or resale to consumers

(4) Stores to consumers except for consumption on the premises where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers to producers for milk Provided however That the fixing of prices to be paid by milk dealers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adopted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commission fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers in any reasonable manner which the commission deems advisable and may vary according to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is sold and may vary in different areas according to varying classes grades and conditions Each such order may classify milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 805 Price Increases It is hereby declared to be the legislative intent that the benefits of any increase of prices received by milk dealers by virtue of the minimum price provisions of this article shall be given to producers except in any case where the commission deems a deviation from this policy necessary in order lawfully to maintain proper milk markets and outlets for producers and consumer The commission shall whenever it deems such action necessary issue orders rules or regulations to effectuate this intent

Section 806 Terms and Method of Payment The commission may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk may prescribe the method of computing payment therefor and may prescribe a form of written statement to be sent to producers with each payment

Section 807 Violations After the commission shall have fixed prices to be changed or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or producer to sell buy or offer to sell or buy milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or advice shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at a price computed upon or erroneous weight butterfats test grade or classification or at a price from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the Commission by this act and particularly by this article shall attach such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold in this Commonwealth for shipment into and sale in another state

shall not be destructive of the price structure of producers in such other state

Section 809 Co-operatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any co-operative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductionsanddifferen tials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or agents thereof shall receive from any producer or from such cooperative association or corporation directly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer for milk purchased by or through such cooperative association or corporation

No provision of this act shall be deemed or constructed to affect the contracts of such cooperative argircultural association or corporation with its producers except as hereinafter specificaly provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milg for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centup (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers with sixty (60) days after the effective date of this act

ARTICLE IX
Appeals and Review

Section 901 Appeals from General Orders Any person aggrieved by an order of the Commission fixing revising or amending the price at or the terms upon which milk may be bought or sold or by any other general action rule regulation or order of the commission may within twenty (20) days after the effective date of such action rule regulation or order file an appeal therefrom in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court Refusal by the commission of any application for revision or amendment filed as provided in section eight hundred one shall constitute an appealable action within the meaning of this section

Section 902 Appeals from Special Orders Any person aggrieved by an order of the commission in which the commission refuses to issue reissue or transfer or revokes or suspend a license to operate as a milk dealer or by any other order of the commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after the service of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a non-resident who has no place of business within the Commonwealth in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 903 Supersedeas A special order of court permitting an appeal to act as a supersedeas may be made only after reasonable notice to the commission and shall provide that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court to be necessary for the protection of producers and others during the pendency of the appeal

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thererof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days frorm the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission shall file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision

Upon the filing of an answer by the commission the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

Section 905 Certification of Record The commission shall on the return day of such summons or within a reasonable time thereafter certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the commission a copy of all orders made by the commission pertaining to the proceedings and a copy of the order action or decision of the commission which the petition calls upon the court to reverse

Section 906 Scope of Inquiry Mere technical irregularities in the proceduce of the commission shall not be the basis of the decision of the court

In an appeal from an order or decision of the commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

In an appeal from any general order of the commission the case shall be heard by the court and testimony may be taken Provided however That nothing herein shall be construed as relieving the appellant from submitting all essential facts in the first instance to the commission at its hearing held prior to the issuance of such order All or any relevant part of the record certified to the court shall be admitted in evidence by order of the court or upon motion of either party Wherever the petition and answer raise questions of fact the petitioner or appellant shall proceed with evidence in support of the facts alleged in his petition The commission shall then present evidence in support of the answer which evidence may consist of or include the record or any part thereof Any part of the record certified to the court which is not based on technical rules of evidence customary in actions at law shall not be disregarded by the court merely because of the violation of such rules

Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the commission is unreasonable or illegal If the court shall determine that the order is unreasonable or illegal it shall remit the case to the commission with directions to reform the findings or order or to revoke the order in accordance with the court's opinion

Section 907 Costs The court shall have full power to assess the costs upon either party or to divide them between the parties

Section 908 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal from an order of the commission applying only to the particular person or persons named therein an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law From the decision of a court of common pleas upon an appeal from a general rule regulation or order of the commission an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

ARTICLE X

Penalties and Remedies

Section 1001 Summary Offenses Except as otherwies specially provided in this act any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall for each offense upon conviction thereof in a summary proceeding be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) and in default thereof to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days

Section 1002 Misdemeanors For a third or subsequent offense any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1003 Actions to Enforce Compliance The Commission or any person marketing committee or association composed of persons affected by the orders rules or regulations of the commissions may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 1004 Application for Injunction Remedies In addition to any other remedy at law or in equity or under this act the commission may apply to the Court of Common Pleas of Dauphin County for relief by injunction or to the court of common pleas in the county wherein the defendant resides or has his principal place of business to enforce compliance with or restrain violations of any provision of this act or any rule regulation or order of the commission made pursuant thereto The said Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such actions by the commission regardless of where they may arise in the Commonwealth The commission shall not be required to file any bond in any action under this act

The penalties and remedies prescribed in this act shall be deemed concurrent or contemporaneous and the existence or exercise of any one remedy herein shall not prevent the commission from exercising any other remedy hereunder

Section 1005 Proceedings Before the Commission Appropriate proceedings against any milk dealer violating this act or the rules regulations or orders of the commission may be instituted before the commission by any producer to whom the lawful price of milk has not been paid or to whom such price has not been fully paid and such proceedings may also be instituted upon the commisssion's own motion

Section 1006 Perjury Any person who shall wilfully and corruptly make a false oath or affirmation before the commission at any investigation or hearing or in any report or statement authorized or required by this act shall be guilty of perjury and on conviction be subject to the penalties prescribed by law for wilfully and corruptly making false oath or affirmation

ARTICLE XI

Moneys and Expenses of Commission

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund

Section 1102 Expenses As much of the money from time to time in the Milk Control Fund as may be necessary is hereby specifically appropriated to the Milk Control Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol building either in or outside of the capital city occupied by the commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the commission

(4) Premiums for surety bonds for such officers or employes of the commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the commission

(6) Furniture stationery materials supplies and all other overhead expenses of the commission

(7) All other expenses of every kind and description necessary for the performance by the commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

Section 1103 Refunds As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approval claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

Section 1104 Approval of Governor Estimates of the amounts to be expended under this act by the Milk Control Commission either or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Milk Control Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time making of any such requisition

Section 1105 Miscellaneous Fees The commission shall charge and collect the following fees for the following services

For copies of papers testimony and records the fee shall be twenty cents (0.20) per page

For certifying a copy of any paper or testimony two dollars ($2.00)

For certifying a copy of a record for proceedings upon appeal five dollars ($5.00) in appeals from special orders and ten dollars ($10.00) in appeals from general orders

Section 1106 Appropriations The unexpended balance existing on the effective date of this act in the Milk Control Fund under the provisions of the act approved the thirtieth day of April one thousand nine hundred thirty-five (P. L. 96) is hereby transferred to the Milk Control Fund created by this act and is hereby appropriated to the Milk Control Commission for the same purposes for which the moneys in such fund are hereinbefore appropriated by this act

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Commission for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-seven and ending on the thirty-first day of May one thousand nine hundred thirty-nine

The unexpended balance existing on the effective date of this act in any appropriation made out of the General Fund to the Milk Control Board of the Commonwealth of Pennsylvania is hereby transfered and appropriated to the Milk Control Commission for the fiscal period ending May thirty-first one thousand nine hundred thirty-seven for the same purposes as expressed in the act making such appropriation and any such unexpended balance also is hereby appropriated to the Milk Control Commission for the payment of any bills or encumbrances incurred by the Milk Control Board of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

ARTICLE XII

Saving Provisions

Section 1201 Severability It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part sentence or clause hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

It is hereby declared as the intent of the Legislature that every other part sentence or clause of this act would have been enacted had such unconstitutional provision not been included herein

Section 1202 Interstate Commerce No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly All rules regulations orders suits hearings investigations prosecutions and all other proceedings or actions of any kind whatsoever of the Milk Control Board of the Commonwealth of Pennsylvania as created or continued under Acts of Assembly prior to the effective date of this act and repealed hereby in existence or pending prior to or upon the effectiv date of this act and all penalties obligations appeals or violations of milk dealers and others under said rules regulations orders and prior Acts of Assembly incurred pending or accrued prior to or upon the effective date of this act shall be saved and continued in every manner and for all purposes after the effective date of this act and shall be continued under the provisions hereof All employes papers and possessions of such predecessor board shall become the employes papers and possessions of and subject to the commission created by this act

The repeal by this act of any other act shall not impair repeal or effect any act done bond posted offense commited liability penalty or judgment incurred or rule regulation or order issued prior to the time this act takes effect but the same may be enforced prosecuted or inflicted under the provisions of this act to the same extent as if such other act had not been repealed or had not expired

All licenses permits certificates rules regulations and orders issued or made under any act repealed by this act and in full force and effect upon the effective date of this act shall remain in full force and effect for the term issued or until revoked suspended or superseded under the provisions of this act or rules regulations or orders of the commission made hereunder

ARTICLE XIII

Repeals and Effective Date

Section 1301 Acts Specifically Repealed The following acts are hereby specifically repealed except in so far as necessary to sustain or maintain the validity prosecution or enforcement of an act done bond posted offense committed liability penalty or judgment incurred or rule regulation or order issued thereunder and saved or continued by this act

The act approved the fifteenth day of April one thousand nine hundred seven (Pamphlet Laws sixty-three) entitled "An act regulating the sale of milk skim-milk and cream establishing the standard of measurement and providing for the enforcement thereof

The act approved the sixth day of May one thousand nine hundred twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties"

The act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred twenty-six) entitled "An act requiring certain persons associations copartnerships and corporations to keep full accounts and records with respect to the sales and transactions relating to dairy products and to submit the same to inspection by the Secretary of Agriculture and prescribing the effect of failure to comply with the orders of the Secretary of Agriculture providing penalties and prescribing remedies and by further regulating the issuance and revocation of permits as provided by the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception

by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' as amended"

The act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation"

The act approved the thirtieth day of April one thousand nine hundred thirty-five (Pamphlet Laws ninety-six) entitled "An act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled 'An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation' by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation"

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred fourteen) entitled "An act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales of butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations"

Section 1302 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. RICE. Mr. President, I call up at this time for consideration, House Bill No. 1574, Senate Bill No. 1066, page 13 of the calendar.

Mr. OWLETT. Mr. President, I would like to interrogate the Chairman of the Committee on Agriculture, Mr. Heyburn.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn, permit himself to be interrogated?

Mr .HEYBURN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Senator if this is not the bill known as the Milk Control Bill.

Mr. HEYBURN. Mr. President, that is right.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Delaware, who is Chairman of the Committee on Agriculture, whether this bill has been in his committee.

Mr. HEYBURN. Mr. President, no, it has not.

Mr. OWLETT. Mr. President, can the Chairman of the Committee on Agriculture, inform the Senate why this bill was not sent to that committee.

Mr. HEYBURN. Mr. President, no, I cannot understand that, because they always referred it to that committee.

Mr. OWLETT. Mr. President, is it not a fact that this bill never was in your committee?

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette. Mr. Cavalcante will state his point of order.

Mr. CAVALCANTE. Mr. President, the only thing before the Senate at this time is the bill on final passage.

The PRESIDENT. The point of order is well taken.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Committee on Agriculture further questions. I would like to ask the Senator from Delaware, Mr. Heyburn, if it is not a fact that there has been no hearing on this bill before the Senate Committee on Agriculture.

Mr. HEYBURN. Mr. President, that is right.

The PRESIDENT. The Senator from Tioga, Mr. Owlett, is advised that the matter before the Senate is the consideration of the bill.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Agriculture Committee - - - -

The PRESIDENT. If it has to do with the merits of this bill, all right, otherwise the Senator from Tioga is out of order.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Committee on Agriculture if it is not a fact that there has been no hearing on this bill.

The PRESIDENT. The Senator from Tioga is out of order, as there is nothing before the Senate except the merits of the bill.

Mr. OWLETT. Mr. President, I would like to say that the farmers throughout the State are asking for a hearing on this bill and - - - -

The PRESIDENT. I would like to inform the Senator from Tioga that the only matter we have before the Senate is the consideration of the bill.

Mr. OWLETT. Mr. President, this bill is known as the Milk Control Bill. I understand that the members of the House committee when they had this bill under consideration, spent many weeks in the study of it, and after weeks of intensive study, amendments were made to the bill. The bill was brought here to this Senate yesterday, and for some unknown reason it was not referred to the Committee on Agriculture, which is the logical committee to which it should have been referred, a committee composed of men who understand the problems of the dairy farmer; but for some reason this bill was shunted to another committee when it came to the Senate and in a closed session yesterday all of the amendments put into the bill by the House, were taken out. Certainly those of us, and there are a great many of us here who are vitally interested in the interests of the dairy farmer and we had a right to expect that bill when it came to this Senate would go to a committee that handles the problems of the farmer - -

The PRESIDENT. Again, may I remind the Senator from Tioga that he is not talking on the question before the Senate, and either he must confine himself to that matter, or he will have to take his seat.

Mr. OWLETT. Mr. President, I am talking - - -

The PRESIDENT. You are talking about procedure in the Senate and not on the bill.

Mr. OWLETT. Mr. President, I merely want to say that the amendments made to this bill by the committee in this Senate were made without an opportunity of a hearing of the dairy interests of this State, and I am informed by the Chairman of the Committee on Agriculture that thousands of them asked for a hearing Now, I do not see how we can be asked today to vote on this bill without having any opportunity to study these hastily made amendments in a committee that none of us ever dreamed would have this bill, until it was suddenly referred to it, and, consequently, Mr. President, I ask unanimous consent that this bill go over in its order.

Mr. CAVALCANTE. Mr. President, I object.

Mr. McCREESH. Mr. President, State Boards is the correct place for this bill.

MOTION TO RECOMMIT

Mr. OWLETT. Mr. President, may I withdraw my request and move that this bill be re-committed to the Committee on Agriculture for further study and a hearing?

Mr. LAW. Mr. President, I desire to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. LAW. Mr. President, I desire to ask the Senator from Tioga, if the Milk Control Board is not a State Board?

Mr. OWLETT. Mr. President, I do not know, I have heard so many definitions of the Milk Control Board that it is hard to say what it is.

Mr. LAW. Mr. President, I would like to further interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be further interrogated?

Mr. OWLETT. Mr. President, gladly.

Mr. LAW. Mr. President, I would like to ask the Senator from Tioga, if we do not have a Committee on State Boards.

Mr. OWLETT. Mr. President, I do not believe that we ever had a Committee on State Boards, but I think the present Committee on State Boards was appointed so that there would be sufficient number of committees appointed in order that every member of the majority party in the Senate could be appointed as Chairman of a committee.

Mr. CAVALCANTE. Mr. President, I think that the motion made by the Senator from Tioga, Mr. Owlett, should be defeated.

The PRESIDENT. May I remind the Senate that the motion has not been seconded?

Mr. BUCKMAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. CAVALCANTE. Mr. President, I cannot see how men of ordinary intelligence who sit in this Senate cannot view with alarm the statements made by the Senator from Tioga; the statements are alarming because they show such an absurd lack of intelligence or ignorance as to the functioning of this Senate, that they are alarming when they come from a gentleman like the Senator from Tioga who has sat in this Senate for many years and who now gets up to complain because a bill under consideration is not in the proper committee. Where has the Senator from Tioga been all the time that this bill was in the hands of the Committee of the Senate, and does not the Senator know that the committee that the bill has been lying in, why has not the Senator from Tioga made some effort to contact the Chairman of the Committee on State Boards?

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, a motion to recommit is not debatable.

The PRESIDENT. The point of order is sustained. The matter before the Senate is the question of recommitting the bill.

Mr. BUCKMAN. Mr. President, I ask for a roll call.

Mr. WOODWARD. Mr. President, I expect to vote for this Milk Control Bill, as I understand we must have it by the end of this month, April 30th, therefore, time is of the essence now, but I would like to correct the statement of the Senator from Fayette, Mr. Cavalcante, when he said this bill has been lying in committee, it was lying there only twenty-four hours; and speaking of lying, somebody told me this morning that the Chairman of the Milk Board never thought of the Governor at all to get his approval of the amendments which he inserted, be-

cause the Chairman of the Milk Control Board never had the mumps, and he could not get in.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. BUCKMAN and Mr. OWLETT and were as follows, viz:

YEAS—12

Buckman,	Ealy,	Howell,	Scarlett,
Deitrick,	Gelder,	Mallery,	Wolfenden,
Dent,	Homsher,	Owlett,	Woodward,

NAYS—29

Cavalcante,	Jaspan,	McGinnis,	Ruth,
Dando,	Kahle,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Haluska,	Law,	Rice,	Thompson,
Henney,	McCreesh,	Rupp,	Huffman,
Jacobs,			

Present and not voting: Heyburn.

So the question was determined in the negative.

And the question recurring,

Shall the bill pass finally?

Mr. DENT. Mr. President, I voted to recommit this particular bill because in my county there is a rather large group of small milk dealers. Now, this bill was amended in the House, they worked on it, as I understand it, rather conscientiously and faithfully, and a group of amendments were prepared and accepted by the Committee on Agriculture in the House, then within fifteen minutes after it came to the Senate the Senate Committee ripped out every amendment that was placed in it by the House. Now, I do not know what they have done to this bill. As I understand, it is the original bill put in the House by the Milk Control Board. There is a feature in there where the dealer has to put up a collateral bond. The small milk dealer cannot do that, and it is monopolistic in its purpose; it means the big dealer is going to monopolize the business and the small milk dealer is going to be crowded out of business. There are different things in this bill that ought to be studied by the Senate. I know we are cramped for time and that the bill must be passed by the thirtieth of this month, but no one wants to see a break-down in the milk control in Pennsylvania, but I do not want to vote for anything when I do not know what is in the bill. I have people in my county, constituents of mine — — I think a few of them voted for me — — who desire this bill in the form as it came from the House.

In fact I have not had one request other than that the bill be passed as it come from the House.

If the members of the State Board know what Committee the amendments were that ripped out of the bill, I would like to have them discuss it on the floor and tell me why they were ripped out after the House put them in. The bill as it stands now is an example of how bills can be passed and at which you are not allowed to look.

I believe this bill deserves more consideration from the Senate of Pennsylvania, and I feel that the motion to recommit this bill to the Committee on Agriculture is a good motion and it should have been supported. However, as it stands now we are in the position of hoping and depending and praying that the Governor in his good judgment will look over the bill before he signs it.

Mr. GELDER. Mr. President, I judge that the ripping performed by the Senate Committee was the only piece of independence that our Democratic friends in the Senate have shown this session. The Senator from Fayette tells us that we have had the bill here two weeks and that we could have found out what committee it was in, and studied the bill. I find on the House calendar of April 26th, the state of the bill; it was on the special order of business in the House for third reading two days ago, that is, April 26th, at 9:30 p. m., and it is not mentioned at all in the Senate history of bills. We certainly are demonstrating here today that this Senate is not giving proper consideration to legislation for the welfare of the people of this State, when we with one full swoop attempt to undue thirty days' diligent work on the part of the House members in the Committee on Agriculture. This bill while in the House was in the hands of real dirt farmers who are interested in the problem. In the Senate it was sent to a committee which has in its membership, I think, perhaps one person who is acquainted with farming, certainly not more than two, and I doubt very much that there was any thought by the members of this committee to consider the bill on its merits. As the Senator from Westmoreland, Mr. Dent, said it was simply a ripper, and somebody else suggested carrying out the instructions - - not of the Governor himself, but somebody of the administration, and I think that a bill of this importance should at least be given some consideration by this body, and the only reason that I will vote "Aye" for it, if it does not go back to committee, is because I hope the members of the House will insist on their amendments, and will insist on the bill as it was sent to us, and send it in to a Committee of Conference.

Mr. SIPE. Mr. President, the bill after coming to the Senate was referred to my committee without any knowledge on my part that there was any premeditated diabolical act to select me as the proper custodian of the bill. I assume it came into the Committee on State Boards because I further assume that the Milk Control Board is a State Board. If it is not a State Board, I should like to be informed to the contrary with some very convincing evidence, because I do not lik eto come to the conclusion without concrete evidence that it was based on some agreement.

I am strongly for bonding these milk dealers, I live in a farming community, I was born on a farm, and I operate a farm from which I have sold milk for a number of years. I have seen too many of the farmers thrown down the river by "jipping' milk dealers. The farmer who sells milk is selling a product that he must get out of his hands very quickly; he cannot store it in the cellar indefinitely waiting for a purchaser and, as a class, the farmers do not know much about Dunn and Bradstreet, they do not have much time to look up the financial standing of dealers, and so for their protection I am strongly in favor for bonding the milk dealers. If the Senators will look into the provisions of the bill in that respect, they will find that this bond, instead of being a large capital outlay is only a minor outlay that a man will have to make if he goes into the business of buying and selling milk; it is very small, very reasonable, especially to these dealers who have a system of paying twice a month - - they would hardly be put to any expense for the bond.

I do not know why the bill was so long in the House, but that was the business of the House. I frankly admit that when it came over here, we members thought we

did not have a great deal of time to consider it, but the thought that was foremost in my mind, the thought that spoke almost with the solemnity of the thunder of the apocalypse, was the thought that we would have to get the milk bill through before the end of this month if we are going to save the Milk Control Board, and save chaos in the milk industry and to the farmers, which will result if the Milk Board falls. And then, I am agreeably informed, that the Legislature will be in session for a short time, and if there are any impelling momentous amendments that need be put into the bill, I am frank to say that can be done, but the first and foremost thing now is to get the milk bill out summarily before the Milk Board falls.

Mr. HEYBURN. Mr. President, I do complain most seriously about the fact that this bill was not sent to the Senate until within the last three days. The blame for that lies in the fact that the bill was not introduced in the House soon enough. I predict now that we will face another emergency and probably it will not take two years. I also understand that about a million and a half dollars in the Commonwealth of Pennsylvania is due the farmers in back payments. This bill provides that those dealers shall be bonded and that has not been enforced. I hope a new bill will be better enforced than the old one. I was in favor of re-enacting the old one and enforcing it.

Mr. GELDER. Mr. President, it will not be the first time in the history of the Milk Board that the sky fell on the Board. There was a lapse between the time the old bill was in operation and the new bill took effect. If there were a twenty-four or forty-eight hour delay in the framing of this bill, I think it is far more important that the dairy interests of Pennsylvania have a proper bill than it is if we pass this particular bill in the Legislature simply to save the salaries of the gentlemen on the Milk Board.

Mr. CAVALCANTE. Mr. President, in answer to the Senator from Susquehanna, Mr. Gelder, it is true that it will not be the first time, but when it did happen, it happened because of the malingering of the majority group in this Senate at the time, which consisted of Republicans, and we are interested in seeing at this time that the same thing does not happen to this Commonwealth while the majority in the Senate is Democratic, who have done the limit to represent the interest of the people, and we are not malingering with this bill; we are not going to let the sky fall—we are not going to let it happen the first time under a Democratic administration.

Mr. BUCKMAN. Mr. President, I have always taken a great deal of interest in this milk legislation. In the session of 1931, when the Commission was created, I had the honor of being Chairman of the Committee that made the investigation, and in 1933, I sponsored the first Milk Control Bill which Pennsylvania ever had. I also had a vital interest in it in 1935, and I want to say for the benefit of the Senator from Fayette County, Mr. Cavalcante, that there is liable to be a little hiatus here before this new Board must function unless confirmed today because they cannot get on the payroll until they are confirmed by this Senate, so I would not say a great rush in forcing this legislation is necessary, denying farmers and other agricultural interests the right of a hearing, especially in view of the fact that when it was having hearings in the House, and as a result of those hearings the House paid attention to their requests and inserted numerous important amendments in the bill, and, as it has been said, it came over to the Senate here and with one full swoop of the pen these amendments were all stricken out, without a hearing and without practically any consideration except orders from the Chairman or some one else; and I, therefore think that the majority of this Senate should reconsider its decision not to give a hearing on this bill for its own sake, for the sake of the farmers, and for the sake of the people of the Commonwealth of Pennsylvania. It is not going to save time by passing this bill, because I have been given to understand if I understand correctly, that the House is going to non-concur and throw it into conference, and besides, as I have said the Milk Board will have a little hiatus unless it is confirmed by the Senate today.

Mr. RICE. Mr. President, I want to correct an impression given here that the Senate did not have an opportunity to give any consideration to this bill. It is true that the bill came into the possession of the Senate on Monday night. However, there was a public hearing that was to be held in the House, if my memory serves me right, and there was an announcement made in the Senate and the members of the Senate including the members of the Committee were invited to attend the hearing. I attended the hearing and I know of a number of other members that attended that hearing and the motive behind that was to save the farmers, the dealers and the consumers, the expense and time of coming to two public hearings when one would suffice and in addition to that the Committee on State Boards, when it met yesterday invited all who requested it, to appear before that Committee and they were given an opportunity to express their views. After they had done so the Committee then considered the bill and it was reported out as it is on the calendar.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Adams. Mr. Rice.

The PRESIDENT. Will the Senator from Adams, Mr. Rice, permit himself to be interrogated?

Mr. RICE. Mr. President, I will.

Mr. BUCKMAN. M. President, I woud like to ask the Senator from Adams, Mr. Rice if it was not the Committee on Agriculture that was invited to sit in on the Hearing in the House, and not the Committee on State Boards?

Mr. RICE. Mr. President, I am not certain as to the Committee, whether there was an official invitation extended to the Committee on Agriculture or to any special Committee; however, I do recall that announcement was made here in the Senate that a hearing would be held and the members of the Senate interested in the Milk bill were invited to attend.

Mr. BUCKMAN. Mr. President, I ask the Senator from Adams, Mr. Rice, whether it is not a fact that as a result of that hearing in the House these numerous amendments were inserted in the bill by the House Committee.

Mr. RICE. Mr. President, I do not know if it was the result of the hearing but I do know that the amendments were inserted in the bill before it was passed.

Mr. BUCKMAN. Mr. President, and they were all stricken out by the Senate Committee, were they not?

Mr. RICE. Mr. President, practically.

Mr. OWLETT. Mr. President, I desire to ask the Chairman of the Committee on Agriculture, a question.

The PRESIDENT. Will the Senator from Delaware, Mr. Heyburn permit himself to be interrogated?

Mr. HEYBURN. Mr. President, I will.

Mr. OWLETT. Mr. President, I would like to ask the Chairman of the Committee on Agriculture if it is not a fact that it was the Committee on Agriculture that was invited to attend this joint hearing.

The PRESIDENT. The Chair wishes again to say to the Senator from Tioga that the matter before the Senate, is the merits of the bill.

Mr. OWLETT. Mr. President, the majority floor leader raised the question of the joint hearing.

The PRESIDENT. The Chair is advising the Senator from Tioga of the situation if he has anything to say on the merits of the bill, he may proceed.

Mr. OWLETT. Mr. President, do I understand that the Chair rules I may not discussing the statement made by the floor leader of the majority, Senator Rice?

The PRESIDENT. The Chair has made no such ruling.

Mr. OWLETT. Mr. President, then I merely want to say that the floor leader of the majority of this Senate has just made the statement that a committee was invited to sit in the joint hearing in the House and we now learn from the Chairman of the Committee on Agriculture that it was his Committee that was invited over there.

The PRESIDENT. Will the Senator from Delaware answer the question?

Mr. HEYBURN. Mr. President, yes, I was invited over as Chairman of the Committee on Agriculture, to the joint hearing, and I invited the other members of the Committee. After that hearing those amendments were inserted as the result of that hearing.

Mr. OWLETT. Mr. President, there is one thing further in this discussion, those of us who represent a dairy section of this State are confronted today with the necessity of either voting for a bill we know nothing about or else voting against this bill and having no milk control board. As the Senator from Susquehanna so well pointed out, the amendments put in the bill in the House were put in by men who have made a study of the problems of the dairy farmer and have worked night and day for weeks on this bill. I would be more impressed by the Statement of the Senator from Armstrong, Mr. Sipe, as to his interest in the dairy farmer, did I not remember that it was only a few short weeks ago that he voted in favor of the sit-down strike that the farmers at Hershey solved. I want to say that I am going to vote for this bill but I am doing it reluctingly, I am doing it with the full knowledge that it has been rushed through without proper consideration and with the knowledge that the amendments put in this bill after careful study by the House were taken out on orders from the Administration.

Mr. SIPE. Mr. President, I voted neither for nor against this administration I might say that I yesterday went into the Committee on State Boards and every person representing dairy interests, farmers or any other group interested in this bill, ready to hear all who desire to come here, so there has been no disposition on my part to shut out any person. and while it is true, that no doubt representatives in the House, in touch with farmers, have made a very careful study of this bill, we will have to assume that the Administration and the Milk control board know something about the milk question also, and probably it will not be too much to say that the Governor of Pennsylvania, and the Milk Control Board, and the administration have made as careful study as anyone else.

Mr. DENT. Mr. President, ——

The PRESIDENT. The Chair does not desire to shut off discussion of this bill on its merits; if the Senator from Westmoreland has something to say on the merits, he may proceed.

Mr. DENT. Mr. President, I desire to interrogate the Chairman of the Committee on State Boards, Senator Sipe.

The PRESIDENT. Will the Senator from Armstrong, Mr. Sipe, permit himself to be interrogated?

Mr. SIPE. Mr. President, I will.

Mr. DENT. Mr. President, from your statement I take it that any and every member in the Senate who desires legislation as long as the Committee says it is allright, there is no necessity for his studying the bill.

Mr. SIPE. Mr. President, I made no such implication. I simply made the statement that I assumed that our state government knows something about the problem.

Mr. DENT. Mr. President, I desire to ask the Senator from Armstrong, whether it is not true that the bill in its original form was introduced by the Milk Control Board.

Mr. SIPE. Mr. President, I do not think that it is.

Mr. DENT. Mr. President, I am going to take the position that this bill is wrong or right. However, I do take the position that if Committees of this Legislature are going to invite people down here for Public hearing and after public hearing they find that certain changes are necessary in legislation regardless of who sponsors the bill, it ought to be given more serious consideration by the body of the legislature when it arrives at the point where they are studying that piece of legislation. I, like the Senator from Tioga, after the discussion I heard, am going to vote on this bill, and vote in favor of it, but I predict right now that any amendments offered by any members of the Senate later on, after the bill is passed, will be very handily taken care of.

Mr. HEYBURN. Mr. President, there is just one question. I would like some constitutional lawyer if we have any here, to advise me on this question. As I recall, the Milk Control Act was held constitutional as an emergency health measure, and it was enacted for a period of two years. Are we not admitting that there is no emergency now, and re-enacting permanently an entirely new act, a permanent measure? Will not this bill be unconstitutional and will not farmers be without any milk control board whatever?

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—40

Buckman,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Shapiro,
Dent,	Howell,	McGinnis,	Sipe,
DiSilvestro,	Jacobs,	Mundy,	Sones,
Eroe,	Jaspan,	Owlett,	Stiefel,
Frey,	Kahle,	Pytko,	Thompson,
Gelder,	Kilgallen,	Rankin,	Wolfenden,
Gilson,	Kunkel,	Reed,	Woodward,
Haluska,	Lanius,	Rice,	Huffman,

NAYS—2

Deitrick,	Scarlett,

A majority of all of the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House

of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILLS ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 558, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand seven hundred and eleven-A of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violations thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith as last amended by section thirty-eight of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (P. L. 243) is hereby further amended to read as follows

Section 1711-A The Commonwealth shall reimburse a school district with a true valuation of assessable property per teacher of less than one hundred thousand dollars for high school tuition when such district is required to pay tuition for pupils attending high school in another district Provided That the percentage of the minimum salaries of teachers paid by the Commonwealth is higher in the school district where the pupils reside than in the districts where they attend high school The amount of State reimbursement for high school tuition shall be the percentage of such tuition as is equal to the excess in the percentage of teachers salaries paid by the Commonwealth in the district where the pupils reside over the percentage of teachers salaries paid by the Commonwealth in the district where the pupils attend Provided That the amount paid by the Commonwealth to a school district for the tuition of any high school pupil shall not exceed twenty dollars ($20.00) a year

After the first day of July one thousand nine hundred and thirty-nine the provisions of the first paragraph of this section shall no longer apply but the Commonwealth shall reimburse each school district which has a true valuation per teacher of assessable property of twenty-five thousand dollars ($25,000) or less sixty per centum (60%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than twenty-five thousand dollars ($25,000) but not more than fifty thousand dollars ($50,000) fifty-five per centum (55%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than fifty thousand dollars ($50,000) but not more than seventy-five thousand dollars ($75,000) fifty per centum (50%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than seventy-five thousand dollars ($75,000) but not more than one hundred thousand dollars ($100,000) forty-five per centum (45%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than one hundred thousand dollars ($100,000) but not more than one hundred fifty thousand dollars ($150,000) forty per centum (40%) of the expenditure for high school tuition each school district which has a true valuation per teacher of assessable property of more than one hundred fifty thousand dollars ($150,000) but not more than two hundred thousand dollars ($200,000) thirty-five per centum (35%) of the expenditure for high school tuition and each school district which has a true valuation per teacher of assessable property of more than two hundred thousand dollars ($200,000) but not more than two hundred fifty thousand dollars ($250,000) thirty per centum (30%) of the expenditure for high school tuition

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. GELDER. Mr. President, I desire to interrogate the Sponsor of this bill.

Mr. PRESIDENT. Will the Senator from Berks, Mr. Ruth, permit himself to be interrogated?

Mr. RUTH. Mr. President, I will.

Mr. GELDER. Mr. President, I desire to ask the Sponsor of this bill if he will make a brief statement of the purpose of the bill, as well as the purpose of Senate Bill No. 638?

Mr. RUTH. Mr. President, Senate Bill No. 558 seems to be the States contribution for High School tuition. Under the present law there is a maxium of $20.00 a year for pupils for high school tuition. Under this bill it changes that to a percentage basis, paying more money to the district that sends pupils from the district to a neighboring district, to high school. Under the present law they cannot get over twenty dollars per year per pupil. If this bill passes they will agree on a percentage basis as enumerated in the bill for high school tuition to a district that has no high school.

Senate Bill No. 638 pertains only to transportation.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deltrick,	Howell,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,	Rupp,	

NAYS—0

A majority of all Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 559, as follows:

An Act to amend Article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of

Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby amended by adding thereto a new section to read as follows

Section 1021 It shall be the duty of the Superintendent of Public Instruction to withhold the payment of all money due any school district out of any appropriation made by the Commonwealth for any purpose until all reports required by law and due at such time have been filed either with the Department of Public Instruction or other proper authority whether or not such reports have any bearing on the right to such payment At his discretion he may in like manner withhold any or all appropriations from any district failing or refusing to comply with the laws and regulations of any department of the government of this Commonwealth for preserving the health or safety of pupils enrolled in the public schools

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate conceive the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,	Rupp,	

NAYS— 0

A majority of all the Senators having noted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL POSTPONED

Mr. RUTH. Mr. President, I move that Senate Bill No. 638, entitled:

An Act to further amend section four of the act, approved the eighteenth day of June, one thousand nine hundred nineteen (P. L. 498), entitled "An act defining consolidation of schools; providing for the establishment and regulation of consolidated schools; and providing for the transportation of pupils to and from consolidated schools," by making certain changes in the provisions for reimbursements by the Commonwealth.

Mr. FREY. Mr. President, I second the motion. The motion was agreed to.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS RECALLED FROM THE GOVERNOR

Mr. SHAPIRO. Mr. President, I call up at this time for consideration, Senate Bill No. 579, on concurrence in House amendments, recalled from the Governor.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 579, (House Bill No. 1161), as follows:

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belong to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political sub-division of the State and certain officers of such sub-divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws im-

posing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof of every State depository and every debtor or creditor of the Commonwealth" is hereby amended to read as follows

Section 406 Appointment of Mercantile Appraisers and Their Clerks The Auditor General [and the city treasurer] shall [continue to] appoint mercantile appraisers [in cities of the first class and the Auditor General shall continue to appoint them] in all counties [not containing a city of the first class] as [now] provided by law

The Auditor General shall also approve or disapprove all expense accounts of mercantile appraisers or their clerks or assistants and the number and compensation of clerks or other assistants appointed by mercantile appraisers to assist them in the performance of their duties

The Auditor General shall from time to time certify to the Department of Revenue the names of mercantile appraisers appointed by him [in conjunction with the city treasurer in cities of the first class and by him in other counties] the salaries or rates of salary payable to such appraisers the number names and compensation of clerks or assistants approved by him for appointment by mercantile appraisers and all expense accounts which he has approved

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

Mr. SHAPIRO. Mr. President, I ask that the Senate non-concur in the amendments.

An the question recurring,

Will the Senate concur in the same?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS— 1

Deitrick,

NAYS—40

Buckman,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Scarlett,
DiSilvestro,	Howell,	McGinnis,	Shapiro,
Ealy,	Jacobs,	Mundy,	Sipe,
Eroe,	Jaspan,	Pytko,	Sones,
Frey,	Kahle,	Rankin,	Stiefel,
Gelder	Kilgallen,	Reed,	Thompson,
Gilson,	Kunkel,	Rice,	Wolfenden,
Haluska,	Lanius,	Rodgers,	Huffman,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk inform the House accordingly.

BILLS ON FINAL PASSAGE.

Agreealby to order,

The Senate resumed the consideration of Senate Bill No. 235,, (House Bill No. 50), as follows:

An Act to amend Article twenty-four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article twenty-four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto a new subdivision to read as follows

(h) Non-debt Revenue Sewer Bonds

Section 2445 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any township may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rental or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the township but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any township to create indebtedness in accordance with existing laws

Section 2446 Issuance and Sale of Bonds Maturity Negotiability When any township shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the township Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such township is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such township to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in such annual installments as may be determined by the township and bear interest at a rate not exceeding six per centum per annum

Such bonds shall have all the quality of negotiable instruments under the law merchant and the negotiable instruments law of this Commonwealth.

Any township may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the township may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the township with reference thereto (2) the application of

funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 2447 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bond holders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the township shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the township shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the township to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the township to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the township to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the township declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the township and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursments allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenus or receipts form which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Da.do,	Homsher,	McGinnis,	Shapiro,
Deitrick	Howell,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,	Rupp,	

NAYS— 0

A majority of all the Senators having voted "aye' the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 236, (House Bill No. 51), as follows:

An Act to amend Article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto' is hereby amended by adding thereto a new sub-division to read as follows

(e) Non-debt Revenue Sewer Bonds

Section 3250 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any city may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the city but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any city has enacted an ordinance or resolution imposing a sewer rental or charge upon properties

to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from itme to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any city to create indebtedness in accordance with existing laws

Section 3251 Issuance and Sale of Bonds Maturity Negotiability When any city shall issue such non-debt-revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the city Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such city is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such city to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in annual installments as may be determined by the city and bear interest at a rate not exceeding six per centum per annum

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any city may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the city may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the city with reference therto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 3252 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the city shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the city shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to equire the city to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the city to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the city to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the city declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have juurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the city and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct in any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursemente allowed by the court shall by a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

and the amendmentsh made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43.

Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Howell,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden
Gelder,	Kunkel,	Rice,	Woodward,

Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,	Rupp,	

NAYS—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 237, (House Bill No. 52), as follows:

An Act to amend Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue monds to finance sewer sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended by adding thereto a new sub-division to read as follows

(h) Non-debt Revenue Sewer Bonds

Section 1545 Sewer Bonds For the purpose of financing the cost or expence or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any township may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the township but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking funds charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any township to create indebtedness in accordance with existing laws

Section 1546 Issuance and Sale of Bonds Maturity Negotiability When any township shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the township Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such township is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such township to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in annual installments as may be determined by the township and bear interest at a rate not exceeding six per centum per annum

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any township may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same includdig any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the township may authorize including (but without limitations) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the township with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 1547 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the township shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty day or in the event that the township shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged i the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Sush trustee and any trustees under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the township to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the township to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the township to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the township declare all bonds due and payable and if all defaults shall be made

good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annual such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action of proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the township and shall deposit all such moneys in a separate account and reply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and posess all of the powers necessary or appropriate for the exercise of any functions specificially set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42.

Buckman,	Henney,	Mallery,	Rupp,
Cavalcante,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Scarlett,
Deitrick	Howell,	Mundy,	Shapiro,
DiSilvestro,	Jacobs,	Owlett,	Sipe,
Ealy,	Jaspan,	Pytko,	Sones,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,	Lanius,	Rodgers,	Huffman,
Haluska,	Law,		

Nays—0.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 238, (House Bill No. 53), as follows:

An Act to amend Article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" is hereby amended by adding thereto a new subdivision to read as follows

(1) Non-Debt Revenue Sewer Bonds

Section 2180 Sewer Bonds For the purpose of financing the cost or expense or its share of the cost or expense of constructing or acquiring a sewer sewer system or sewage treatment works either singly or jointly with other municipalities or townships or both any borough may issue non-debt revenue bonds secured solely by a pledge in whole or in part of the annual rentals or charges for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the borough but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer sewer system or sewage treatment works

Whenever any borough has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served

Nothing in this section shall be construed to abridge or restrict or in any way impair the right of any borough to create indebtedness in accordance with existing laws

Section 2181 Issuance and Sale of Bonds Maturity Negotiability When any borough shall issue such non-debt revenue bonds the authorities thereof may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the borough Any bonds not so sold shall be sold to the highest responsible bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the county in which such borough is situated No bid for such bonds at less than par value shall be accepted Where bonds shall be advertised for sale as herein provided and no bids have been received then it shall be lawful for such borough to sell the same at private sale for not less than par value and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in annual installments as may be determined by the borough and bear interest at a rate not exceeding six per centum per annum

Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any borough may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the borough may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the borough with reference thereto (2) the application of

funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 2182 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the borough shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the borough shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in in any deed of trust indenture or other agreement aforesaid) in pricipal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the borough to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the borough to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the borough to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the borough declare all bonds due and payable and if all defaults shall be made good then with the consent of the bond holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement oforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consquences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the borough and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenues of receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Buckman,	Heyburn,	Mallery,	Rupp,
Cavalcante,	Homsher,	McCreesh,	Ruth,
Dando,	Howell,	McGinnis,	Scarlett,
Deitrick,	Jacobs,	Mundy,	Shapiro,
DiSilvestro,	Jaspan,	Owlett,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Thompson,
Gilson,	Lanius,	Rice,	Wolfenden,
Haluska,	Law,	Rodgers,	Huffman,
Henney,			

NAYS— 1

Ealy,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. HEYBURN. Mr. President, I ask unanimous consent that Senate Bill No. 239, (House Bill No. 60) on third reading, entitled:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof of cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 796, (House Bill No. 917), as follows:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or in agricultural employment requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of January one thousand nine hundred and thirty-eight it shall be unlawful for any person to be employed or permitted to engage in the occupation of blaster or shot-firer, except in anthracite or bituminous coal mines or on farms in agricultural employment unless he shall first have obtained a license from the Department of Labor and Industry and is a holder of a valid license No license shall be issued until the person to be licensed has first passed an examination as hereinafter provided

Section 2 Application for examination shall be made in writing to the Department of Labor and Industry on a form provided by the Department and shall be accompanied by a fee of three dollars If the applicant is successful in passing said examination a license shall be issued upon payment of an additional fee of one dollar All licenses shall be issued for the calendar year and shall expire on December thirty-first of the year for which issued Each licensee shall have his annual license renewed before January first of each year upon payment of a fee of one dollar All fees collected under this act shall be transmitted by the department to the State Treasurer through the Department of Revenue

Section 3 The Department of Labor and Industry shall have the power and its duties shall be to make alter amend or repeal general rules and regulations for carrying out the provisions of this act and applying these provisions to specific cases

Section 4 Any person or persons who shall violate any of the provisions of this act or the rules and regulations of the department as herein provided for shall upon conviction in a summary proceeding be punished by a fine of not less than ten dollars or more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not more than thirty days

Section 5 Prosecutions for violation of this act may be instituted by the Secretary of Labor and Industry or his duly authorized representative

Section 6 The term blaster or shot-firer as used in this Act is defined to mean any person who engages for hire in the charging or firing of explosive materials used in commercial blasting operations Nothing in this act shall be construed to apply to persons doing blasting or shot-firing in agricultural work on farms

Section 7 All other acts or parts of acts inconsistent with this act are hereby repealed

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. KAHLE. Mr. President, this bill works a great hardship in my district. If this bill passes it will require every man that fires a blast, not on a farm but in a little quarry, to take out a license under its jurisdiction and it is going to work a hardship in our community. We have many little quarries and in the fall of the year two or three men who have no employment will go together and they will pay the farmer a small rental, they will make lime during the winter season and sell it to the farmers in the spring. There will be days when there will be no shots fired. They do not have a system of operating these small quarries like they do in the large quarries. They simply drill the holes in those limestone rocks by a hand drill, a sledge and a small drill, they may put in one of those shots a day and they may not put in any. Now this is going to require those people to secure a registered licensed shooter to put a shot in that line of work and it is going to work a hardship. I have had many many requests throughout my county where this is going on today. Insofar as I am concerned—I am an old man and I have never known of an accident and I cannot see why even though they should take out a license, they should put a burden on these people, to protect them. The men around the shop know enough to get out of the way when that shot is going to be fired. And how is this going to protect a man?—the ordinary every-day man—in putting in a small shot of dynamite?

Mr. President, I say this is a vicious bill for my people. I must object to it and ask the Senate to vote it down for the benefit of the ordinary laboring man today.

Mr. HALUSKA. Mr. President, Senate Bill Number 796 has been on the calendar now for about two weeks. I asked that the bill go over in order about two weeks ago because I objected to certain features of the bill. They have been taken out of the bill and I think the bill now is in good form and you should pass it. For example, a man in a bituminous mine or anthracite mine or any farmer blasting on his own premises, might hire himself out as a professional blaster. We had a man down in York county who did that, where several men were killed by the blasting. I see no reason why they should not license men and make some regulations for those that pretend to be professional blasters. It is a safety measure and I think the bill should pass and become a law.

Mr. KAHLE. Mr. President, because they had one accident down in that county and negligent people stood around and several men were killed that is a fault of their own and the licensing of these men will not protect the men that stand around there. If they are careless that is not going to compel them to leave there. Because they made that mistake, there is no reason why we should work a hardship on the hundreds of laboring people throughout the country and compel some people to put in a blaster when they fire one or two shots a day. It will not protect them. I object to the bill.

Mr. HALUSKA. Mr. President, I am very anxious to hear the debate of Mr. Kahle. I could not hear what he said, and therefore I cannot answer him.

Mr. EROE. Mr. President, it seems to me they have taken everybody out of the bill. The Senator from Cambria says it is a good bill because it protects the coal miners; that is his business. My district is a lime—stone district and therefore I will vote against the bill.

Mr. HALUSKA. Mr. President, under the act that passed the Senate last week the bituminous coal miners and others who do the same type of work, anthracite miners have for years been certified, and I think it is fair as a safety measure to certify those that pretend to be professional blasters. Any man blasting on his own premises for his own purposes, is not included in this bill, and any man, I repeat again, that pretends to be a professional blaster and hires out as such, is included in this bill, and that is how it should be. Why should a man hire out as a blaster without any knowledge of what he is doing? I think the bill should pass without any further argument.

Mr. KAHLE. Mr. President, I desire to interrogate the Senator from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska, permit himself to be interrogated?

Mr. HALUSKA. Mr President, I will.

Mr. KAHLE. Mr. President, I would like to ask the Senator from Cambria, Mr. Haluska what he means by a "professional blaster?" What are the requirements for a professional blaster?

Mr. HALUSKA. Mr. President, in reply to the Senator from Clarion, Mr. Kahle, there is a rule set down by the Department of Labor and Industry, and what they mean by it I do not know.

Mr. KAHLE. Mr. President, that is one reason for opposing the bill. The can make it so stringent that a man in the country might have to send to the city in order to get a blaster to come out there and shoot that shot once or twice or three times a week, as they might require.

And the question recurring?

Shall the bill pass finally?

The ayes and nays were taken agreeably to the provisions of the Constitution

Mr. HALUSKA. Mr. President, I ask that the roll be verified.

Mr. BUCKMAN. Mr. President, I desire to interrogate the Senator from Cambria, Mr. Haluska.

The PRESIDENT. Will the Senator from Cambria, Mr. Haluska permit himself to be interrogated?

Mr. HALUSKA. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Cambria what his misapprehension was when he voted "aye' on the bill.

The PRESIDENT. The matter before the House is the roll call.

Mr. BUCKMAN. Mr. President, I would like to ask the Chair if the Senator from Philadelphia, Mr. Jaspan, and the Senator from Cambria, Mr. Haluska, were allowed to change their votes.

The PRESIDENT. The Chair informs the Senator from Bucks, Mr. Buckman that the Senators were allowed to change their votes.

Mr. BUCKMAN. Mr. President, I challenge that change and desire to interrogate the Senators as to the reason for making that change. I would like to ask the Senator from Cambria, Mr. Haluska whether he voted under a misapprehension?

Mr. HALUSKA. Mr. President, I did.

Mr. BUCKMAN. Mr. President, what was the misapprehension, that the Senator voted under?

Mr. HALUSKA. Mr. President, that is a personal question I do not care to answer.

Mr. BUCKMAN. Mr. President, unless the Senator from Cambria states that he voted under a misapprehension, I challenge it.

The PRESIDENT. The Senator from Cambria has already done so.

Mr. BUCKMAN. Mr. President, and the Senator from Cambria, Mr. Haluska, refuses to say what the misapprehension was.

Mr. KAHLE. Mr. President, the statement by the Senator from Cambria that he voted under a misapprehension should be recorded on the minutes.

The roll was verified and was as follows:

On the question,

Shall the bill pass finally?

YEAS—20

Cavalcante,	Frey,	McCreesh,	Reed,
Dando,	Gilson,	McGinnis,	Rice,
Deitrick,	Kilgallen,	Mundy,	Shapiro,
DiSilvestro,	Lanius,	Pytko,	Stiefel,
Ealy,	Law,	Rankin,	Huffman,

NAYS—17

Buckman,	Homsher,	Kunkel,	Scarlett,
Eroe,	Jacobs,	Mallery,	Sipe,
Gelder	Jaspan,	Owlett,	Sones,
Haluska,	Kahle,	Ruth,	Wolfenden,
Heyburn,			

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 903, (House Bill No. 1043) as follows:

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property and on the value of certain equitable interests providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for state purposes for two additiona years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended is hereby re-enacted amended or further amended as the case may be to read as follows

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "State Personal Property Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Department" The Department of Revenue of this Commonwealth

"Resident" A person copartnership or unincorporated association or company resident located or liable to taxation within this Commonwealth or a joint-stock company or association limited partnership bank or corporation formed created or incorporated by under or in pursuance of any law of this Commonwealth or of the United States or of any other state or government and liable to taxation within this Commonwealth

The singular shall include the plural and the masculine shall include the feminine and the neuter

Section heading shall not be deemed or construed to limit the text of the sections of this act

Section 3 State Tax on Mortgages Judgments Et Cetera Imposition and Rate of Tax Exemptions All personal property of the classes hereinafter enumerated owned held or possessed by any resident whether such personal property be owned held or possessed by such resident in his own right or as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation [and the equitable interest in any such personal property of the classes hereinafter enumerated owned held or possessed by any resident where the legal title to such personal property is vested in a trustee agent or attorney-in-fact domiciled in another state and where such resident is entitled to receive all or any part of the income therefrom] is hereby made taxable annually for State [purposes] purposes at the rate of [four] four mills on each dollar of the value thereof as of a date to be fixed annually in the manner provided in section five of this act and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say

All mortgages all ground rents all moneys owing by solvent debtors whether by promissory note or penal or single bill bond or judgment all articles of agreement and accounts bearing interest all public loans whatsoever except those issued by this Commonwealth or the United States and those made taxable for State purposes by section seventeen hereof all loans issued by any corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government including car-trust securities and loans secured by bonds or any other form of certificate or evidence of indebtedness whether the interest be included in the principal of the obligation or payable by the terms thereof except such loans as are made taxable for State purposes by section [eighteen] seventeen hereof all shares of stock in any bank corporation association company or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government except shares of stock in any bank bank and trust company national banking association savings institution building and loan association corporation or limited partnership liable to a tax on its shares or [its capital stock] a capital stock or franchise tax for State purposes under the laws of this Commonwealth [or relieved from the payment of tax on its shares or capital stock for State purposes by the laws of the Commonwealth] all moneys loaned or invested in other states territories the District of Columbia or foreign countries all other moneyed capital [in the hands of] owing to individual citizens of the State [all stages omnibuses hacks cabs and other vehicles used in transporting passengers for hire except steam and street passenger railway cars owned or used or possessed within this Commonwealth by any person or persons or by any corporate body or bodies] and the principal value of all annuities [yielding annually over two hundred dollars ($200.00)] Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to loans shares of stock or other securities held by bankers or brokers solely for trading purposes nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business nor to interest-bearing accounts in any bank or banking institution savings institution employes thrift or saving association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to shares of stock issued by building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four] four mills tax herein provided for or any part thereof or have agreed or shall hereafter agree to pay the same or any part thereof nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the said [four] four mills tax on any of the said securities bonds or other evidences of indebtedness as may be held owned by or owing to the said saving institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paynig sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or union And provided further That corporations limited partnerships and joint stock associations liable to [tax on capital stock] a tax on their shares or a capital stock or franchise tax for State purposes shall not be required to make any report or pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for any other local purpose under the laws of this Commonwealth except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law And provided further That the provisions of this section shall not apply to personal property of the class hereinabove enumerated [hereafter] received from any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or from any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth by any person or persons copartnership unincorporated association company joint-stock company or association limited partnership bank or corporation as active trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any person or persons copartnership or unincorporated association or company non-resident in or not located within this Commonwealth or for the use benefit or advantage of any joint-stock company or association limited partnership bank or corporation formed erected or incorporated by under or in pursuance of any law of the United States or of any state or government other than this Commonwealth and not doing business within this Commonwealth Nor shall the provisions of this section apply to personal property held for the use benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious charitable scientific literary or education purposes

[The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein]

Section 4 Returns and Payment of Tax (a) For the purpose of ascertaining the amount of tax payable under the third section of this act it shall be the duty of every resident liable to pay such tax on or before the fifteenth day of February of each year to transmit to

the department upon a form prescribed prepared and furnished by the department a return in duplicate the original under oath or affirmation of

(1) The aggregate actual value of each part of the different classes of property made taxable by the third section of this act held owned or possesed by such resident as of the date fixed annually in the manner provided in section five of this act either in his own right or as trustee agent attorney-in-fact or in any other capacity for the use benefit or advantage of any other person copartnership unincorporated association company limited partnership joint-stock association or corporation

(2) The amount of interest dividends or other income derived from each class of such property at any time during the preceding calendar year and

(3) Such other information as may be required by the department concerning [such property] each of the different classes of property whether or not taxable enumerated in the third section of this act owned held or in any manner possessed by such resident

The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information

The failure of any taxable resident to receive or procure a return form shall not excuse him from making a return

(b) The return so made shall be sworn or affirmed to by the person making the same if an individual and in the case of copartnerships unincorporated associations and joint-stock associations and companies by some member thereof and in the case of limited partnerships and corporations by the president chairman or treasurer thereof

(c) Any agent duly authorized by the department is hereby authorized to administer the oath or affirmation to any person or officer making the return prescribed by this section for the taking of which oath or affirmation no charge shall be made Any such agent who shall make any charge for administering such oath or affirmation shall be deemed quilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year either or both in the discretion of the court

(d) The tax imposed by section three hereof shall be due and payable when such return is required to be filed and every resident at the time of making every return shall compute and pay to the department the tax due the Commonwealth by such resident

Section 5 Listing Date The Department shall on or before the fifteenth day of January one thousand nine hundred [thirty-seven] thirty-eight and annually thereafter fix a day as of which the property made taxable by the third section of this act shall be listed and [assessed] returned The day so fixed shall be between the first and the fifteenth days of the month of January both inclusive and the day so fixed shall be printed or stamped on the forms for making returns of all such property If through inadvertence mistake or otherwise the department fails to designate or fix such date or if such date does not appear on the form for making return of such property the date as of which such property shall be listed and assessed shall be the immediately preceding first day of January

Section 6 [Estimated Assessment Notice If any resident liable for or believed by the department to be liable for the tax imposed by the third section of this act shall fail or refuse to file a return in the manner and within the time prescribed by this act the department shall make an estimated assessment against him The department shall promptly thereafter give or send by mail or otherwise notice of such estimated assessment to such resident At any time within thirty (30) days after notice of such estimated assessment is so given or sent such resident may file a return under oath or affirmation with the department and at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the amount of the tax due Any resident against whom an estimated assessment is made who shall fail or refuse to file a return and compute and pay the tax interest and penalty in the manner and within the time provided in this section shall have no right to appeal therfrom or to petition for a re-assessment and in any suit for the collection of a tax so assessed shall not be permitted to set up a defense that he owned held or possessed no property made taxable by the third section of this act or any other matter of defense whatsoever If any resident shall file a return before an estimated assessment is made but not within the time required by this act such resident at that time shall compute and pay to the department the tax due by him to the Commonwealth with interest thereon at the rate of six per centum per annum from the time such property should have been returned together with a penalty of ten per centum of the tax due

Section 7 Additional] Assessment by the Department Notice If any taxable resident shall fail to file a return or fail to include in any return all of his property made taxable by the third section of this act or shall fail to compute and pay the tax [thereon] due the Commonwealth as required in this act the department shall make an [additional] assessment of tax against such resident [on] of the amount of [such omitted property] tax for which such resident is liable or for which he is believed by the department to be liable together with a penalty of ten per centum of such [additional assessment] tax Promptly thereafter the department shall give or send by mail or otherwise notice thereof to such resident If such resident is dissatisfied with the [additional] assessment so made he may petition for a re-assessment in the manner hereinafter provided

Section [8] 7 Assessments Made at any Time within Five Years An [additional assessment or estimated] assessment as heretofore provided may be made by the department at any time within five (5) years after any property owned held or possessed or alleged to have been so owned held or possessed by any resident should have been returned by him for taxation notwithstanding he shall have paid a tax assessed on the basis of returns previously made or filed and notwithstanding the department shall have made previous [additional or estimated] assessments against such resident In any such case no credit shall be given for any penalty formerly assessed and paid

Section [9] 8 Petition for Re-assessment Appeal (a) Any resident against whom an [additional] assessment is made may petition the department for a re-assessment Notice of an intention to file such a petition or to appear and be heard shall be given to the department within ninety (90) days after notice of such [additional] assessment is given or sent by the department to the taxpayer as provided in this act The department shall hold such hearings [in each county] as may be necessary to hear and determine petitions for re-assessment at such places and at such times as may be determined by rules and regulations of the department and each petitioner who has duly notified the department of an intention to file a petition for re-assessment or to appear and be heard shall be notified by the department of the time when and the place where such hearings shall be held All such petitions shall set forth specifically and in detail the grounds upon which it is claimed the [additional] assessment is erroneous or unlawful and shall be accompanied by an affidavit under oath or affirmation certifying to the correctness of the facts stated therein If no petition for re-assessment is filed with the department the petitioner may in lieu thereof appear at the hearing and present his petition orally in which event all testimony or statements of facts shall be made under oath or affirmation

(b) If such petitioner is dissatisfied with the action of the department on his petition for re-assessment he shall have the right to appeal to the court of common pleas of the [proper] county where he resides at any time within sixty (60) days after notice of such action is given to

him by the department If any resident shall fail to give due notice of an intention to petition for re-assessment and to file a petition for re-assessment or to appear and be heard after due notice of his intention to do so or to appeal to the court of common pleas within the time and in the manner herein set forth the right to do so shall be forever barred and any such resident so failing shall not thereafter be permitted in a suit for the recovery of such tax to set up any ground of defense which might have been determined either by the department or the court of common pleas as aforesaid in all cases of petitions for re-assessment and appeals the burden of proof shall be on the petitioner or appellant as the case may be and every appeal to the court of common pleas under this section shall specify all the objections to the assessment and any objection not specified in the appeal shall not be considered by the court

Section [10] 9 Information at Source Reports (a) The executor of every will and the administrator of every estate at the time of filing with the register of wills or clerk of the orphans' court the inventory and appraisal of such estate or of any affidavit setting forth the real and personal estate of such decedent for the purpose of determining the transfer inheritance tax imposed thereon by existing law shall in addition thereto file with such register of wills or clerk of the orphans' court a statement in duplicate under oath or affirmation setting forth the items included in such inventory or affidavit which may be liable to the tax imposed by the third section of this act The register or clerk with whom the same is filed shall forthwith send one copy thereof to the department It shall be the duty of the department to proceed at once to assess the tax due from such decedent with interest [and penalties] as heretofore provided in this act and to present a claim therefor through the Department of Justice to the orphans' court of the proper county or to proceed by action or suit at law through the Department of Justice in any court of competent jurisdiction for the recovery thereof or to take any or all appropriate steps or procedure necessary for the collection of such tax

(b) It shall be the duty of the recorder of deeds in each and every county in this Commonwealth to keep a daily record separate and apart from all other records of every mortgage or article of agreement given to secure the payment of money entered in this office for recording which record shall set forth the following information to wit the date of the mortgage or agreement the names of the parties thereto the just sum of money secured the precise residence of the mortgage or person to whom interest is payable a brief description of the real estate upon which such mortgage is secured and the date or several dates when the said sum or portion of the said sum shall become due and payable and a like daily record of every assignment of a mortgage or an article of agreement given to secure the payment of money and also the number of mortgage and agreements together with the amount of same and the names of the parties thereto which shall have been that day satisfied of record For the purpose of obtaining with accuracy the precise residence of all mortgages assignees and persons to whom interest is payable on articles of agreement it shall be the duty of the recorder of deeds in each county whenever a mortgage assignment or agreement given to secure the payment of money shall be presented to him for record to refuse the same unless the mortgage assignment or agreement has attached thereto and made part thereof a certificate signed by the mortgage assignee or person entitled to interest or his duly authorized attorney or agent setting forth the precise residence of such mortgagee assignee or person entitled to interest and such certificate shall be recorded with the mortgage assignment or agreement Every recorder of deeds on the first Monday of each month shall file the aforesaid daily record or a copy thereof with the department

(c) It shall be the duty of the prothonotary or clerk of the court of common pleas in each and every county in this Commonwealth forthwith upon the passage of this act to keep a daily record separate and apart from all other records of every single bill bond judgment or other instrument securing a debt entered of record in his office Such daily record shall set forth the following information to wit The date of the instrument the names of the plaintiff and defendant together with the precise residence of the plaintiff or person to whose use such bill bond judgment or other obligation to pay money is marked whenever such residence can be ascertained the just sum secured and the date or several dates when the said sum or portion of the same shall become due and payable with the further information whether any of said bonds or judgments are accompanied with mortgages and also the number of every single bill bond judgment or other instrument securing a debt together with the amount of same and the names of the plaintiff and defendant thereto which shall have been that day satisfied The prothonotary or clerk of the court of common pleas shall file the aforesaid daily record or a copy thereof with the department on the first Monday of each Month

Section 11 Due Date All taxes [whether a report is filed as herein required or whether an estimated or additional assessment is made by the department] imposed by the third section of this act shall be due and payable on the fifteenth day of February of each year

Section [13] 12 Interest The tax imposed by the third section of this act shall bear interest at the rate of [twelve] six per centum per annum from the date such tax is due and payable until thirty (30) days after the department shall make an assessment and thereafter at the rate of twelve per centum per annum until paid except that any tax found due as the result of an appeal to the court of common pleas or any appellate court shall bear interest at the rate of six per centum per annum from the date the tax was originally due and payable until paid

Section [14] 13 Lien of Taxes (a) All taxes imposed under the third section of this act together with all penalties and interest shall be considered a public account after becoming due and payable in the manner prescribed in this act and as such shall be a lien upon the franchises and real property of the resident against whom the same are assessed after the same has been entered and docketed of record by the prothonotary of the county where the resident's franchises or property are situated

(b) The department may at any time transmit to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record certified copies of all liens for taxes imposed by the third section of this act and penalties and interest upon which record it shall be unlawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

Section [15] 14 Credits for Overpayment The Board of Finance and Revenue may allow a credit for any taxes imposed by the third section of this act and penalties and interest thereon paid to the Commonwealth [and] to which the Commonwealth is not rightfully or equitably entitled Claims for such credits shall be made in accordance with the provisions of "The Fiscal Code" relative to petitions for refunds of taxes No petition for such credit shall be considered by the board unless filed with the board within two (2) years of the payment alleged to have been erroneously made

Upon the allowance of any such petition the credit so determined may be applied against any amount due or subsequently becoming due by such petitioner on account of taxes imposed by the third section of this act and penalties and interest thereon or may be assigned in whole or in part to any other taxable resident to be applied against any amount due or subsequently becoming due by such resident on account of taxes imposed by the third section of this act and penalties and interest thereon Upon the allowance of a petition for credit the board shall issue its certificate under its hand and seal and no credit claimed whether assigned or not shall be allowed unless evidenced by such certificate

Section [16] 15 Penalties Costs (a) Every person or officer who shall wilfully and corruptly make a false and fradulent return of property made taxable by the third section of this act shall be guilty of wilful and corrupt perjury and upon conviction thereof shall be subject to punishment as provided by law

(b) Any wilful failure on the part of recorders of deeds or prothonotaries or clerks to carry out the duties imposed upon them by section [ten] nine of this act shall be deemed a misdemeanor and upon conviction thereof the person or persons so failing to comply shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(c) Every register of wills who shall fail to send copies of affdavits filed with him by executors or administrators to the department as required by section [ten] nine of this act shall be guilty of a misdemeanor and upon conviction thereof the register so failing shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

(d) Every executor or administrator who wilfully fails to file the affidavit with the register of wills as required by section [ten] nine of this act shall be subject to a penalty of twenty-five dollars ($25.00) for the first day and ten dollars ($10.00) for each succeeding day during which such affidavit is not filed to be collected by the department through the Department of Justice in the same manner as debts are by law collected

(e) Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section [17] 16 Enforcement Rules and Regulations Inquisitorial Powers of the Department (a) The department is hereby charged with the enforcement of the provisions of this act and is hereby authorized and empowered to prescribe adopt promulgate and enforce rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this act and the collection of taxes penalties and interest imposed by this act

(b) The department or any agent authorized in writing by it is hereby authorized to examine the books papers and records of any resident in order to verify the accuracy of any return made or if no return was made to ascertain and assess the tax imposed by the third section of this act Every such resident is hereby directed and required to give to the department or its duly authorized agent the means facilities and opportunity for such examinations and investigations as are hereby provided and authorized The department is hereby authorized to examine any person under oath concerning any property which was or should have been returned for taxation and to this end may compel the production of books papers and records and the attendance of all persons whether as parties or witnesses whom it believes have knowledge of such property The procedure for such hearing or examination shall be the same as that provided by "The Fiscal Code" relating to inquisitorial powers of fiscal officers

Any information gained by the department as a result of any return investigations hearings or verifications required or authorized by this act [and any information gained by the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the result of duplicate returns received from the department] shall be confidential except for official purposes and any person or agent divulging such information shall be deemed guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not in excess of five hundred dollars ($500.00) or to undergo imprisonment for not more than three (3) years or both in the discretion of the court

(c) The powers conferred by this act upon the department relating to the administration or enforcement of this act shall be in addition to but not exclusive of any other powers heretofore or hereafter conferred upon the department by law

Section [18] 17 State Tax on Scrip Bonds Et Cetera Imposition and Rate of Tax All script bonds certificates and evidences of indebtedness issued and all scrip bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any and every private corporation incorporated or created under the laws of this Commonwealth or the laws of any other state or of the United States and doing business in this Commonwealth and having a resident corporate treasurer therein are hereby made taxable for State purposes at the rate of eight mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine on reports filed for the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight or for any fiscal year beginning in the calendar years one thousand nine hundred thirty-seven and one thousand nine hundred thirty-eight and at the rate of four mills on each dollar of the nominal value thereof during the calendar years one thousand nine hundred forty and every year thereafter on reports filed for the calendar years one thousand nine hundred thirty-nine (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-nine) and for every year thereafter and all scrip bonds certificates and evidences of indebtedness issued and all script bonds certificates and evidences of indebtedness assumed or on which interest shall be paid by any county city borough township school district or incorporated district of this Commonwealth are hereby made taxable for State purposes at the rate of four mills on ach dollar of the nominal value thereof during the calendar year one thousand nine hundred [thirty--six] thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred [thirty-thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred [thirty-five] thirty-seven and for every year thereafter at the rate of one mill on each dollar of the nominal value thereof and during the calendar year one thousand nine hundred thirty-seven on reports filed for the calendar year one thousand nine hundred thirty-six or the fiscal year beginning in the calendar year one thousand nine hundred thirty-six at the rate of four mills on each dollar of the nominal value thereof which tax shall be in addition to the tax imposed for section seventeen of the act approved the seventeenth day of June one thousand nine hundred and thirteen (Pamphlet Laws five hundred seven) and its amendments or supplements] Provided That whenever under the provisions of this section any private corporation shall become liable for such taxes upon evidences of indebtedness by it assumed or on which it shall pay interest it shall be the duty of such corporation not later than ten (10) days thereafter to give notice in writing to any person who may at such time be liable for the payment of any taxes upon such evidences of indebtedness under the provisions of the third section of this act that the corporation has assumed such indebtedness or the payment of the interest thereon and will deduct and pay the taxes imposed thereon by this section Such notice shall also be given before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest theeron prior to the first day of October in any year and shall give notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the taxes imposed by this section for the balance of such year but shall deduct and pay said taxes for the ensuing year and the person to whom such notice shall be given shall for such ensuing year be relieved from the payment of tax under the provisions of the third section of this act upon such evidences of indebtedness so assumed or on which the corporation shall pay interest Where any private corporation shall assume such evidences of indebtedness or the payment of interest thereon on or subsequent to the first day of October in any year and shall give the notice as hereinbefore provided such corporation shall be relieved from the duty of deducting and paying the tax upon such evidences of indebtedness by it assumed or on which it shall pay interest for the

balance of such year and for the ensuing year and the person to whom notice is so given shall pay the tax for the period for which the corporation is relieved upon such evidences of indebtedness so assumed or on which the corporation shall pay interest as provided for in the third section of this act Neglect or failure on the part of any corporation upon assuming any evidences of indebtedness or becoming liable for the payment of interest thereon to give the notice as herein provided and within the time prescribed shall make such corporation liable for the payment of taxes from the time when such evidences of indebtedness are assumed or for the entire period for which interest shall be paid Neglect or failure to give such notice before the first day of October of each and every subsequent year during which such corporation is liable for the payment of such interest shall make the corporation liable for such taxes for the year following without any deduction from interest due as hereinbefore provided Provided That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution savings institution or trust company nor to interest-bearing accounts in any bank banking institution savings institution employes thrift or savings association whether operated by employes or the employer or trust company And provided further That the provisions of this act shall not apply to building and loan associations or to savings institutions having no capital stock and if at any time either now or hereafter any persons individuals or bodies corporate have agreed or shall hereafter agree to issue his their or its securities bonds or other evidences of indebtedness clear of and free from the said [four mills] tax or any part thereof provided for in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) or have agreed or shall hereafter agree to pay the same nothing herein contained shall be so construed as to relieve or exempt him it or them from paying the [four mills] tax imposed herein on any of [the said] such securities bonds or other evidences of indebtedness as may be held owned by or owing to the said savings institution having no capital stock And provided further That the provisions of this act shall not apply to fire companies firemen's relief associations life or fire insurance corporations having no capital stock secret and beneficial societies labor unions and labor union relief associations and all beneficial organizations paying sick or death benefits or either or both from funds received from voluntary contributions or assessments upon members of such associations societies or unions And provided further That corporations limited partnerships and joint-stock associations liable to tax on capital stock for State purposes shall not be required to pay any further tax under this section on the mortgages bonds and other securities owned by them in their own right but corporations limited partnerships and joint-stock associations holding such securities as trustees executors administrators guardians or in any other manner shal be liable for the tax imposed by this section upon all securities so held by them as in the case of individuals And provided further That none of the classes of property made taxable by this section for State purposes shall be taxed or taxable for county school or other local purposes

It is the intent of this act that all scrip bonds certificates and evidences of indebtedness made taxable under this section are not taxable under the third section of this act and that only such scrip bonds certificates and evidences of indebtedness which cannot be made taxable under this section are to be taxed under the third section of this act

[Section 19 Collection of Taxes The tax for State purposes imposed upon obligations of private and public corporations by section eighteen of this act shall be collected in the same manner as the tax imposed for State purposes upon such obligations by section seventeen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred eleven) and its amendments or supplements it being the true intent and meaning of this act that the provisions of the law in force at the time of the passage of this act relating to the manner of the collection of the State tax upon such obligations shall remain unaffected by this act]

Section 18 Reports and Payment of the State Tax by Private Corporations and Municipalities (a) It shall be he duty of the resident treasurer of each private corporation incorporated by or under the laws of this Commonwealth or the laws of any other state or of the United States or any foreign country and doing business in this Commonwealth except non-profit corporations and cooperative agricultural associations not having capital stock and not conducted for profit and it shall be the duty of the treasurer of each county city borough township school district or incorporated district of this Commonwealth upon the payment of any interest on any scrip bond certificate or evidence of indebtedness issued or assumed by such corporation county city borough township school district or incorporated district or upon which it is liable for the payment of the interest to residents of this Commonwealth and held by them to assess the tax imposed for State purposes by the seventeenth section of this act upon the nominal value of each such scrip bond certificate or evidence of indebtedness and to report under oath or affirmation annually on or before the fifteenth day of March for the calendar year next preceding to the department the amount of such indebtedness owned held or in any manner possessed by residents of this Commonwealth together with such information as the department may require Provided That such scrip bonds certificates and evidences of indebtedness shall be deemed to be owned held or possessed by residents of this Commonwealth unless it is established that they are not so owned held or possessed and it shall be his further duty to deduct the tax imposed by the seventeenth section of this act on the payment of any interest upon such indebtedness and return the same to the State Treasury through the department within the time prescribed by law and his compensation for his services shall be five per centum on the first one thousand dollars ($1,000.00) or fractional part thereof one per centum on all amounts over one thousand dollars ($1,000.00) and not over two thousand dollars ($2,000.00) and one-half of one per centum on all amounts over two thousand dollars ($2,000.00) Upon the payment of said State tax such scrip bonds certificites or evidences of indebtedness shall be exempt from all other taxation in the hands of the holder of the same

The time for filing reports may be extended taxpayers may be permitted to file their reports on a fiscal year basis and the procedure and penalties in case of failure to report and pay the tax shall be as prescribed by law

(b) It is the intent and meaning of this act that the tax for State purposes imposed upon obligations of private and public corporations by section seventeen of this act shall be collected in the same manner as the tax heretofore imposed for State purposes upon such obligations

All moneys paid into the State Treasury from taxes for the first year for which a tax is imposed by the provisions of this act shall be used only for unemployment relief purposes and for such purposes are hereby appropriated and all moneys paid into the State Treasury during the second year this act is in effect shall be credited to the General Fund

Section 19 Constitutional Construction If any section sentence clause or part of this act is for any reason held to be unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional sentence section clause or part thereof not been included herein

Section [22] 20 [Effect on Other Acts of Assembly Nothing contained in this act shall be deemed to repeal or modify the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and re-

orders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and its amendments or supplements The taxes imposed by this act shall be in addition to all other taxes which are now or hereafter imposed by law] Repealer and Savings Clause (a) All acts or parts of acts inconsistent with the provisions of this act are hereby repealed but the provisions of this act so far as they are the same as those of existing laws shall be construed as a continuation of such laws and not as new enactments

(b) Sections seventeen and eighteen of the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) entitled "An act to provide revenue for State and county purposes and in cities coextensive with counties for city and county purposes imposing taxes upon certain classes of personal property providing for the assessment and collection of the same providing for the duties and compensation of prothonotaries and recorders in connection therewith and modifying existing legislation which provided for raising revenue for State purposes" and their amendments are hereby repealed

(c) Nothing herein contained shall be construed as reviving any act repealed by the act which this act repeals and the passage of this act shall not be taken or construed to relieve any person association or corporation from the payment of any taxes penalties and interest on reports filed for the calendar year one thousand nine hundred thirty-six or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed by the provisions of any act or parts of acts in force at the time this act becomes effective or to affect or terminate any petitions investigations prosecutions legal or otherwise or other proceedings pending under the provisions of any act or parts of acts in force at the time this act becomes effective or repealed by this act or to prevent the commencement or further prosecution of any legal proceedings by the proper authorities of the Commonwealth for violations of such acts or for the collection or recovery of taxes penalties and interest due or owing to the Commonwealth under such acts

Section [23] 21 Effective Date This act shall become effective immediately upon its final enactment and [shall remain] be in force for the assessment and collection of taxes under section three of this act for the calendar [years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dolla. of the value thereof] years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and for the collection of taxes under section [eighteen] seventeen of this act [during the calendar years one thousand nine hundred and thirty-six at the rate of one mill on each dollar of the nominal value thereof and one thousand nine hundred and thirty-seven at the rate of four mills on each dollar of the nominal value thereof on reports filed for the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six or for the fiscal years beginning in the calendar years one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six] for the calendar [year one thousand nine hundred thirty-eight on reports filed] year one thousand nine hundred thirty-eight and every year thereafter on reports filed for the calendar year one thousand nine hundred thirty-seven (or for any fiscal year beginning in the calendar year one thousand nine hundred thirty-seven) and for every year thereafter

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions or the Constitution.

Mr. GELDER. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—29

Cavalcante,	Jacobs,	McCreesh,	Rutt,
Dando,	Jaspan,	McGinnis,	Shapiro,
Dent,	Kahle,	Mundy,	Sipe,
DiSilvestro,	Kilgallen,	Pytko,	Sones,
Eroe,	Kunkel,	Rankin,	Stiefel,
Frey,	Lanius,	Reed,	Thompson,
Gilson,	Law,	Rice,	Huffman,
Haluska,			

NAYS—10

Buckman,	Gelder,	Mallery,	Scarlett,
Deitrick,	Heyburn,	Owlett,	Wolfenden,
Ealy,	Homsher,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 390

The Clerk of the House being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 390, entitled:

An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; imposing an excise tax, and providing for the collection thereof; conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue; and prescribing penalties.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1028

He also presented communication from the House of of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1028, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "The Dental Law" by limiting the scope of practice as a dental hygienist; providing additional causes for the revocation and suspension of licenses and registrations; making appeals from actions of the board a supersedeas in the discretion of the court; making additional penal provisions and further regulating the practice of dentistry and as dental hygienists.

HOUSE NON-CONCURS IN AMENDMENTS TO HOUSE BILL NO. 1574

He also informed the Senate that the House of Representatives has non-concurred in amendments made by the Senate to House Bill No. 1574, entitled:

An Act relating to milk and the products thereof, creating a Milk Control Commission, establishing its jurisdiction, powers and duties, regulating the production, transportation, manufacturing, processing storage, distribution, delivery and sale of milk and certain products thereof, providing for the licensing of milk dealers and the payment of fees therefor, requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers, authorizing the holding of hearings and the issuance of subpoenas by the commission, conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission, authorizing the commission to adopt rules, regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh, measure, sample or test milk to procure permits or certificates to take examinations to pay fees therefor, to furnish certain notices, records and statements and to use certain methods of weighing, measuring, sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby, authorizing the commission to fix prices for milk and certain milk products, subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto, providing for appeals to the courts from decisions of the Commission and for the burden of proof upon such appeals; prescribing penalties fines and imprisonment for violations of this act and rules, regulations and orders of the commission, defining perjury, defining remedies, repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that the Senate insist upon its amendments to the foregoing bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

Order, That Messrs. Sipe, Rice and Wolfenden be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

BILLS SIGNED

The PRESIDENT. PRO-TEMPORE (Mr. Harvey Huffman) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 390 entitled:

An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties, restrictions and liabilities in industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for maunfacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; imposing an excise tax, and providing for the collection thereof; conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue; and prescribing penalties.

House Bill No. 1028, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 216), entitled "The Dental Law" by limiting the scope of practice as a dental hygienist; providing additional causes for the revocation and suspension of licenses and registrations; making appeals from actions of the board a supersedeas in the discretion of the court; making additional penal provisions and further regulating the practice of dentistry and as dental hygienists.

Senate Bill No. 377, entitled:

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred nine) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth.

Senate Bill No. 558, entitled:

An Act to further amend the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition.

Senate Bill No. 559, entitled:

An Act to amend Article ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special, or local, or any parts thereof, that are or may be inconsistent therewith," by requiring the Superintendent of Public Instruction to withhold appropriations from school districts until all reports required by law are filed, and making permissive the withholding of appropriations from school districts failing to comply with health and safety regulations.

Whereupon,

The PRESIDENT PRO TEMPORE (Mr. Harvey Huffman) in the presence of the Senate signed the same.

BILL RECOMMITTED

Mr. JACOBS. Mr. President, I move that Senate Bill No. 911, on final passage, entitled:

An Act providing for the payment into the State Treasury, without escheat, of certain moneys and property subject to escheat under existing law, namely, unclaimed dividends and profits, debts and interest on debts, proceeds of policies of insurance, stock and customers deposits held by certain limited partnerships and unincorporated associations, joint-stock associations, companies and corportions doing business under the laws of this Commonwealth; declaring the legislative intent with respect to such payments; requiring reports of such money and property by, and imposing other duties upon, such partnerships, associations and corporations; conferring powers and imposing duties on certain State officers, boards and departments; providing for jurisdiction of courts and for proceedings for the recovery of such moneys and property by the Attorney General, at the suggestion of the Depart-

ment of Revenue; providing for refunds of such moneys and property; and prescribing penalties.

be recommitted to the Committee on Judiciary General.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. JACOBS. Mr. President, the Senator from Westmoreland, Mr. Dent, introduced a bill on escheat, which is now on second reading. It contains some features which my bill does not contain and the Senator from Westmoreland Mr. Dent, believes they should be incorporated in the laws of the Commonwealth of Pennsylvania. For this reason, and with the understanding that his bill will also be recommitted, I have moved that this bill be recommitted to the Committee on Judiciary General.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, with the consent of the sponsor of the bill, I ask unanimous consent that Senate Bill No.684, on third reading, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 708, entitled:

An Act relating to and regulating the manufacture keeping and storing of explosives requiring permits for magazines and prescribing permit fees and providing penalties.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 740, on third reading, entitled:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations; prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing co-operative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

AMENDMENTS TO SENATE BILL No. 771

Mr. REED. Mr. President, I ask unanimous consent to amend Sec. 2, page 3, line 14, by striking out the words: S "adjacent to" and inserting in lieu thereof: "adjoining"; amend Sec. 4, page 6, line 15, by striking out the word: S "other"; amend bill, page 10, by inserting between lines 13 and 14, the following section: S "Section 12. Exemption of Members from Liability for Debts of Corporation. No member shall be liable for the debts of the corporation to an amount exceeding the sums remaining unpaid on his membership fee, but nothing herein shall be construed to relieve any member from the payment of any debt due by him to the corporation."; amend Sec. 12, page 10, line 14, by striking out the figure: S "12" and inserting in lieu thereof: "13"; amend Sec. 13, page 10, line 25, by striking out the figure: S "13" and inserting in lieu thereof: "14"; amend Sec. 14, page 11, line 10, by striking out the figure: S "14" and inserting in lieu thereof: "15"; amend Sec. 14, page 11, line 14, by strik-

ing out the words: S "be delivered"; amend Sec. 14, page 11, line 15, by inserting after the word "act" the following: S "be delivered"; amend Sec. 15, page 11, line 26, by striking out the figure: S "15" and inserting in lieu thereof: "16"; amend Sec. 16, page 12, line 3, by striking out the figure: S '16" and inserting in lieu thereof: "17"; amend Sec. 17, page 12, line 10, by striking out the figure: S "17" and inserting in lieu thereof: "18"; amend Sec. 18, page 12, line 17, by striking out the figure: S "18" and inserting in lieu thereof: "19"; amend Sec. 19, page 12, line 24, by striking out the figure: S "19" and inserting in lieu thereof: "20"; amend Sec. 20, page 13, line 4, by striking out the figure: S "20" and inserting in lieu thereof: "21"; amend Sec. 21, page 13, line 9, by striking out the figure: S "21" and inserting in lieu thereof: "22"; amend Sec. 22, page 13, line 17, by striking out the figure: S "22" and inserting in lieu thereof: "23"; amend Sec. 23, page 13, line 28, by striking out the figure: S "23" and inserting in lieu thereof: "24"; amend Sec. 24, page 14, line 13, by striking out the figure: S "24" and inserting in lieu thereof: "25"; amend Sec. 25, page 14, line 23, by striking out the figure: "S" and inserting in lieu thereof "26"; amend Sec. 26, page 15, line 19, by striking out the figure: S "26" and inserting in lieu thereof: "27"; amend Sec. 27, page 16, line 11, by striking out the figure: S "27" and inserting in lieu thereof: "28"; amend Sec. 28, page 17, line 8, by striking out the figure: S "28" and inserting in lieu thereof: "29"; amend Sec. 29, page 18, line 19, by striking out the figure: S "29" and inserting in lieu thereof: "30"; amend Sec. 30, page 18, line 22, by striking out the figure: S "30" and inserting in lieu thereof: "31"; amend Sec. 31, page 18, line 28, by striking out the figure: S "31" and inserting in lieu thereof: "32"; amend Sec. 32, page 19, line 4, by striking out the figure: S "32" and inserting in lieu thereof: "33"; amend Sec. 33, page 19, line 14, by striking out the figure: S "33" and inserting in lieu thereof: "34"; amend Sec. 34, page 19, line 26, by striking out the figure: S "34" and inserting in lieu thereof: "35"; amend Sec. 35, page 20, line 4, by striking out the figure: S "35" and inserting in lieu thereof: "36"; amend Sec. 36, page 20, line 9, by striking out the figure: S "36" and inserting in lieu thereof: "37"; amend Sec. 37, page 20, line 14, by striking out the figure: S "37" and inserting in lieu thereof: "38"; amend Sec. 38, page 20, line 19, by striking out the figure: S "38" and inserting in lieu thereof: "39."

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 788, entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled 'An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies.

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 797 (House Bill No. 1560), on third reading, entitled:

An Act for the protection of the public health and the prevention of fraud and reception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctions in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, we have not had the opportunity of studying the amendments passed in this bill, and I ask unanimous consent that Senate Bill No. 834 (House Bill No. 114) on third reading, entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of

Education and county superintendents of schools and imposing certain expenses on counties.

go over in its order until next week.

The PRESIDENT. Is there objection? The Chair hears none

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 867 (House Bill No. 1754), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled 'An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provide hospitals care and service for subscribers and conferring powers on the Insurance Department with respect thereto.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KUNKEL. Mr. President, I ask unanimous consent to

Amend page 2, line 13 of the title by adding at the end thereof the following: S and further defining the scope of the act

Amend section 1, page 3, line 22 by striking out at the end of the line the following: S (The Public Service)

Amend section 1, page 3, line 23 by striking out at the beginning of the line the word: S (Commission) and inserting in lieu thereof the following: the Pennsylvania Public Utility Commission

Amend section 2, page 4, line 7 by striking out after the word "Service" and before the word "incorporation" the following: S (In the Case of the) and inserting in lieu thereof the following: Whenever articles of incorporation for the

Amend section 2, page 4, line 19 by striking out after the word "Whenever" and before the word "of" the following: S (When the articles of incorporation)

Amend section 2, page 4, line 20 by striking out after the word 'are" and before the word "filed" the following: S (have been) and inserting in lieu thereof the following: are

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 868, (House Bill No. 1779), entitled:

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) ,entitled "An act relating to insurance, amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties nad repealing existing laws," to include contracts pertaining to pure endowments and annuities, policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

Will the Senate agree to the bill?

Mr. KAHLE. Mr. President, I ask unanimous consent to amend sec. 1 (Sec. 354), page 3, by inserting after line 29, the following paragraph: "S The amendments to this section shall not be construed as extending the provisions of this section to domestic mutual fire insurance companies not heretofore subject to the provisions hereof."

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Clarion, Mr. Kahle.

The PRESIDENT. Will the Senator from Clarion, Mr. Kahle permit himself to be interrogated?

Mr. KAHLE. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Clarion, Mr. Kahle, state the purpose of these amendments and whether or not they are amendments prepared with the consent of the Insurance Commissioner.

Mr. KAHLE. Mr. President, this amendment does not change the purport of the bill whatever. This merely takes care of the small mutual insurance companies, the domestic companies, that we have in our communities. Heretofore they have not been taken into this and this amendment merely exempts those companies.

Mr. SHAPIRO. Mr. President, will these amendments save them?

Mr. KAHLE. Mr. President, if it does it is all right, the amendment will not hurt them.

The PRESIDENT. Is there objection? The Chair hears none.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 893 on third reading entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (Pamphlet Laws, four hundred ninety-six), entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulkheads, docks, slips, and basins; and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, terminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes, property and equipment of the Board of Commissioners of Navigation for the River Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, at the request of Senator Shapiro I ask unanimous consent that Senate Bill No. 906 on third reading entitled:

An Act regulating procedure in actions of assumpsit and trespass.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 907, entitled:

An Act to repeal certain parts of acts relating to struck juries.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Dando,	Heyburn,	McGinnis,	Shapiro,
Deitrick,	Homsher,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 927, (House Bill No. 1692), entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Henney,	McCreesh,	Scarlett,
Dando,	Heyburn,	McGinnis,	Shapiro,
Deitrick,	Homsher,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,
Gelder,	Lanius,	Rodgers,	Huffman,
Gilson,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. RICE. Mr. President, I call up for consideration at this time Senate Bill No. 1064 (House Bill No. 2162).

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1064, (House Bill No. 2162), entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purpose for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

And said bill having been read at length the third time, and agreed to,

On the question?

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Buckman,	Haluska,	McCreesh,	Ruth,
Cavalcante,	Heyburn,	McGinnis,	Scarlett,
Dando,	Homsher,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,

Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gelder,	Law,	Rupp,	Huffman,
Gilson,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

ANNOUNCEMENT BY THE SECRETARY

The meeting of the Committee on State Boards called for three o'clock today has been postponed.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for one hour.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 135, (Senate Bill No. 1125), entitled:

An Act requiring the Secretary of the Commonwealth to inquire into the purposes of the incorporators or those attempting to form an association of labor groups to approve or disapprove their incorporation or their attempted association or right to do business within the Commonwealth.

Which was committeed to the Committee on Corporations.

House Bill No. 752, (Senate Bill No. 1126), entitled:

An Act regulating the removal of sand, gravel and coal from the beds of streams, lakes and other bodies of water, wholly or partly within, or forming part of the boundary of this Commonwealth and providing for the imposition, collection and lien of charges for such materials taken, removed or dredged from such waters title to which is in whole or in part in the Commonwealth, requiring persons, associations, copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue; providing for appeals and providing penalties and refunds.

Which was committed to the Committee on Forests and Waters.

House Bill No. 1246, (Senate Bill No. 1127), entitled:

An Act to prohibit the recruiting of, the securing or offering to secure employment for, and the transportation to places of employment of, persons to take the places of employes involved in industrial disputes.

Which was committed to the Committee on Labor and Industry.

House Bill No. 1765, (Senate Bill No. 1128), entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," by restricting the number of assistant county superintendents; providing for county public school psychologists, and establishing standards of eligibility, methods of appointment, duties, salaries, and methods for the payment thereof, for such county public school psychologists.

Which was committed to the Committee on Education.

House Bill No. 2073, (Senate Bill No. 1129), entitled:

An Act limiting the duration of any franchise given or granted by any city of the first class.

Which was committed to the Committee on City Government.

HOUSE INSISTS ON ITS NONCONCURRENCE IN AMENDMENTS TO HOUSE BILL NO. 1574

He also informed the Senate that the House of Representatives insists on its non-concurrence in the amendments made by the Senate to House Bill No. 1574, entitled:

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees thereof; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations.

and has appointed Messrs. Arnold, Westrick and Snyder as a Committee of Conference to confer with a similar committee of the Senate (already appointed) to consider the differences existing between the two Houses in relation to said bill.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 50

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 50, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 51

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 51, entitled:

An Act to amend Article thirty-two of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 52

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 52, entitled:

An Act to amend Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 53

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 53, entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1043

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1043, entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen), entitled "State Personal Property Tax Act" as amended, by imposing annual taxes for State and county purposes, and, in cities coextensive with counties, for State, city and county purposes; making further provisions for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and future borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities coextensive with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

HOUSE NON-CONCURS IN AMENDMENTS MADE BY THE SENATE TO HOUSE BILL NO. 1692

He also presented communication from the House of Representatives informing the Senate that the House has non-concurred in amendments made by the Senate to House Bill No. 1692 (Senate Bill No. 1927), entitled:

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city.

SENATE INSISTS UPON ITS AMENDMENTS TO HOUSE BILL NO. 1692

Mr. LAW. Mr. President, I move that the Senate insist upon the amendments made by the Senate to the foregoing bill.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That the Clerk inform the House of Representatives accordingly.

SENATE BILL NO. 49 RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 49, entitled:

An Act to amend clause one of section one of the act, approved the second day of June one thousand nine hundred and thirty-three (P. L. 1433), entitled "An act defining the powers of the courts of quarter sessions, the Municipal Court of Philadelphia, and the County or Juvenile Court of Allegheny County, with respect to the care, guidance, control, trial, placement and commitment of delinquent, dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency, neglect and dependency of children; and amending, revising and consolidating the law relating thereto," defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care, guidance, control, placement and commitment of delinquent, neglected and dependent children under sixteen years of age; and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

SENATE BILL NO. 58 RETURNED WITH AMENDMENTS.

He also returned to the Senate, Senate Bill No. 58, entitled:

An Act making an appropriation to the Adrian Hospital Association, Punxsutawney, Pennsylvania.

with the information that the House has passed same with amendments, in which the concurrence of the Senate is requested.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL NO. 177

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments, non-concurred in by the Senate, to Senate Bill No. 177, entitled:

An Act prohibiting persons and officers from hiring, requesting and inducing minors to purchase spirituous, vinous or brewed and malt liquors and prohibiting minors from purchasing or attempting to purchase the same.

MOTION TO APPOINT COMMITTEE OF CONFERENCE

Mr. HALUSKA. Mr. President, I move that the Senate insist upon its non-concurrence in the amendments to the fore-going bill, and that a Committee of Conference be appointed to confer with a similar committee of the House (if the House shall appoint such committee) to consider the differences existing between the two Houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Haluska, Cavalcante and Buckman be said committee on the part of the Senate and that the Clerk inform the House of Representatives accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 555

Mr. SONES presented report of the Committee of Conference on House Bill No. 555 entitled:

An Act to amend sections two, four, five, eight, thirteen, sixteen, seventeen and twenty-three of the act, approved the twenty-sixth day of May, one thousand nine hundred and thirty-three, (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

Which was laid on the table.

HOUSE MESSAGE

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1574.

The Clerk of the House of Representatives being introduced, presented communication from the House of Representatives informing the Senate that the House has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses in relation to House Bill No. 1574 entitled:

An Act relating to milk and the products thereof, creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees thereof; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers, requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations.

ADOPTION OF REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL NO. 1574

Mr. CAVALCANTE. Mr. President, I move the adoption of the report of Committee of Conference on House Bill No. 1574.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The report was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1574, entitled "An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act, and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business papers and premises of milk dealers and producers; requiring the keeping of records, and the filing of reports by milk dealers and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products, subject to the approval of the Governor, and conferring certain powers upon the Governor, with respect thereto; providing for appeal to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," respectfully submit the following bill as our report:

C. HALE SIPE
JOHN S. RICE
C. GILBERT WOLFENDEN
(Committee on the part of the Senate)

J. HAROLD ARNOLD
DENNIS L. WESTRICK
FRANK E. SNYDER
(Committee on the part of the House of Representatives)

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and order and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Table of Contents

ARTICLE I Purpose Short Title Definitions
Section 101 Legislative Purpose
Section 102 Short Title
Section 103 Definitions Construction
ARTICLE II Organization of the Commission
Section 201 Appointment and Terms of Members Quorum
Section 202 Qualifications and Salaries
Section 203 Secretary Administrative Code
ARTICLE III General Powers of the Commission
Section 301 Regulation of Milk Industry
Section 302 Specific Powers not Impairment of General Powers
Section 303 Official Seal Evidence
Section 304 Hearings Witness Fees
Section 305 Subpoenas Oaths
Section 306 Contempt
Section 307 Adoption of Rules Regulations and Orders
Section 308 Posting and Service of Rules Regulations and Orders
Section 309 Certification of Rules Regulations and Orders
Section 310 Entry and Inspection
Section 311 Interstate and Federal Compacts
ARTICLE IV Licenses of Milk Dealers
Section 401 Milk Dealers Required to be Licensed
Section 402 Milk Dealers Subject to Exemption
Section 403 Applications
Section 404 Grounds for Refusal Suspension or Revocation
Section 405 Hearings and Orders
Section 406 Cancellation
Section 407 Transfer
Section 408 License Fees Generally
Section 409 License Fees of Certain Milk Dealers Dealers
Section 410 Computation of License Fees
Section 411 Classification of Licenses
Section 412 Other Licenses
ARTICLE V Bonds of Milk Dealers
Section 501 Milk Dealers Required to File Bonds
Section 502 Computation of Amount of Certain Bonds
Section 503 Time of Filing
Section 504 Requisites of Bonds Substitution
Section 505 Financial Statement
Section 506 Increase or Decrease of Bond
Section 507 Duty of State Treasurer
Section 508 Interest or Dividends upon Securities
Section 509 Suit by Commission
Section 510 Effect of Order by Commission
Section 511 Procedure for Disbursing Proceeds
Section 512 Cooperatives
Section 513 Subdealers' Bonds
ARTICLE VI Weighing and Testing
Section 601 Weighing or Measuring Permits
Section 602 Certified Testers
Section 603 Certified Weighers and Sampless
Section 604 Refusal Suspension and Revocation of Permits and Certificates
Section 605 Transfer
Section 606 Samples Check Tests
Section 607 Violations
Section 608 Payment for Milk Statement
ARTICLE VII Records Reports and Information
Section 701 Records
Section 702 Reports
Section 703 Dissemination of Information Conferences
ARTICLE VIII Prices of Milk
Section 801 Requisites of Orders Fixing Price of Milk
Section 802 Wholesale and Retail Prices
Section 803 Prices to Producers
Section 804 Classification
Section 805 Price Increases
Section 806 Terms and Methods of Payment
Section 807 Violations
Section 808 Prices of Certain Milk
Section 809 Cooperatives
ARTICLE IX Appeals and Review
Section 901 Appeals from General Orders
Section 902 Appeals from Special Orders
Section 903 Supersedeas
Section 904 Pleading and Service
Section 905 Certification of Record
Section 906 Scope of Inquiry
Section 907 Costs
Section 908 Jurisdiction of Superior and Supreme Courts
ARTICLE X Penalties and Remedies
Section 1001 Summary Offenses
Section 1002 Misdemeanors
Section 1003 Actions to Enforce Compliance
Section 1004 Application for Injunction Remedies
Section 1005 Proceedings Before the Commission
Section 1006 Perjury
ARTICLE XI Moneys and Expenses of Commission
Section 1101 Milk Control Fund
Section 1102 Expenses
Section 1103 Refunds
Section 1104 Approval of Governor
Section 1105 Miscellaneous Fees
Section 1106 Appropriations
ARTICLE XII Saving Provisions
Section 1201 Severability
Section 1202 Interstate Commerce
Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly
ARTICLE XIII Repeals and Effective Date
Section 1301 Acts Specifically Repealed
Section 1302 Effective Date

Whereas The production sale and distribution of milk and certain milk products in this Commonwealth are attendant with serious conditions affecting milk producers milk dealers and consumers of milk the following legislative findings of fact with respect thereto are hereby made

1 Milk is the most necessary human food vital for promotion of the public health and for development of strength and vigor in the race It is a most fertile field for the growth of bacteria and therefore its production and distribution have been surrounded by more costly sanitary requirements than those of any other commodity in

this the third greatest milk producing and consuming State of the nation

2 Milk consumers are not assured of a constant and sufficient supply of pure wholesome milk unless the high cost of maintaining sanitary conditions of production and standards of purity is returned to the producers of milk If this is not done large numbers dispose of their herds or engage in milk strikes and remaining producers supply unhealthful milk or milk lower quality because of financial inability to comply with sanitary requirements and to keep vigilant against contamination Public health is menaced when milk dealers do not or cannot pay a price to producers commensurate with the cost of sanitary production or when consumers are required to pay excessive prices for this necessity of life

3 Milk dealers must handle constant surpluses to meet the emergency requirements of normal variations in fluid consumption and to meet seasonal variations in production which amounts in excess of fluid requirements must find a market in fluid use or in manufacture and tend to demoralize the industry Only one per centum of the milk dealers of the Commonwealth handle over sixty per centum of the milk sold by producers to dealers and persons have often combined privately to establish practices or fix prices to the detriment of producers or consumers

4 Milk producers must make delivery of their highly perishable commodity immediately after it is produced and must generally accept any market at any price Under the utilization method of payment prevailing in the milk industry particularly in cities the value of this market is unknown until the milk dealer sells the fluid milk and uses or disposes of the surplus Furthermore only the dealers have facilities for accurately weighing and testing milk This knowledge of weights tests and uses is in the exclusive possession of the dealer The producers' lack of control over their market is aggravated by the trade custom of dealers in paying weeks after delivery keeping producers obligated to continue delivery in order to receive payment for previous sales and permitting dealers to operate on the producers' capital without giving security therefor Hence milk producers are subject to fraud and imposition and do not possess the freedom of contract necessary for the procuring of cost of production

Whereas public control of the milk industry in recent years is stabilizing the conditions therein and a relaxation of control will cause a return to the unhealthful uneconomic deceptive and destructive practices of the past with respect to this paramount industry upon which the health and welfare of the Commonwealth largely depends and

Whereas It is necessary to preserve and promote the strength and vigor of the inhabitants of this Commonwealth to protect the public health and welfare and to prevent fraud and imposition upon consumers and producers by continuing to treat the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania as a business affecting the public health and affected with a public interest

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Purpose Short Title Definitions

Section 101 Legislative Purpose In the exercise of the police power of the Commonwealth it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared that this act shall be and is hereby enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the public health and welfare and for the prevention of fraud

Section 102 Short Title This act shall be known and may be cited as the "Milk Control Law"

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer who purchases milk for consumption or use

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk Dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

"Subdealer" means any milk dealer handling milk within the Commonwealth who sells all such milk to consumers or stores in the same containers as those in which he puchased it from other milk dealers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

ARTICLE II

Organization of the Commission

Section 201 Appointment and Terms of Members Quorum There is hereby created an independent administrative commission to be known as the Milk Control Commission The commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate for terms of six (6) years each and until their successors shall have been appointed and qualified except that the terms of the members first taking office shall expire May first one thousand nine hundred thirty-nine May first one thousand nine hundred forty-one and May first one thousand nine hundred forty-three respectively as designated by the Governor at the time of appointment and until their successors shall have been appointed and qualified

The Governor shall designate one of the members of the commission as chairman The chairman shall when present preside at all meetings and in his absence a mem-

ber designated by the chairman shall preside

Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

The Governor may remove any commissioner for inefficiency neglect of duty or misconduct in office Provided That he is given a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice and that the Governor file with the Department of State a complete statement of all charges made against such commissioner together with a complete record of the proceedings and his findings thereon

Section 202 Qualifications and Salaries Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States

No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The chairman of the commission shall receive a salary of six thousand five hundred dollars ($6.500) per annum The other members of the commission shall receive salaries at the rate of six thousand dollars ($6,000) per annum

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

ARTICLE III

General Powers of the Commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 302 Specific Powers not Impairment of General Powers The operation and effect of any provisions of this act conferring a general power upon the commission shall not be impaired or qualified by the granting to the commission by this act of a specific power or powers

Section 303 Official Seal Evidence The commission may for the authentication of its records process and proceedings adopt keep and use a common seal of which seal judicial notice shall be taken in all courts of this Commonwealth and any process writ notice or other document which the commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the commission and all reports and documents filed with the commission may be proved in any court of this Commonwealth by a copy thereof certified to by the chairman or secretary of the commission with the seal of the commission attached

Section 304 Hearings Witness Fees The commission or any member thereof may hold such hearings at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act Each witness required to attend before the commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All hearings of the commission shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act The commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 306 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the commission to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his lass known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section

shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 309 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission to the effect that a general rule regulation or order was duly posted and publicized as provided in this act shall be prima facie evidence of such posting and publicity

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations to exchange information hold joint hearings and issue join complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

ARTICLE IV

Licenses of Milk Dealers

Section 401 Milk Dealers Required to be Licensed Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

Section 403 Applications An application for a license to operate as a milk dealer shall be completed and filed by the dealer with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer after determination by the commission that the dealer

(1) Has rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) Has without reasonable cause failed to account and make payment for any milk purchased from a producer

(3) Has committed any act injurious to the public health or public welfare or to trade or commence in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or cor-

poration or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of dealing of such nature as to satisfy the commission of an intent of the milk dealer to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period unless the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 406 Cancellation Where the commission declines to grant a license to an applicant or revokes a license and the dealer appeals therefrom obtaining a supersedeas the reason assigned for declining to grant or for revoking the license shall not be a reason for declining to grant the same dealer a license for a subsequent license period However in the event that the appeal from the order of the commission is dismissed or otherwise terminated favorably to the commission any license issued for such subsequent period shall be automatically cancelled five days after the termination of the appeal unless the commission otherwise orders

Section 407 Transfer Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the commission to such transfer is obtained but a receiver an executor or administrator who succeeds to the business of a licensee may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the commission Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license Applications for such transfers shall be filed with the commission at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 408 License Fees Generally The commission shall charge and collect license fees from milk dealers on a yearly basis as follows Where a milk dealer received produced or brought within the Commonwealth during the calendar year preceding the period for which the license is issued a daily average total quantity of milk

(1) Not exceeding twenty (20) pounds a license fee of one dollar ($1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a license fee of three dollars ($3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars ($10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars ($15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars ($30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars ($40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars ($50.00)

(8) Exceeding four thousand (4,000) pounds but not exceeding five thousand (5,000) pounds a license fee of seventy-five dollars ($75.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars ($75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars ($100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars ($150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars ($200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars ($300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars ($500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars ($1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars ($1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars ($2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000) pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars ($3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars ($5,000.00)

The commission shall charge and collect license fees from subdealers on a yearly basis of fifteen dollars ($15.00) for each route owned or operated at the commencement of the licenses period

Except as otherwise expressly provided by this act the license fee fixed by this section shall be paid before any license fee or any renewal thereof is issued Where a license is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

Section 409 License Fees of Certain Milk Dealers Milk dealers who are not engaged in the milk business at the commencement of the license period shall pay a proportionate amount of the annual fee as follows

(1) For a license issued on or after August first but prior to November first three-fourth of the annual fee

(2) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month preceding calendar year shall submit with their application a license fee in the sum of one dollar ($1.00) and in addition thereto at such time or times as the commision may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated

Section 410 Computation of License Fees Milk sold and distributed out side of this Commonwealth in any state which charges milk dealers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commision shall prescribe Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer from another milk dealer subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer and not sold by him to stores or consumers Applicant milk dealers other than sub-dealers receiving their entire supply from milk dealers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 411 Classification of Licenses The commission may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon January second one thousand nine hundred and thirty-four

Section 412 Other Licenses The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

ARTICLE V

Bonds of Milk Dealers

Section 501 Milk Dealers Required to File Bonds It shall be unlawful for a milk dealer to purchase milk from producers unless the milk dealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value ofthe highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars ($100,000.00) The bond shall be upon a form prescribed by the commission sonditioned for the payment by the milk dealer of all amounts due including amounts due under this act and the orders of the commission for milk sold by such producers to the milk dealer during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer who pays producers in full each week for milk purcased by him from such producers the bond shall be in a sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars ($50,000)

Section 502 Computation of Amount of Certain Bonds Milk purchased by milk dealer from producers outside the Commonwealth and sold by such dealers as fluid milk within Commonwealth shall be included in computing the amount of such bond except where such dealer has filed a bond for the protection of such producers with the state wherein the milk is purchased or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer purchasing or intending to purchase milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer shall request the commission to fix such sum

Section 503 Time of Filing The bond herein required shall be filed with the dealers application for a license and shall be filed within the time for filing such application

Section 504 Requisites of Bonds Substitution A corporate surety bond shall be executed to the Commonwealth by the milk dealer as principal and by a corporate surety company authorized to do business in this Commonwealth as surety An individual surety bond shall be executed to the Commonwealth by the milk dealer as principal and by one or more individuals as surety or sureties who shall have sole title to real estate the fair valuation of which free and clear or in excess of all encumbrances shall be at least equal to the amount of the bond A collateral bond shall be executed to the Commonwealth by the milk dealer as principal shall set forth therein the collateral posted with such bond and shall have attached thereto the collateral properly assigned and transfered to the Commonwealth of Pennsylvania The collateral posted with such bond shall be cash in an amount equal to the amount of the bond or such bond shall be secured by an actual deposit with the commission or with a bank bank and trust company or national bank within the Commonwealth of money to full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved bythe commission The security or securities deposited therewith shall constitute a trust fund for producers from whom the dealer purchases milk

The commission may likewise grant to any milk dealer the authority to substitute for any bond surety or any collateral another bond surety or other collateral provided that such other bond surety or collateral meets all the requirements of this act

Section 505 Financial Statement A milk dealer shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased the amount due to the producers and any other relevant facts required by the commision pertinent to the dealer or the dealer's surety or sureties

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling milk to such milk dealers does not adequately protect such producers the commission may require such milk dealer to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable and shall not in any event exceed fifty thousand dollars ($50,000) In the case of a milk dealer who pays producers in full each week for milk purchased by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value and in any event shall not exceed twenty-five thousand dollars ($25,000)

The commission may grant a reduction of the bond or

the collateral or release an additional surety if it shall appear that owing to a decrease in the milk purchases of the milk dealer or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling milk to such milk dealer

Section 507 Duty of State Treasurer All bonds together with any moneys or securities given as collateral therefor received by the commission from milk dealers pursuant to the provisions of this section shall be transmitted by the commission to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the commission

Section 508 Interest or Dividends upon Securities The milk dealer shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer with the commission and transmitted by the commission to the State Treasurer for safe-keeping in accordance with the provisions of this act Provided however That the milk dealer not shall be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer based on milk sold by such producer to the milk dealer

Section 509 Suit by Commission The commission shall have the power in its discretion to sue on the bond on behalf of producers Suit may be brought in the name of the Commonwealth upon relation of the commission or of the Attorney General in such manner as debts are now by law recoverable

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer to be indebted thereunder such order shall be conclusive evidence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission may prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers based on sales of milk by them to a milk dealer who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer shall be insufficient to pay in full the amounts due to producers who have sold milk to such milk dealer the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' Bonds It shall be unlawful for a subdealer to buy milk from a milk dealer who purchases milk from producers unless the subdealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer and shall be conditioned for the payment by the subdealer of all amounts due under this act and the orders of the commission for milk purchased from milk dealer or dealers during the license year subject however to the further condition that if at time of default such milk dealer or dealers are indebted to producers the proceeds thereof shall be held on the account of such dealer or dealers for th benefi of such producers Such bond shall be filed annually with the subdealer's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as provided in the other sections of this article for the bonds of other milk dealers and for suits thereon except where the protection of such milk dealers selling to the subdealer or of producers selling to such milk dealers requires the substitution of such dealers and producers in applying such terms and conditions to the bonds of subdealers

ARTICLS VI

Weighing and Testing

Section 601 Weighing or Measuring Permits It shall be unlawful for any milk dealer to buy or receive milk from producers at any plant station creamery factory or other place within the Commonwealth where such milk is weighed or measured or to sell or deliver milk to stores or consumers unless the milk dealer holds a permit for each place of weighing or measuring such milk issued by the commission as herein provided

The weighing or measuring permit shall be issued by the commission for each such place upon application therefor by the milk dealer on a form prescribed by the commission furnishing information including that pertaining to the apparatus and methods used and persons engaged in weighing or measuring the milk The application shall be accompanied by a fee of five dollars ($5.00) and shall be filed before commencing to weigh or measure milk and annually thereafter on or before December first

Each weighing or measuring permit shall be issued hereunder for the term of one calendar year and shall be posted and kept in plain view of persons delivering milk at the place for which it is issued

Section 602 Certified Testers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the butterfat test thereof is conducted by a tester certified by the commission

The certified tester shall keep an accurate record of all tests made and copies of such record shall be kept for a period of two (2) years by him and by the milk dealer

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk testing issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to the apparatus and methods used in testing be issued a certificate and be designated therein as a certified tester

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a tester's certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in milk testing reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a tester's certificate as herein prescribed

The application for a tester's certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to test milk and annually thereafter on or before December first

The tester's certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the plant in which the certified tester is employed

Section 603 Certified Weighers and Samplers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the samples taken for testing purposes shall be made by a certified tester or certified weigher and sampler and according to the method prescribed in this act

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk weighing and sampling issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to apparatus and methods used in weighing and sampling be issued a certificate and be designated therein as a certified weigher and sampler

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a weighing and sampling certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in weighing and sampling milk reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a certificate as a certified weigher and sampler The application for such weighing and sampling certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to sample milk and annually thereafter on or before December first

The weighing and sampling certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the room in which the certified weigher and sampler is employed

Section 604 Refusal Suspension and Revocation of Permits and Certificates The commission may decline to grant or may suspend or revoke a weighing or measuring permit a tester's certificate or a weighing and sampling certificate where the applicant therefor or holder thereof has violated any provision of this act for the weighing measuring testing or sampling of milk or has violated any rules regulations or orders of the commission respecting the weighing measuring testing or sampling of milk or has engaged in any practice with respect thereto which causes milk producers to be underpaid for their milk or which causes stores or consumers to overpay for such milk or which otherwise defrauds or tends to defraud milk producers stores or milk consumers

The procedure before the commission and of the commission with respect to the refusal suspension or revocation provided for herein and the procedure governing appeals from such action of the commission shall be as that prescribed in this act with respect to milk dealers' licenses issued hereunder

Licenses permits and certificates heretofore issued by the Pennsylvania Department of Agriculture under acts repealed hereby and which are in force upon the effective date of this act shall be deemed permits and certificates issued by the commission hereunder until the expiration dates thereof and the holders shall be subject to all applicable provisions of this act

Section 605 Transfer The permits and certificates herein provided for may not be assigned or transferred

Section 606 Samples Check Tests Milk dealers buying or receiving milk from producers on the basis of or with reference to the amount or percentage of butterfat contained in such milk as determined by the method commonly known as the "Babcock Test" shall make such test at least once every sixteen (16) days The milk from each producer shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk bought or received from said person and shall cover a period of not more than sixteen (16) days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk from each producer concerned and composite samples of all producers concerned shall cover the same period of time

Any person taking a sample or samples of milk either from the aliquot part of each lot of milk sampled or from the composite lot of milk sampled shall thoroughly stir or mix the contents of each and every container immediately before such sample or samples are taken in such manner that the milk is thoroughly mixed in each container before the sample is taken No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which will prevent such thorough stirring or mixing Each composite sample shall be held in an airtight bottle such bottle being plainly showing the name or number of the producer whose milk the composite sample represents and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples

The commission may require that the composite samples be tested on the premises where they are taken After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten (10) days after the rendering of a statement to the producer for milk delivered during such period in order to make possible a check test

Every milk dealer affected by the provisions of this act shall within two (2) days after the day on which the test herein provided for has been made notify the producer or his agent of the result of such test stating the period of time during which said composite samples were taken Notice under this section shall be given by posting of the results of said tests continuously for ten (10) days in a conspicuous place in the plant or receiving station or in writing delivered to the producer or his agent Where a daily test is made on milk and the average of these several tests is used as a basis of settlement there shall also be a composite sample taken covering the period of the first half of the month and a composite sample taken covering the period of the last half of the month and such samples shall be held intact on the premises for a period of not less than ten (10) days after the rendering of a statement to the producers for milk delivered during each such period in order to make possible a check test

The commission shall make check tests and other reasonable tests whenever in its judgment such tests are advisable for the public welfare and may also require additional samples or additional composite samples from time to time

Section 607 Violations It shall be unlawful for any milk dealer or other person engaged or employed in the business of buying or receiving milk from producers or selling or delivering milk to stores or consumers on the basis of or with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample or to underread overread or erroneously manipulate the "Babcock Test" used for determining the amount or percentage of butterfat in such milk or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees (135°) to one hundred forty-five degrees (145°) Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

It shall also be unlawful for such milk dealer or other person so engaged or employed to ascertain the "Babcock Test" of the milk by use of any glassware except standard "Babcock Test" glassware and weights which have been previously inspected and approved by the Department of Internal Affairs If the amount or percentage of butterfat is determined by any method other than the "Babcock Test" no utensil or instrument shall be used in such determination until it has been inspected and approved by the commission

Section 608 Payment for Milk Statement Milk dealers shall determine weight measure and butterfat content of milk as provided in this act or in rules regulations or orders of the commission pertaining thereto and consistent with this act Payment for milk shall be made either upon the basis of weight measure or butterfat content or any combination thereof as the rules regulations or orders of the commission may require

Milk dealers buying or receiving milk from producers shall furnish to each producer or his agent a written statement showing the amount of milk delivered daily during the period for which payment is made and unless the commission otherwise provides the average butterfat test of the milk delivered for such period Such statement shall set forth such information as may be required by the commission shall be furnished periodically at the time of payment prescribed by the commission and in no event less often than monthly Provided however That a written statement of weights may be given daily to the producer or his agent in lieu of such periodic statement of the

amount of milk delivered unless the commission otherwise provides

It shall be unlawful to use as the basis of payment for milk any amount or percentage of butterfat therein which has been ascertained from a sample containing milk that has been so treated as to cause it to test lower or higher than the milk from which it was taken

It shall be unlawful for any person including any milk dealer to knowingly fraudulently or negligently weigh measure sample or test milk or cause milk to be weighed measured sampled or tested in such manner as to cause stores or milk consumers or to make any false or misleading statement with respect to the weight measurement sampling or testing of milk

ARTICLE VII

Records Reports and Information

Section 701 Records Milk dealers subject to license by the commission shall keep within the Commonwealth the following records

(1) A record of the quantity of all milk received or produced detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test weights prices paid and deductions or charges made

(2) A record of the quantity of all milk sold detailed as to grade use location market outlet and size and style of container with prices and amounts received therefor and the butterfat test thereof

(3) A record of the quantities of all milk transported shipped or hauled including the distances and the amounts paid for the movement of such milk in all cases where the dealer pays on his own account or on the account of producers for the movement thereof

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk and milk products

(7) A record of all other transactions affecting the assets liabilities or net worth of the dealer

(8) Such other records and information as the commission may deem necessary for the proper enforcement of this act

The records herein required shall be kept in the possession of the milk dealer for a period not less than two years unless the commission otherwise provides

Section 702 Reports Each milk dealer shall from time to time as required by rule regulation or order of the commission make and file a verified report on forms prescribed by the commission of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period specified in the order and shall be filed within a time fixed by the commission

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk and cooperative agricultural associations or corporations engaged in collectively processing preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for the sale of milk

ARTICLE VIII

Prices of Milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested parties shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer and to the milk dealer

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise amend an official order defining milk marketing areas or fixning prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing ofter giving reasonable notice thereof to interested persons to whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 802 Wholesale and Retail Prices The commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices may fix by official order the maximum wholesale and retail prices to be charged for milk sold within any milk marketing area of the Commonwealth wheresoever produced including milk sold by

(1) Milk dealers to other milk dealers

(2) Milk dealers to consumers

(3) Milk dealers to stores either for consumption on the premises or resale to consumers

(4) Stores to consumers except for consumption on the premise where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers to producers for milk Provided however That the fixing of prices to be paid by milk dealers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adpoted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders

of the commision fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers in any reasonable manner which the commission deems advisable and may vary acording to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is sold and may vary in different areas according to varying classes grades and conditions Each such order may classify milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 805 Price Increases It is hereby declared to be the legislative intent that the benefits of any increase of prices received by milk dealers by virture of the minimum price provisions of this article shall be given to producers except in any case where the commission deems a deviation from this policy necessary in order lawfully to maintain proper milk markets and outlets for producers and consumers The commission shall whenever it deems such action necessary issue orders rules or regulations to effectuate this intent

Section 806 Terms and Method of Payment The commission may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk may prescribe the method of computing payment therefor and may prescribe a form of written statement to be sent to producers with each payment

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or producer to sell buy or offer to sell or buy milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at a price computed upon or erroneous weight butterfats test grade or classification or at aprice from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer of milkproduc ed ouside of the Comm nwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach such restirctions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold in this Commonwealth for shipment into and sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Co-operatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any co-operative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductionsanddifferen tials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or agents thereof shall receive from any producer or from such cooperative association or corporation directly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer for milk purchased by or through such cooperative association or corporation

No provision of this act shall be deemed or constructed to affect the contracts of such cooperative argircultural association or corporation with its producers except as hereinafter specificaly provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milg for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centup (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers with sixty (60) days after the effective date of this act

ARTICLE IX

Appeals and Review

Section 901 Appeals from General Orders Any person aggrieved by an order of the Commission fixing revising or amending the price at or the terms upon which milk may be bought or sold or by any other general action rule regulation or order of the commission may within twenty (20) days after the effective date of such action

rule regulation or order file an appeal therefrom in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court Refusal by the commission of any application for revision or amendment filed as provided in section eight hundred one shall constitute an appealable action within the meaning of this section

Section 902 Appeals from Special Orders Any person aggrieved by an order of the commission in which the commission refuses to issue reissue or transfer or revokes or suspend a license to operate as a milk dealer or by any other order of the commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after the service of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a non-resident who has no place of business within the Commonwealth in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 903 Supersedeas A special order of court permitting an appeal to act as a supersedeas may be made only after reasonable notice to the commission and shall provide that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court to be necessary for the protection of producers and others during the pendency of the appeal

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thererof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days frorm the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission shall file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision

Upon the filing of an answer by the commission the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

Section 905 Certification of Record The commission shall on the return day of such summons or within a reasonable time thereafter certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the commission a copy of all orders made by the commission pertaining to the proceedings and a copy of the order action or decision of the commission which the petition calls upon the court to reverse

Section 906 Scope of Inquiry Mere technical irregularities in the proceduce of the commission shall not be the basis of the decision of the court

In an appeal from an order or decision of the commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

In an appeal from any general order of the commission the case shall be heard by the court and testimony may be taken Provided however That nothing herein shall be construed as relieving the appellant from submitting all essential facts in the first instance to the commission at its hearing held prior to the issuance of such order All or any relevant part of the record certified to the court shall be admitted in evidence by order of the court or upon motion of either party Wherever the petition and answer raise questions of fact the petitioner or appellant shall proceed with evidence in support of the facts alleged in his petition The commission shall then present evidence in support of the answer which evidence may consist of or include the record or any part thereof Any part of the record certified to the court which is not based on technical rules of evidence customary in actions at law shall not be disregarded by the court merely because of the violation of such rules

Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the commission is unreasonable or illegal If the court shall determine that the order is unreasonable or illegal it shall remit the case to the commission with directions to reform the findings or order or to revoke the order in accordance with the court's opinion

Section 907 Costs The court shall have full power to assess the costs upon either party or to divide them between the parties

Section 908 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal from an order of the commission applying only to the particular person or persons named therein an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law From the decision of a court of common pleas upon an appeal from a general rule regulation or order of the commission an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

ARTICLE X

Penalties and Remedies

Section 1001 Summary Offenses Except as otherwies specially provided in this act any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall for each offense upon conviction thereof in a summary proceeding be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) and in default thereof to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days

Section 1002 Misdemeanors For a third or subsequent offense any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1003 Actions to Enforce Compliance The Commission or any person marketing committee or association composed of persons affected by the orders rules or regulations of the commissions may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 1004 Application for Injunction Remedies In addition to any other remedy at law or in equity or under this act the commission may apply to the Court of Common Pleas of Dauphin County for relief by injunction or to the court of common pleas in the county wherein the defendant resides or has his principal place of business to enforce compliance with or restrain viola-

tions of any provision of this act or any rule regulation or order of the commission made pursuant thereto The said Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such actions by the commission regardless of where they may arise in the Commonwealth The commission shall not be required to file any bond in any action under this act

The penalties and remedies prescribed in this act shall be deemed concurrent or contemporaneous and the existtence or exercise of any one remedy herein shall not prevent the commission from exercising any other remedy hereunder

Section 1005 Proceedings Before the Commission Appropriate proceedings against any milk dealer violating this act or the rules regulations or orders of the commission may be instituted before the commission by any producer to whom the lawful price of milk has not been paid or to whom such price has not been fully paid and such proceedings may also be instituted upon the commisssion's own motion

Section 1006 Perjury Any person who shall wilfully and corruptly make a false oath or affirmation before the commission at any investigation or hearing or in any report or statement authorized or required by this act shall be guilty of perjury and on conviction be subject to the penalties prescribed by law for wilfully and corruptly making false oath or affirmation

ARTICLE XI

Moneys and Expenses of Commission

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund

Section 1102 Expenses As much of the money from time to time in the Milk Control Fund as may be necessary is hereby specifically appropriated to the Milk Control Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol building either in or outside of the capital city occupied by the commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the commission

(4) Premiums for surety bonds for such officers or employes of the commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the commission

(6) Furniture stationery materials supplies and all other overhead expenses of the commission

(7) All other expenses of every kind and description necessary for the performance by the commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

Section 1103 Refunds As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approval claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

Section 1104 Approval of Governor Estimates of the amounts to be expended under this act by the Milk Control Commission either or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Milk Control Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time making of any such requisition

Section 1105 Miscellaneous Fees The commission shall charge and collect the following fees for the following services

For copies of papers testimony and records the fee shall be twenty cents (0.20) per page

For certifying a copy of any paper or testimony two dollars ($2.00)

For certifying a copy of a record for proceedings upon appeal five dollars ($5.00) in appeals from special orders and ten dollars ($10.00) in appeals from general orders

Section 1106 Appropriations The unexpended balance existing on the effective date of this act in the Milk Control Fund under the provisions of the act approved the thirtieth day of April one thousand nine hundred thirty-five (P. L. 96) is hereby transferred to the Milk Control Fund created by this act and is hereby appropriated to the Milk Control Commission for the same purposes for which the moneys in such fund are hereinbefore appropriated by this act

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Commission for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-seven and ending on the thirty-first day of May one thousand nine hundred thirty-nine

The unexpended balance existing on the effective date of this act in any appropriation made out of the General Fund to the Milk Control Board of the Commonwealth of Pennsylvania is hereby transfered and appropriated to the Milk Control Commission for the fiscal period ending May thirty-first one thousand nine hundred thirty-seven for the same purposes as expressed in the act making such appropriation and any such unexpended balance also is hereby appropriated to the Milk Control Commission for the payment of any bills or encumbrances incurred by the Milk Control Board of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

ARTICLE XII

Saving Provisions

Section 1201 Severability It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part sentence or clause hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

It is hereby declared as the intent of the Legislature that every other part sentence or clause of this act would have been enacted had such unconstitutional provision not been included herein

Section 1202 Interstate Commerce No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United

States and the laws of the United States enacted pursuant thereto

Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly All rules regulations orders suits hearings investigations prosecutions and all other proceedings or actions of any kind whatsoever of the Milk Control Board of the Commonwealth of Pennsylvania as created or continued under Acts of Assembly prior to the effective date of this act and repealed hereby in existence or pending prior to or upon the effectiv date of this act and all penalties obligations appeals or violations of milk dealers and others under said rules regulations orders and prior Acts of Assembly incurred pending or accrued prior to or upon the effective date of this act shall be saved and continued in every manner and for all purposes after the effective date of this act and shall be continued under the provisions hereof All employes papers and possessions of such predecessor board shall become the employes papers and possessions of and subject to the commission created by this act

The repeal by this act of any other act shall not impair repeal or effect any act done bond posted offense commited liability penalty or judgment incurred or rule regulation or order issued prior to the time this act takes effect but the same may be enforced prosecuted or inflicted under the provisions of this act to the same extent as if such other act had not been repealed or had not expired

All licenses permits certificates rules regulations and orders issued or made under any act repealed by this act and in full force and effect upon the effective date of this act shall remain in full force and effect for the term issued or until revoked suspended or superseded under the provisions of this act or rules regulations or orders of the commission made hereunder

ARTICLE XIII

Repeals and Effective Date

Section 1301 Acts Specifically Repealed The following acts are hereby specifically repealed except in so far as necessary to sustain or maintain the validity prosecution or enforcement of an act done bond posted offense committed liability penalty or judgment incurred or rule regulation or order issued thereunder and saved or continued by this act

The act approved the fifteenth day of April one thousand nine hundred seven (Pamphlet Laws sixty-three) entitled "An act regulating the sale of milk skim-milk and cream establishing the standard of measurement and providing for the enforcement thereof

The act approved the sixth day of May one thousand nine hundred twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties"

The act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred twenty-six) entitled "An act requiring certain persons associations copartnerships and corporations to keep full accounts and records with respect to the sales and transactions relating to dairy products and to submit the same to inspection by the Secretary of Agriculture and prescribing the effect of failure to comply with the orders of the Secretary of Agriculture providing penalties and prescribing remedies and by further regulating the issuance and revocation of permits as provided by the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' as amended"

The act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation"

The act approved the thirtieth day of April one thousand nine hundred thirty-five (Pamphlet Laws ninety-six) entitled "An act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled 'An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation' by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation"

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred fourteen) entitled "An act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales of butterfat test and

empowering the Secretary of Agriculture to adopt rules and regulations"

Section 1302 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the report?

Mr. GELDER. Mr. President, I would like to call attention to the fact that the Conference Commitee on Senate Bill No. 1064 was appointed about 4 o'clock this afternoon and the report comes in that the Conference Committee with the bill printed, seventy-six pages. We understand that this bill was printed before the Committee of Conference in the Senate was even appointed. It certainly was a physical impossibllity for any printer, regardless of their facilities, to print this bill, within the hour, to say nothing to giving it consideration. I just want to call attention of the Senate to that fact, because this is not a matter of efficiency, this is a matter of ruthless steam-rollering the interests of the rural communities of the State.

The PRESIDENT. The Chair states that the Conference Report is officially before the Senate.

And the question recurring,

Will the Senate agree to the report?

Mr. OWLETT. Mr. President, I ask that the roll be verified.

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette will state his point of order.

Mr. CAVALCANTE. Mr. President, the Senator from Tioga, Mr. Owlett did not vote and therefore is not entitled to demand a verification of the roll.

Mr. GELDER. Mr. President, the Senator from Tioga, certainly has a right to know whether or not he and the rest of us are recorded as voted.

POINT OF ORDER

Mr. CAVALCANTE. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Fayette will state his point of order.

Mr. CAVALCANTE.. Mr. President, the Senator from Susquehanna, Mr. Gelder, voted present and is not entitled to a verification of the roll.

Mr. SHAPIRO. Mr. President, I rise to ask if we are on the question as to whether or not members present in the Senate have a right to refrain from voting? I take it that under the ruling, a member being present must vote "aye" or "no" on the bill. I ask that the roll be re-called and those present and voting present be asked to vote "aye" or "no" on the bill.

Mr. GELDER. Mr. President, the members who voted "present" had no opportunity to study the bill.

The PRESIDENT. Under parliamentary practice—we operate under Jefferson's manual—it is well established that the Chair before the announcement of any result, at his discretion, may order the vote to be recapitulated, and the Chair does that very thing.

Mr. SHAPIRO. Mr. President, I ask for a ruling on my request as to the right of members voting "present," without voting "aye" or "no", and before a recapitulation of the vote. I ask for a ruling.

The PRESIDENT. The Chair is of the opinion that the point of order raised by the Senator from Philadelphia is well taken and now directs a recapitulation of the vote.

(Mr. Deitrick voting present).

POINT OF ORDER

Mr. SHAPIRO. Mr. President, I rise to a point of order: The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, The Chair has a right to insist that a member failing to vote be held in contempt of the Senate.

Mr. OWLETT. Mr. President, I would like to ask the Senator from Philadelphia, what he proposes to do with the man that refuses to vote?

The PRESIDENT. The Chair has ruled in favor of the position of the Senator from Philadelphia, that a Senator should vote; however, the Chair does not know of any way that the rule can be enforced.

Mr. SHAPIRO. Mr. President, I would like to suggest that the Chair can declare a member in comtempt and if the member is in contempt he may not participate in the proceedings of the Senate, and not participate in the proceedings of the Senate, he is not entitled to any compensation or any other rights under the rule.

The PRESIDENT. The Chair suggests that we proceed with the roll call and determine that matter later.

POINT OF ORDER

Mr. HOMSHER. Mr. President, I should like to submit a point of order.

The PRESIDENT. The Senator from Lancaster, Mr. Homsher, will state his point of order.

Mr. HOMSHER. Mr. President, my point of order is that when less than quorum votes the Chair can request the members to vote and when there is a quorum voting I do not see any authority for the Chair to compel the Senators to vote "yes" or "no."

The PRESIDENT. The Chair has ruled on the point and has decided there is a question as to whether that can be done. The Chair has ordered a recapitulation of the vote and suggests that the vote be had.

Mr. HOMSHER. Mr. President, I refer the Chair to rule 36.

The PRESIDENT. The Chair understands Rule 36 and has already ruled on that. The roll will be called.

Mr. GELDER. Mr. President, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—27

Cavalcante,	Heyburn,	McCreesh,	Shapiro,
Dent,	Huffman,	McGinnis,	Sipe,
DiSilvestro,	Jacobs,	Mundy,	Sones,
Eroe,	Kahle,	Pytko,	Stiefel,
Frey,	Kilgallen,	Rankin,	Thompson,
Gilson,	Lanius,	Reed,	Wolfenden,
Haluska,	Law,	Ruth,	

NAYS—5

Gelder,	Howell,	Owlett,	Scarlett,
Homsher,			

Deitrick present.

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

QUESTION OF PERSONAL PRIVILEGE

Mr. GELDER. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Susquehanna, Mr. Gelder, will state his question of personal privilege.

Mr. GELDER. Mr. President, I want to say for myself and for the benefit of my Republican colleagues that this question, we voted "no" in deference to the decision of the Chair that we could not vote present, and also as a protest of the methods employed by our colleagues on the left, of absolutely ignoring one of the greatest industries in Pennsylvania and refusing to give them any consideration when they demanded a hearing and simply steamrollered this legislation through, without any of us having an opportunity even to see the Conference Committee's report, within a few minutes before we were asked to vote for it, and I also want to say that I have been told that the members of the Conference Committee did not see the report until it was prepared for them, at least some of the members.

REPORTS FROM COMMITTEES

Mr. LANIUS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LANIUS, from the Committee on State Government reported as committed, Senate Bill No. 892, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 50, entitled:

An Act to amend Article twenty-four of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "First Class Township Law," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

House Bill No. 51, entitled:

An Act to amend Article thirty-two of the act, approved and thirty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "Third Class City Law," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

House Bill No. 52, entitled:

An Act to amend Article fifteen of the act, approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "The Second Class Township Law," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

House Bill No. 53, entitled:

An Act to amend Article twenty-one of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "General Borough Act," providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

House Bill No. 1043, entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen), entitled "State Personal Property Tax Act" as amended, by imposing annual taxes for State and county purposes, and, in cities coextensive with counties, for State, city and county purposes; making further provisions for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and future borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities coextensive with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

House Bill No. 2162, entitled:

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. GELDER. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GELDER, from the Committee on Highways, reported as committed, Senate Bill No. 332 (House Bill No. 746), entitled:

An Act to further amend section one of an act, approved the twenty-first day of May, one thousand nine hundred thirty-one (P. L. 147), entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships, under certain conditions and restrictions, and appropriating money in the Motor License Fund for such purposes; providing for a limitation of the Commonwealth's liability for reconstruction and maintenance, in certain cases, under orders of court or the Public Service Commission; providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts; authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws, subject to certain conditions and restrictions; providing for the crediting of certain moneys to the Motor License Fund; and providing for the return to the county or disposal of said bridges in certain cases; and repealing certain acts with reference to county bridges," by adding thereto county and township bridges over mill races.

Also from the Committee on Highways reported as committed, Senate Bill No. 843 (House Bill No. 1562), entitled:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1406) entitled 'An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

Mr. CAVALCANTE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CAVALCANTE, from the Committee on Judiciary Special, reported as amended, Senate Bill No. 1012 (House Bill No. 843), entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent assignees, executors, administrators, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water, in cities of this Commonwealth and to prevent fraudulent practices in connection therewith; and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

Mr. JACOBS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. JACOBS, from the Committee on Highways, reported as committed, Senate Bill No. 334 (House Bill No. 751), entitled:

An Act authorizing the Secretary of Highways, with the approval of the Governor, to enter into agreements with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquisition of such bridges or for the division of responsibility for such maintenance thereof.

Mr. HALUSKA. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA, from the Committee on Highways, reported as committed, Senate Bill No. 974 (House Bill No. 1570), entitled:

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties

Mr. RUTH. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH, from the Committee on Game and Fisheries, reported as amended, Senate Bill No. 189, entitled:

An Act to amend sections two hundred and two of the act, approved the second day of May, one thousand nine hundred twenty-five (P. L. 448), entitled "An act relating to fish, and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by providing additional penalties for killing fish by pollution or explosions.

Mr. McGINNIS. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McGINNIS, from the Committee on Highways, reported as amended, Senate Bill No. 761 (House Bill No. 662), entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (P. L. 905) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrains and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the registration year and adjusting registration fees

Mr. MUNDY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. MUNDY, from the Committee on Highways, reported as committed, Senate Bill No. 333 (House Bill No. 747), entitled:

An Act to amend section fourteen of an act, approved the thirty-first day of May, one thousand nine hundred and eleven (P. L. 468), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two Deputy State Highway Commissioners, chief engineer, chief draftsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats, principal cities, and towns and extending to the State line; describing and defining same by route numbers as the State highways of the Commonwealth; providing for the improvement, maintenance, and repair of said State highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring boroughs and incorporated towns to maintain certain State highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway, and procedure therein; providing for work of improvement of State highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State-aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or re-

pairs to be paid by State, county, township, borough, or incorporated town, and requiring contracts by counties, townships, boroughs, and incorporated towns with Commonwealth governing same; providing for the minimum width of State highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by changing the requirements for public notices or proposals for construction, reconstruction or improvement of all State highways under the provisions of this act," by changing the requirements for public notices of proposals for construction, reconstruction or improvement of all State highways under the provisions of this act.

Mr. STIEFEL. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. STIEFEL, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1086, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled, "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

HOUSE MESSAGE

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL No. 1273

The Clerk of the House of Representatives being introduced, presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives.

Resolved (if the Senate concur), That the House Bill No. 1273, entitled:

An Act to amend section eleven of the act, approved the sixth day of June, one thousand eight hundred and ninety-three (P. L. 335), entitled "An act to provide for the consolidation of boroughs, and the government and regulation thereof"; making further regulations for the election of justices of the peace in such consolidated boroughs.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS INTRODUCED

Mr. McCREESH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH, read in his place and presented to the Chair, Senate Bill No. 1130, entitled:

An Act to further amend the act, approved the fifteenth day of May, one thousand nine hundred and fifteen (P. L. 534), entitled "An act relating to motion picture films reels, or stereopticon views or slides; providing a system of examination, approval, and regulation thereof, and of the banners, posters, and other like advertising matter used in connection therewith; creating the Board of Censors; and providing penalties for the violation of the act," by prohibiting the possession of motion picture films, reels or views not approved requiring permits in certain cases and increasing penalties.

Which was committed to the Committee on State Government.

Mr. SHAPIRO. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO, read in his place and presented to the Chair, Senate Bill No. 1131, entitled:

An Act licensing and regulating the business of private detectives, investigators and guards, the qualifications and conduct of their employees, prescribing penalties and repealing inconsistent acts.

Which was committed to the Committee on Labor and Industry.

BILL SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both house of the General Assembly and the same being correct, the title was publicly read as follows:

House Bill No. 1574, entitled:

An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees thereof; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearings and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling, and testing; authorizing the commission to examine the business, papers, and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers, and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeals to the courts from decisions of the commission, and for the burden of proof upon such appeals prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superceded by this act, and saving rights, duties and proceedings thereunder; and making appropriations.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 942, entitled:

An Act to amend subsection three of section one of the act, approved the ninth day of July, one thousand nine hundred and one (P. L. 614), entitled: "An act relating to the service of certain process in actions at law, and the effect thereof, and providing who shall be made parties to certain writs," as amended, by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, and the footways and curbs adjacent thereto, in counties other than that wherein the real estate, footways and curbs are located and the writ issues.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38.

Cavalcante,	Heyburn,	Mallery,	Rupp,
Deitrick,	Homsher,	McCreesh,	Ruth,
Dent,	Howell,	McGinnis,	Scarlett,
DiSilvestro,	Huffman,	Mundy,	Shapiro,
Eroe,	Jacobs,	Owlett,	Sipe,
Frey,	Kahle,	Pytko,	Sones,
Gelder,	Kilgallen,	Rankin,	Stiefel,
Gilson,	Kunkel,	Reed,	Thompson,
Haluska,	Lanius,	Rice,	Wolfenden,
Henney,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative..

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 945, on third reading, entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth; requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate, or copy thereof to the City Council, the Mayor and the City Controller; making it the duty of the Council to appropriate and provide the sum so estimated to be required, and repealing inconsistent legislation.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 946, on third reading, entitled:

An Act to amend section two of an act approved the sixteenth day of May, one thousand nine hundred and twenty-nine, Pamphlet Laws seventeen hundred and seventy-three, entitled "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale" by eliminating the requirements that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein, shall be deposited in the funds of such corporations for the redemption of bonds of said corporation, when the said bonds issued for the acquisition of such property or bonds refunding such original issue, shall have been redeemed and paid.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 951, entitled:

An Act providing for the service of process in civil actions on non-resident owners, tenants or users of real estate located within the Commonwealth of Pennsylvania, and the footways and curbs adjacent thereto, or any such resident of this Commonwealth who shall subsequently become a non-resident; and making the ownership, possession, occupancy, control maintenance and use of such real estate, footways, and curbs the equivalent of the appointment of the Secretary of the Commonwealth of Pennsylvania as the agent of said non-resident, upon whom civil service may be served; and providing for further notice to the defendants in any such action.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Cavalcante,	Heyburn,	Law,	Rupp,
Dent,	Homsher,	McCreesh,	Ruth,
DiSilvestro,	Huffman,	McGinnis,	Scarlett,
Eroe,	Jacobs,	Mundy,	Shapiro,
Frey	Jaspan,	Owlett,	Sipe,
Gelder,	Kahle,	Pytko,	Sones,
Gilson,	Kilgallen,	Rankin,	Stiefel,
Haluska,	Kunkel,	Reed,	Thompson,
Henney,	Lanius,	Rice,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative..

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 953 on third reading entitled:

An Act providing for the commencement of civil actions for damages arising from the ownership, possession, occupancy, control, maintenance and use of real estate, the footways and curbs adjacent thereto, and providing for the service of process in such cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent that Senate Bill No. 955 on third reading entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits, to acquire property within and without their corporate limits by purchase, lease, gift and the power of eminent domain, for such purposes; to generate power and erect power plants stations and lines in connection therewith; and to use, sell and purchase water, water power and electric energy within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages; and repealing inconsistent laws.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 957, entitled:

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County: providing for trial without jury and for the filing of agreements therefore: providing for the payment of jury fees.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—31

Cavalcante,	Huffman,	McCreesh,	Ruth,
Dent,	Jacobs,	McGinnis,	Shapiro,
DiSilvestro,	Jaspan,	Mundy,	Sipe,
Eroe,	Kahle,	Owlett,	Sones,
Frey,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska	Lanius,	Reed,	Wolfenden,
Homsher,	Law,	Rice,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 975 (House Bill No. 1572) on third reading entitled:

An Act to amend sections one eight eleven and thirteen of the act, approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 995, entitled:

An Act to further amend the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; confering powers and imposing duties on the courts of common pleas, and certain State departments, commissions, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and parts of acts relating to corporations," providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Heyburn,	Law,	Rice,
Dent,	Homsher,	McCreesh,	Ruth,
DiSilvestro,	Huffman,	McGinnis	Shapiro,
Eroe,	Jacobs,	Mundy,	Sipe,
Frey,	Kahle,	Owlett,	Sones,
Gelder,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska,	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1005, entitled:

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of Article nineteen of the act approved the twenty-fifth day of June on thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled "An act for the better government of cities of the first class of this Commonwealth as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred three).

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Heyburn,	Law,	Rice,
Dent,	Homsher,	McCreesh,	Ruth,
DiSilvestro,	Huffman,	McGinnis	Shapiro,
Eroe,	Jacobs,	Mundy,	Sipe,
Frey,	Kahle,	Owlett,	Sones,
Gelder,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska,	Lanius,	Reed,	Wolfenden,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1021, entitled:

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Homsher,	McCreesh,	Rice,
Dent,	Huffman,	McGinnis,	Shapiro,
DiSilvestro,	Jacobs,	Mundy,	Sipe,
Eroe,	Kahle,	Owlett,	Sones,
Frey,	Kilgallen,	Pytko,	Stiefel,
Gilson,	Kunkel,	Rankin,	Thompson,
Haluska,	Lanius,	Reed,	Wolfenden,
Heyburn,	Law,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1031, (House Bill No. 1477), entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Cavalcante,	Homsher,	Law,	Rice,
Dent,	Huffman,	McCreesh,	Ruth,
DiSilvestro,	Jacobs,	McGinnis,	Shapiro,
Eroe,	Kahle,	Mundy,	Sipe,
Frey,	Kilgallen,	Pytko,	Sones,
Gilson	Kunkel,	Rankin,	Stiefel,
Haluska,	Lanius,	Reed,	Thompson,
Heyburn,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 289 (House Bill No. 150) on second reading entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE. Mr. President, I ask unanimous consent that Senate Bill No. 357 on second reading entitled:

An Act to amend sections one thousand six and one thousand thirty-five, as amended, and section one thousand sixty-two of the Act approved the fourth day of May, one thousand nine hundred twenty-seven (Pamphlet Laws, five hundred nineteen) entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating the method of making appropriations, expenditures, employments, contracts and purchases by boroughs; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditors' statement; requiring the controller or secretary to file an annual report with such department; conferring jurisdiction of certain cases upon aldermen, magistrates and justices of the peace; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE. Mr. President, I ask unanimous consent that Senate Bill No. 358 on second reading entitled:

An Act to amend section five hundred forty-seven as amended, and sections eight hundred two and nine hundred two of, and to add section nine hundred and two A to the act, approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," providing for and regulating the method of making appropriations, expenditures, contracts, employments, and purchases by the townships; relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors, the Department of Internal Affairs; providing for public notice of the preparation of such budget; relating to the filing of such budget with the Department of Internal Affairs; requiring auditors to file an annual report with such Department; conferring jurisdiction of certain cases upon

alderman, magistrates and justices of the peace; and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 394 (House Bill No. 655), as follows:

An Act to amend section thirty of the act approved the second day of May one thousand nine hundred and twenty nine (Pamphlet Laws 1237) entitled "An act effecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for service on respondents who are lunatics or persons non compos mentis or confined in institutions for mental treatment

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section thirty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1237) entitled "An act affecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 30 Service Where Respondent a Lunatic In cases where the respondent is a hopeless lunatic or non compos mentis the service of the subpoena in divorce shall be made as provided in this act but such service shall be made upon the committee of such lunatic or person non compos mentis

In case no committee has been appointed for such lunatic or person non compos mentis or for a person confined in any institution for mental treatment then the libellant shall cause service of notice of the intent to bring an action in divorce to be made upon anyone of the next of kin (who is sui juris) of the said respondent and requiring said next of kin to petition for the appointment of a committee to represent the respondent within twenty days after date of service of the notice in default of the next of kin petitioning for the appointment of a committee then the court of common pleas shall appoint a proper person as committee upon the petition of the libellant

If any of the respondent's next of kin resides within the jurisdiction of the court, the service of the notice shall be made by personal service on said next of kin, but if the next of kin resides without the jurisdiction of the court, then such notice shall be served by registered mail with return receipt requested.

Where the respondent has several next of kin in the same degree of consanguinity service as herein required need be made only upon any one of such next of kin

If it be shown to the satisfaction of the court that the said respondent has no next of kin, then upon petition of the libellant the court shall appoint a proper person to act as a committee."

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 401 (House Bill No. 890), entitled:

An Act to amend section two thousand five hundred eighty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" correcting a defect in said section by supplying omitted matter

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 413, on second reading, entitled:

An Act to amend section six as amended in part, and section ten of the act, approved the thirty-first day of May one thousand nine hundred and twenty-three (P. L. 481), entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen, assistant mine foreman ,and fire bosses in the bituminous coal mines of this Commonwealth; prescribing the qualifications; defining the powers and duties, and fixing the compensation of such examiners; authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations, and to designate the boards before whom applicants in the various inspection districts shall appear; providing for the issuance of certificates of qualification to successful applicants; fixing the fees to be paid by applicants, and providing for their disposition; forbidding the employment of unqualified persons as mine foremen, assistant mine foremen, and fire bosses; providing a penalty for forging or making false statements regarding certificates;" further regulating the qualifications and examination of applicants for said certificates of qualification, and the employment of foremen and assistant foremen in such mines.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 414, on second reading, entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines providing for the safe periodic removal of dust accumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 415, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 416, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 518, (House Bill No. 302), entitled:

An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred seventy-seven) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city borough town or township

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 549, as follows:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand eight hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1805 Separate Specifications for Branches of Work In the preparation of specifications for the erection or alteration of any public building when the entire cost of such work exceeds one thousand dollars the architect engineer or person preparing such specifications shall prepare separate specifications for the plumbing heating ventilating and electrical work and the structural steel and ornamental iron work and the township shall receive separate bids upon each of such branches of work and award the contract for the same to the lowest responsible bidder

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 550, on second reading entitled:

An Act to amend section two thousand five hundred eleven of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 551 on second reading entitled:

An Act to amend section one thousand nine hundred and six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 552 on second reading, entitled:

An Act to amend section five hundred sixty-three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 553 on second reading entitled:

An Act to amend section eight hundred four of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 554 on second reading entitled:

An Act to amend section one of the act, approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred fifty-five) entitled "An act regulating the letting of certain contracts for the erection construction and alteration of public buildings"

providing that in such cases separate contracts shall be awarded for the structural steel and ornamental iron work.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

Mr. GILSON. Mr. President, I ask unanimous consent that Senate Bill No. 566 on second reading entitled:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 632 on second reading entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispenced with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 658, (House Bill No. 646), as follows:

An Act to promote the public health safety morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold providing for the acquisition of property by the exercise of the power of eminent domain through the State Board of Housing providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof defining the rights powers and duties of such companies and of persons investing in or dealing with such companies authorizing such companies to lease and operate or to manage projects of any housing authority and borrow money from agencies of the United States Government exempting all such companies from the payment of any capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions authorizing certain existing companies to accept the provisions of this act and repealing inconsistent acts

Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act shall be known and may be cited as the "Limited Dividend Housing Company Law"

Section 2 Declaration of Necessity

(a) It is hereby declared that bad housing conditions which exist in certain localities of the Commonwealth are a menace to the health safety morals welfare and reasonable comfort of the citizens of the Commonwealth and

(b) The correction of these conditions in such areas being now otherwise impossible it is essential that provisions be made for the investment of funds at low interest rates the acquisition at fair prices of adequate parcels of land the gradual demolition of existing unsanitary and unsafe housing and the construction of new housing facilities under public supervision in accord with proper standards of sanitary and safety and at a cost which will permit monthly rentals which families of low income can afford to pay

Section 3 Definitions The following words and phrases when used in this act shall have the meanings respectively ascertained to them in this section.

"Board" shall mean the State Board of Housing in the Department of Health of this Commonwealth

"Housing Authority" shall mean any housing authority organized pursuant to any law of this Commonwealth

"Municipality" shall include only cities boroughs and townships

" A limited dividend housing company" referred to hereafter as a "company" shall be a company incorporated under and governed by the provisions of the general corporation laws relating to business corporations of this Commonwealth to the extent that such provisions are not in conflict herewith Three or more persons may incorporate a company for the public purpose of building and operating or managing a housing project to be rented at rates not exceeding those prescribed by the Board No share holder or debenture holder in such a company shall receive on his investment a greater dividend or interest return per annum than that provided herein

Section 4 Formation of Limited Dividend Housing Companies Three or more persons may incorporate a company in the manner prescribed for the incorporation of business corporations conducted for profit to the extent that the laws relating thereto be not inconsistent herewith for the purpose of acquiring constructing maintaining and operating housing projects when authorized by and subject to the supervision of the Board The term for which any such company is organized shall be not less than thirty years Except as otherwise provided herein such companies shall be subject to all laws relating to business corporations conducted for profit The articles of incorporation to be filed with the Department of State by the incorporators shall set forth in addition to any information required of incorporators of business corporations conducted for profit

(a) A declaration that the company has been organized to perform the public purposes of a company and that it shall remain at all times subject to the supervision of the control of the Board or of other appropriate State agency that all real estate acquired by it and all structures erected by it shall be deemed to be acquired for the purpose of promoting the public health safety morals and general welfare and that its shareholders shall be deemed when they subscribe to and receive the shares thereof to have agreed that they shall at no time receive or accept from the company in repayment of their investment in its shares any sums in excess of the par value of the shares together with cumulative dividends at the rate of six per centum per annum and that any surplus earnings in excess of such amount if such company shall be dissolved shall revert to the Commonwealth

(b) A stipulation that the real property of the company shall not be sold transferred or assigned except under and pursuant to the terms and provisions of this act

(c) That all the shares of the company shall have a par value

The articles of incorporation may provide that in the event that income debenture certificates are issued by the company the owners thereof may be given the same right to vote as they would have if possessed of share certificates of the amount and par value of the income debenture certificates held by them If provision is made for the issuance of income debenture certificates interest shall be paid by the company on income debenture cer-

tificates out of net earnings only of the company that would be applicable to payment of dividends if there were no income debentures

The articles of incorporation may permit the retirement of income debenture certificates and shares of the company if as and when there shall be funds available in the treasury of the company from the receipt of amortization or sinking fund installments for that purpose as provided by this act but the amount so retired shall not exceed ninety per centum of the par value of all classes of shares issued and outstanding at the time of the final completion of the building or buildings embraced in the project income debentures may be redeemed to one hundred per cent

Section 5 Consent of Board to Incorporation of Limited Dividend Housing Companies Before any articles of incorporation are filed with the Department of State under this act the incorporators shall apply to and receive from the Board a certificate that it approves the project for which the proposed limited dividend housing company is to be formed and that it consents to the formation of such company The certificate from the Board shall be presented to the Department of State together with the articles of incorporation The Department of State shall not issue a certificate of incorporation evidencing the incorporation of any limited dividend housing company unless and until a certificate from the Board has been filed as aforesaid

Section 6 Restrictions on Companies No Limited dividend housing company shall

(A) Pay interest returns (1) on its mortgage indebtedness at a higher rate them deemed necessary by the Board provided however that the rate established by the Board shall not exceed six per centum per annum or (2) upon its income debenture certificates at a rate higher than six per centum per annum

(B) Issue its shares debentures and bonds covering any project undertaken by it in an amount greater in the aggregate than the total actual final cost of such project including the lands improvements charges for financing and supervision approved by the Board and interest and other carrying charges during construction and an allowance for working capital to be approved by the Board but not exceding three per centum of the estimated cost or of the total actual final cost of the project if that shall be greater than the estimated cost

(C) Mortgage any real property without first having obtained the consent of the Board

(D) Issue any securities or evidences of indebtedness without having first obtained the approval of the Board

(E) Use any building erected or acquired by it for other than housing purposes except that upon approval of the Board it may in the first story of a two-family or multiple dwelling above the cellar or basement and the space below such story or in the case of a group of one-family or two-family houses in a reasonable proportion of such buildings provide for stores professional offices commercial cooperative necessary garage facilities or recreational purposes and when permitted by law the roof of multiple dwellings may be used for cooperative or community purposes

(F) Charge or accept any rental for housing accommodations in any building constructed acquired operated or managed by it in excess of the rates prescribed by the Board Any rental paid in excess of such rates may be recovered from the company

(G) Make other than authorized payments which shall be limited to (1) all fixed charges and all operating and maintenance charges and expenses including taxes assessments insurance amortization charges in amounts approved by the Board to amortize the mortgage indebtedness in whole or in part depreciation charges if when and to the extent deemed necessary by the Board reserves sinking funds and corporate expenses essential to operation and management of the project in amounts approved by the Board (2) a dividend not exceeding the maximum fixed by this act upon the shares of the company allotted to the project by the Board (3) where feasible in the discretion of the Board payments to a sinking fund in an amount to be fixed by the Board for the gradual retirement of the shares and income debentures of the company When tenants own shares or income debentures in a limited dividend housing company incorporated under this act a sinking fund may with the approval and subject to the regulations of the Board be set up and maintained out of the net profits applicable to surplus and used subject to the regulations of the Board for the purchase at not to exceed par and accrued interest of the shares and income debentures held by tenants ceasing to be occupants of the buildings Shares so purchased may be resold by the company

(H) Enter into contracts for the construction of housing projects or for the payment of salaries to officers or employees except subject to the inspection and revision of the Board and under such regulations as the Board may from time to time prescribe

(I) Voluntarily dissolve without first having obtained the consent of the Board

(J) Make any guaranty or contract to pay any debt which is a lien or is secured by any lien upon any property in which the company shall have any interest regardless of whether such debt is a debt of the company without the approval of the Board

Section 7 Tax Exemptions The capital stock of limited dividend housing companies incorporated under the provisions of this act shall not be taxed for State purposes

Section 8 Acceptance of Benefits of Act Any limited dividend housing company incorporated prior to the passage of this act may with the approval of the Board accept the provisions of this act by amending its articles in conformity herewith and thereupon become subject to the terms and provisions of this act

Section 9 Reorganization of Companies Reorganization of limited dividend housing companies shall be subject to the supervision and control of the Board and no reorganization shall be had without the authorization of the Board Upon all such reorganizations the amount of capitalization including all shares income debentures bonds and other evidence of indebtedness shall be such as is authorized by the Board not exceeding the fair value of the property involved

Section 10 Limited Return on Shares and Debentures No shareholder in any company formed hereunder shall receive any dividend in any one year in excess of six per centum per annum except that when in any year dividends in the amount prescribed in its articles shall not have been paid on the shares of such company the shareholders may be paid the deficiency without interest out of any surplus earned in succeeding years This provision shall likewise be applicable to income debenture certificates and interest thereon at the rate specified in such certificates shall be cumulative

Section 11 Time of Payment of Subscriptions Subscriptions to the shares or income debentures of a company formed hereunder shall be paid at such times and in such installments as the company may require with the approval of the Board If any default shall be made in the payment of any installment as so required the company may enforce the subscription by appropriate action and upon its failure or refusal so to do such subscription may be enforced by the Board acting through the Department of Justice

Section 12 Consideration for Issuance of Shares and Bonds No limited dividend housing company shall issue shares bonds or income debentures except for money paid or services rendered in connection with the planning construction or operation of any project or part thereof or property actually received for the use and lawful purposes of the company No shares bonds or income debentures shall be issued for property except upon a valuation approved by the Board and such valuation shall be used in computing actual or estimated costs The shares and income debentures issued by the company shall not be less than the total of one-third of the actual cost as defined by law of any approved housing project or projects undertaken by it except as provided in Section Thirteen (13) The Board may however permit shares or income debentures to be issued to an amount not exceeding three per centum of the estimated total cost or three per centum of

the actual cost if the actual cost should exceed estimated cost of a project for working capital to be used in connection with such project

Section 13 Minimum Amount of Shares and Debentures The entire amount to be paid in cash or property by the shareholders and income debenture holders of a limited divident houseing company shall be equivalent to at least one-third of the total cost of the project or projects which it operates provided however when the bonds of such company are insured by any agency of the Federal Government the entire amount so paid in need not exceed the differ nce between the total par value of the insured bonds and the total cost of the project or projects which such company operates any other provision of this act notwithstanding

Section 14 Surplus A surplus of an amount approved by the Board shall be permitted limited dividend housing companies but the amount of the net earnings transferable to surplus in any year shall be subject to the approval of the Board On dissolution of any limited dividend housing company the shareholders shall in no event receive more than the par value of their shares plus accumulated accrued or unpaid dividends and any remaining surplus shall be paid to the Commonwealth and shall become part of the fund appropriated to the State Board of Housing

Section 15 Income Debentures With the approval of the Board the articles of a limited dividend housing company may authorize the issuance of income debenture certificates bearing no greater interest than six per centum per annum After the incorporation of a limited dividend housing company the directors thereof may with the consent of two-thirds of the holders of the shares issued and outstanding offer to the shareholders of the company the privilege of exchanging their shares in such quantities and at such times as may be approved by the Board for such income debenture certificates In no event other than as provided in Section Thirteen (13) shall the stated capital of the company be less than ten per centum of the total amount of stated capital and income debentures

Section 16 Mortgages and Mortgage Bonds Legal Investments Any company formed under this act may subject to the approval of the Board borrow funds and secure the repayment thereof by bond and mortgage or by an issue of bonds under trust indentures Each mortgage or issue of bonds by a company formed hereunder shall relate only to a single specified project and no other and such bonds shall be secured by first mortgage upon all of the real property of which such project consists First lien bonds of such company when secured by a mortgage which has been insured by the Federal Government or any agency thereof or by a mortgage not so insured which does not exceed two-thirds of the estimated cost prior to the completion of the project or two-thirds of the appraised value or actual cost whichever shall be less after such completion as certified by the Board are hereby declared securities in which all public officers and bodies of the municipal subdivisions of the Commonwealth all insurance companies and associations all banks bank and trust companies and savings banks and savings institutions including savings and loan associations in the Commonwealth may legally invest funds within their control There shall be no second mortgage of junior interest bonds Such bonds and mortgages may contain such other clauses and provisions as shall be approved by the Board including the right to assignment of rents and entry into a possession in case of default but the operation of the housing project in the event of such entry by mortgagee or receiver shall be subject to the regulations of the Board under this act Provisions for the amortization of the bonded indebtedness of companies formed under this act shall be subject to the approval of the Board

Section 17 Acquisition of Land Construction of Buildings

(a) When a limited dividend housing company shall have received from the Board an approval of a project for the construction or acquisition of housing accommodations such company may undertake the acquisition of the property needed for such project Such property may be acquired by purchase gift bequest exchange or subject to the approval of the board by lease for a term of years not less than thirty years nor less than the time required to amortize the cost of the housing project

(b) A limited dividend housing company may petition the board to institute condemnation proceedings to acquire property described in the petition which the limited dividend company certifies to be necessary for a housing project Prior to the institution of any such proceeding by the board said company shall deposit with the board a sum equal to the value of the property as appraised by the board and shall also deliver to the board a bond (with sureties approved by the board) fully indemnifying the board with respect to all sums that it may expend and all costs expenses and obligations which it may incur in acquiring said property With respect to any real property (together with improvements thereon) so acquired by the Board and conveyed to a limited dividend housing company said company shall not sell transfer or assign such property except (1) to another limited dividend Housing Company or to a housing authority and (2) after first having obtained the consent of the board and (3) for a price in excess of the cost of such property less any amounts paid in amortization of the first lien and the retirement or redemption of shares plus so much of the limited dividends on the shares of the company from the date of issue as shall have been unpaid and accrued interest on the mortgage indebtedness and income debenture certificates

Section 18 Contract Provisions Purchase of Property of Other Companies Before any limited dividend housing company shall purchase the property of any other limited dividend housing company it shall file an application with the Board in the manner hereinbefore provided as for a new project and shall obtain the consent of the Board as to the purchase and agree to be bound by the provisions of this act provided however that the Board shall not give its consent unless it is shown to the satisfaction of the Board that project is one that can be successfully operated according to law

Section 19 Transfer of Buildings and Structures No limited dividend housing company shall convey encumber or lease all or any part of its real property to any other person copartnership association or corporation without the written consent of the Board Provided however that leases conforming to the regulations and rules of the Board and for actual occupancy by the lessees may be made without the consent of the Board Any conveyance encumbrance lease or sublease made in violation of the provisions of this section and any transfer or assignment thereof shall be void as against all persons including any person or persons natural or corporate acquiring said property from the vendee transferee or assignee of such company

Section 20 Authority to Borrow Money From Agencies of the United States Government Any company formed under or accepting the provisions of this act may borrow money from the Federal Emergency Administration of Public Works or any other agency of the United States Government on such terms and conditions as the Federal Emergency Administration of Public Works or other agency of the United States Government may prescribe Any such company may pledge as security for money so borrowed any personal or real property or both of such company including its shares income debenture certificates or bonds Every approved project financed wholly or in part by funds borrowed from the Federal Emergency Administration of Public Works or other agency of the United States Government shall be subject to such rules and regulations pertaining to the security of any money borrowed hereunder to finance such project as may be prescribed by the Federal Emergency Administration of Public Works or other agency of the United States Government It shall be the duty of the Board to facilitate the procurement of such loans by such companies by acting promptly upon any matter requiring its approval and to approve and to cooperate with the Federal Emergency Administration of Public Works or any other agency of the United States Government in the procurement and repayment of such money If a limited dividend housing company receives financial assistance from any such agency of the Federal Government that agency and the Board may agree

that the latter will relinquish its supervision and control to the said Federal Government agency and that supervision and control shall be reassumed by the Board when the interest of the Federal Government terminates

Section 21 Power to Lease and Operate or to Manage Projects of Housing Authority Any limited dividend company operating within the boundaries of a housing authority may with the written consent of the State Board of Housing enter into an agreement to lease and operate or to manage as agent any housing project of such authority

Section 22 Constitutional Construction The provisions of this act shall be severable and if any of its provisions shall be held to be unconstitutional the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 23 Repeal All acts or parts of acts inconsistent herewith are hereby repealed

Section 24 Effective Date This act shall become effective immediately upon its passage and approval by the Governor

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 695 (House Bill No. 1159), as follows:

An Act to amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engaged in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholder attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 That section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four, entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversions of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engaged in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions ond officers imposing penalties and repealing certain acts and parts of acts" as amended is hereby amended to read as follows

Section 1006 Limitations upon Loans to One Corporation or person A A bank or a bank and trust company shall not directly or indirectly lend to any corporation or person an amount which including any extension of credit to such corporation or person by means of letters of credit or by acceptance of dratts for or the discount or purchase of the notes bills of exchange or other commercial paper of such corporation or person shall exceed ten per centum of the unimpaired capital and ten per centum of the unimpaired surplus of the bank or bank and trust company However this restriction shall have no application whatsoever to the following

(1) Loans to the United States or loans secured by not less than the face amount of bonds or other interest bearing obligations of the United States or bonds or other interest bearing obligations for the payment of the principal and interest on which the faith and credit of the United States is pledged

(2) Loans to the Commonwealth of Pennsylvania or any county or city thereof or an Authority which has been created as a body corporate and politic under any law of this Commonwealth or loans secured by bonds or other interest bearing obligations of the Commonwealth or of any county or city thereof or of any Authority which has been created as a body corporate and politic under any law of the Commonwealth or bonds or other interest-bearing obligations for the payment of the principal and interest on which the faith and credit of the Commonwealth or any county or city thereof or to any Authority which has been created as a body corporate and politic under any law of this Commonwealth is pledged

(3) The discount of drafts or bills of exchange drawn in good faith against existing values

(4) The discount of trade acceptances or other commercial paper actually owned by the corporation or person negotiating it to the bank or bank and trust company and endorsed without restriction by such corporation or persons

(5) The discount of notes secured by shipping documents warehouse receipts or other similiar documents conveying or securing title to readily marketable nonperishable staple goods including livestock when the actual market value of the property securing the obligations is not at any time less than one hundred fifteen per centum of the face amount of the notes secured by such documents and when such property is fully covered by insurance

B However a bank or a bank and trust company may in addition to the ten per centum authorized by this section lend to any corporation or person an additional fifteen per centum of the unimpaired capital and fifteen per centum of the unimpaired surplus of the bank or the bank and trust company if such additional fifteen per centum is secured by collateral having an ascertained market value of at least twenty per centum more than the amount of the liability so secured

C In computing the total liabilities of any individual to a bank or a bank and trust company there shall be included all liabilities to the bank or bank and trust company of any partnership or any unincorporated association of which he is a member any loans made for his benefit or for the benefit of such partnership or unincorporation association and any loans made to or for the benefit of a corporation of which he owns fifty per centum or more of the capital

In computing the total liabilities of any partnership or

unincorporated association to a bank or a bank and trust company there shall be included all liabilities of its individual members to such bank or bank and trust company loans made for the benefit of such partnership or unincorporated association or any member thereof and loans made to or for the benefit of any corporation of which the partnership or unincorporated association or any member thereof own fifty per centum or more of the capital

In computing the total liabilities of any corporation to a bank or a bank and trust company there shall be included all loans made for the benefit of the corporation and all loans to or for the benefit of any individual (to) or any partnership or unincorporated association or any member thereof who owns fifty per centum or more of the capital of such corporation

A loan shall be deemed to be made for the benefit of a corporation or person to the extent that the proceeds of such loan are transferred to such corporation or person

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 735, as follows:

An Act restricting the granting of licenses to marry to divorced persons

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no license to marry shall issue in this Commonwealth to any person who has been divorced until a period of six months shall have elapsed between the date of the decree of divorce and the application for the marriage license

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 759, on second reading, entitled:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 813, as follows:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth Subsequent to the date of the filing of the said lien

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the date and passage of this act the commissioners of any township of the first class shall have the authority to direct the satisfaction of record upon the payment of record costs only of any lien or liens filed for taxes or any other township claim against real estate acquired by gift purchase condemnation or otherwise by the Commonwealth of Pennsylvania or any agency of the said Commonwealth of Pennsylvania subsequent to the date of the filing of the said lien

Section 2 This authority to satisfy such lien or liens shall be expressed by written resolution spread upon the minutes of the commission of the township of the first class in whose favor said lien or liens shall appear on record and need not be published posted or advertised

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 829, as follows:

An Act making it unlawful to solicit the employment of attorneys-at-law adjusters or investigators for the collection settlement or institution of an action for damages and making it unlawful for any attorney-at-law to promise or give any consideration to such solicitors and imposing penalties for violations

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful after the effective date of this act for any person either directly or indirectly to solicit in this Commonwealth the employment of himself or another as an attorney-at-law or as an adjuster or investigator or otherwise for the collection settlement or institution of an action upon a claim for damages on account of personal injuries or death

Section 2 It shall be unlawful after the effective date of this act for any attorney-at-law to give or to promise to give or to cause to be given or promised any money loan or other valuable thing to any person in payment for or in consideration of such person having placed or having caused to be placed or as an inducement to such person to place or cause to be placed in the hands of such attorney-at-law or any other attorney-at-law either directly or indirectly any claim or demand for damages on account of personal injuries or death for the purpose of bringing an action thereon or of negotiating a settlement thereof provided however that nothing herein contained shall prohibit an attorney-at-law from forwarding or referring legal matters or claims to another attorney-at-law in accordance with recognized professional practices

Section 3 Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than three thousand dollars ($3,000) and not less than one hundred dollars ($100) and costs of prosecution or undergo imprisonment for not more than one (1) year or suffer both such fine and imprisonment

Section 4 Any contract agreement or understanding made or induced contrary to the provisions of this act is hereby declared to be void

Section 5 Nothing in this act shall impair modify or abridge the disciplinary powers of the courts over attorneys-at-law and counsel appearing or practicing therein

Section 6 This act shall take effect immediately upon the approval of the Governor

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 837, on second reading, entitled:

An Act to promote public health, safety, morals, and welfare, by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects, to provide dwelling accommodations for persons of low income; providing for the organization of such housing authorities; defining their powers and duties; providing for the exercises of such powers including the acquisition of property by purchase, gift, or eminent domain, the renting and selling of property, and including borrowing money, issuing bonds and other obligations and giving security therefor; prescribing the remedies of obligees of housing authorities, authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 848, as follows:

An Act to amend section 2551 and to repeal sections 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 and 2521 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for taxation in such cities on the basis of assessments and valuations for county purposes

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in Geenral Assembly met and it is hereby enacted by the authority of the same That section 2551 of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 2551 Tax Levies The council of each city may by ordinance levy and provide for the collection of the following taxes

1 A tax for general revenue purposes not to exceed fifteen mills on the dollar in any one year on all persons and property taxable according to the laws of the Commonwealth for county purposes [the valuation of such property to be assessed as hereinbefore provided] on the basis of assessments and valuations for county purposes

2 A tax in addition to the above not exceeding ten mills on the dollar upon the assessed valuation in any one year on all persons and property taxable for county purposes for the payment of interest on bonded indebtedness and for the payment of loans to support the government and to make necessary improvements in the city

3 A poll-tax for general revenue purposes not exceeding one dollar annually on all inhabitants above the age of twenty-one years

Any ordinance of council fixing the rate of taxation for any year at a mill rate shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property

Section 2 That sections 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 and 2521 of said act are hereby repealed

Section 3 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

And said bill having been read at length the second time, and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. EROE. Mr. President, I move that the Senate Bill No. 848, the bill just read, be postponed for the present.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. CAVALCANTE. Mr. President, I ask unanimous consent that Senate Bill No. 859, on second reading, entitled:

An Act authorizing courts in certain actions to order the parties involved therein to submit to blood tests and prescribing the manner in which the results of such tests may be used as evidence.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 874, as follows:

An Act to amend section forty of the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" providing for the renewal of charters of corporations the charters franchises and property of which have been purchased by another corporation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section forty of the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws 73) entitled "An act to provide for the incorporation and regulation of certain corporations" is hereby amended to read as follows

RE-CHARTERING CORPORATIONS

Section 40 (a) Corporations created by or under the laws of this state embraced within either of the classes named in section two of this act the charters whereof are about to expire by lapse of time from their own limitation may be re-chartered or the charters thereof renewed under the provisions of this act by preparing having approved and recorded the certificate named in said section for the class of corporation of which the same is one in addition to the requirements provided in this act for a new corporation the certificate for a re-charter shall state

the fact that it is a renewal of the former charter naming the corporation and the date of its first charter It shall also be accompanied with a certificate under the seal of the corporation showing the consent of at least a majority in interest of such corporation to such re-charter It shall also state the financial condition of the said corporation at the date of such certificate showing capital stock paid in funded debt floating debt estimated value of property and cash assets if any It shall expressly accept the provisions of the constitution of this state and of this act and expressly surrender all privileges conferred upon such corporation by its original charter that are not enjoyed by corporations of its class under this act or general laws of this Commonwealth From the date of recording of such certificate if the corporation be of the first class named in section two of this act and from the date of letters patent if of the second class the said re-chartered corporation shall be and exist as a new corporation under the provisions of this act and of its said renewed charter and all of the rights privileges powers immunities lands property and assets of whatever kind of character the same may be possessed and owned by the said original corporation shall vest in and be owned and enjoyed by the said re-chartered corporation as fully and with like effect as if its original charter had not expired save as herein and by said certificate expressly stated otherwise and all suits claims and demands by said corporations in existence at the date of such re-charter shall and may be sued prosecuted and collected under the laws governing the said corporation prior to its re-charter and all claims and demands of every nature and character in existence at said re-charter may be collected from and off the said re-chartered corporation as fully and with like effect as if no change had taken place

(b) If any corporation the charter whereof is about to expire by lapse of time from its own limitation shall have sold assigned disposed of and conveyed its franchises and all its property real personal and mixed to any other corporation and thereafter shall have ceased to exist and said property and franchises shall have vested in the vendee corporation such vendee corporation may in its own name secure a renewal of the charter of the vendor corporation under the provisions of this act by preparing having approved and recorded a certificate for renewal of the charter of the vendor corporation on which letters patent shall issue to the vendee corporation The certificate for the renewal of the charter shall state that a renewal of the former charter which is about to expire is sought and shall set forth the name of the vendor corporation and the date of its charter and the name of the vendee corporation and the date of the purchase It shall also be accompanied with a certificate under the seal of the vendee corporation showing (1) the consent of at least a majority in interest of the stock holders of such vendee corporation to the renewal of charter which is about to expire (2) the financial condition of the vendee corporation at the date of such certificate setting forth the funded debt floating debt estimated value of property and cash assets if any (3) an express acceptance of the provisions of the constitution of the state and of this act and (4) an express surrender of all privileges if any conferred by the charter of the vendor corporation that are not enjoyed by corporations of its class under this act or general laws of this Commonwealth

From the date of the recording of the letters patent all of the rights privileges powers and immunities possessed and owned by the vendee corporation through the vendor corporation shall vest in and be enjoyed by the vendee corporation as fully and with like effect as if such charter had not expired save as herein expressly stated otherwise and all suits claims and demands by said vendee corporation in existence at the date of such renewal of the charter of the vendor corporation shall and may be sued prosecuted and collected under the laws governing the said corporation prior to the renewal of charter and all claims and demands of every nature and character in existence at the time of the renewal of charter may be collected from and off said vendee corporation as fully and with like effect as if said charter of the vendor corporation had not expired

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 875, as follows:

An Act to code jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland Depot located in York County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the jurisdiction of the State of Pennsylvania is hereby ceded to the United States of America for the occupation and use for purposes of national defense and for the erection and maintenance of the necessary buildings for the military or other public use of the United States over all that tract or parcel of land situate approximately one and one-half miles northeasterly of the Town of Carlisle in Cumberland County State of Pennsylvania comprising that portion of Carlisle Military Reservation known as the "Main Reservation" and over all that tract or parcel of land comprising the New Cumberland General Depot situate in York County State of Pennsylvania on the southerly shore of the Susquehanna River about two and one-half miles southeasterly of the Borough of New Cunmberland and approximately seven miles southeasterly of the City of Harrisburg which tracts are more particularly described as follows

Main Reservation Carlisle Barracks

Beginning at an iron pipe on the westerly side of Pratt Avenue near the entrance gate to the post and running thence by true bearings

(1) North sixty degrees forty-nine minutes fifty seconds East (N 60° 49′ 50″ E) a distance of eight hundred fifty-eight and no hundredths feet (858.00′) to an iron pipe thence

(2) South twenty-one degrees three minutes ten seconds East (S 21° 03′ 10″ E) a distance of thirty-three and no hundredths feet (33.00′) to an iron pipe thence

(3) North seventy-three degrees forty-six minutes fifty seconds East (N 73° 46′ 50″ E) a distance of ninety-nine and fifty hundredths feet (99.50′) to an iron pipe thence

(4) North thirty-two degrees three minutes ten seconds West (N 32° 03′ 10″ W) crossing Letort Spring Run a distance of one hundred fourteen and no hundredths feet (114.00′) to an iron pipe thence

(5) North sixty-six degrees fifty-six minutes fifty seconds East (N 66° 56′ 50″ E) a distance of thirty-seven and seventy hundredths feet (37.70′) to an iron pipe thence

(6) North twenty-six degrees forty-nine minutes fifty seconds East (N 26° 49′ 50″ E) crossing the said Run a distance of one hundred sixty-five and no hundreths feet (165.00′) to an iron pipe thence

(7) North sixty-three degrees sixteen minutes ten seconds East (N 63° 16′ 10″ E) crossing the said Run a distance of one hundred twenty-three and seventy hundredths feet (123.70′) to an iron pipe thence

(8) North seventeen degrees sixteen minutes ten seconds East (N 17° 16′ 10″ E) crossing said Run a distance of sixty-six and no hundredths feet (66.00′) to an iron pipe thence

(9) North eighty-four degrees sixteen minutes ten seconds East (N 84° 16′ 10″ E) a distance of sixty-six and no hundredths feet (66.00′) to an iron pipe thence

(10) South thirty-three degrees one minute fifty seconds East (S 33° 01′ 50″ E) a distance of eighty and eighty hundredths feet (80.80′) to an iron pipe thence

(11) North fifty-five degrees five minutes East (N 55° 05′ E) a distance of ninety-nine and no hundredths feet (99.00′) to an iron pipe thence

(12) North thirty-six degrees ten minutes forty seconds West (N 36° 10′ 40″ W) a distance of one hundred thirty-four and seventy hundredths feet (134.70′) to a point in the center line of the said Letort Spring Run and iron pipe being placed in line on the bank of said Run eight feet (8′) from end of course thence

Along the center line of said Letort Spring Run the old channel thereof the following 43 courses

(13) North fourty-eight degrees forty-one minutes forty seconds East (N 48° 41′ 40″ E) a distance of fourteen and seventy-eight hundredths feet (14.78′) to a point

(14) North fifty-eight degrees ten minutes ten seconds East (N 58° 10′ 10″ E) a distance of fifty-six and thirty-nine hundredths feet (56.39′) to a point

(15) North seventy-four degrees fifty-seven minutes forty seconds East (N 74° 57′ 40″ E) to a point

(16) North sixty-two degrees nine minutes ten seconds East (N 62° 09′ 10″ E) a distance of ninety-five and one hundredths feet (95.01′) to a point

(17) North fifty-one degrees fourteen minutes ten seconds East (N 51° 14′ 10″ E) a distance of forty-four and seventy-two hundredths feet (44.72′) to a point

(18) North sixty degrees twenty-three minutes twenty seconds East (N 60° 23′ 20″ E) a distance of ninety-eight and two hundredths feet (98.02′) to a point

(19) North fiftyeight degrees forty-four minutes thirty seconds East (N 58° 44′ 30″ E) a distance of one hundred sixty-three and twenty hundredths feet (163.20′) to a point

(20) North sixty-seven degrees eight minutes thirty seconds East (N 67° 08′ 30″ E) a distance of eighty-two and thirty-four hundredths feet (82.34′) to a point

(21) North sixty-six degrees thirty-two minutes ten seconds East (N 66° 32′ 10″ E) a distance of fifty-one and forty-eight hundredths feet (51.48′ to a point

(22) North thirty-six degrees fiftyfive minutes ten seconds East (N 36° 55′ 10″ E) a distance of twenty-six and twenty-six hundredths feet 26.26′) to a point

(23) North fifty-seven degrees fifty minutes fifty seconds East (N 57° 50′ 50″ E) a distance of two hundred and no hundredths fee (200.00′) to a point

(24) North sixty degrees five minutes thirty seconds East (N 60° 05′ 50″ E) a distance of one hundred twenty and fifty-two hundredths feet (120.52′) to a point

(25) North fifty-six degrees fifty-two minutes fifty seconds East (N 56° 52′ 50″ E) a distance of one hundred ten and thirty-seven hundredths feet (110.37′) to a point

(26) North sixty-six degrees sixteen minutes thirty seconds East (N 60° 16′ 30″ E) a distance of sixty-nine and fifty-six hundredths feet (60.56′) to a point

(27) North sixty-two degrees fifty-five minutes fifty seconds East (N 66° 16′ 30″ E) a distance of sixty-two and twenty-three hundredths feet (62.23′) to a point

(28) North sixty-one degrees thirty-four minutes twenty seconds East (N 61° 34′ 20″ E) a distance of thirty-two and fifty-two hundredths feet (32.52′) to a point

(29) North twenty degrees forty-one minutes zero seconds East (N 20° 41′ 00″ E) a distance of fifty-one and ten hundredths feet (51.10) to a point

(30) South sixty-two degrees thirty-two minutes ten seconds East (S *2° 32′ 10″ E) a distance of eleven and forty-nine hundredths feet (11.49′) to a point

(31) South sixty-two degrees fifteen minutes thirty seconds East (S 62° 15′ 30″ E) a distance of forty-nine and thirty-six hundredths feet (49.36′) to a point

(32) South sixty-five degrees eighteen minutes fifty seconds East (S 65° 18′ 50″ E) a distance of one hundred thirty and seventy-seven hundredths feet (130.77′) to a point

(33) North twenty-four degrees fifteen minutes twenty seconds East (N 24° 15′ 20″ E) a distance of forty-one and eightyeight hundredths feet (41.88′) to a point

(34) North sixty-five degrees forty-seven minutes thirty senconds East (N 65° 47′ 30″ E) a distance of twenty-one and thirteen hundredths feet (21. 13′) to a point

(35) South sixty-one degrees four minutes zero seconds East (S 61° 04′ 00″ E) a distance of thirty-two and fifty-eight hundredths feet (32.58′) to a point

(36) South twenty-six degrees twenty-eight minutes zero seconds East (S 26° 28′ 00″ E) a distance of thirty-eight and fifty nine hundredths feet (38.59′) to a point

(37) South seventy degrees fifty-four minutes ten seconds East (S 70° 54′ 10″ E) a distance of twenty-nine and sixty hundredths feet (29.60′) to a point

(38) North forty-five degrees forty-nine minutes twenty seconds East (N 45° 49′ 20″ E) a distance of forty-two and sixty hundredths feet (42.60′) to a point

(39) South seventy-eight degrees fifty-seven minutes zero seconds East (S 78° 58′ 00″ E) a distance of twenty-three and forty-six hundredths feet (23.46′) to a point

(40) South seventy-eight degrees eight minutes forty seconds East (S 78° 08′ 40″ E) a distance of seventy-two and thirty-seven hundredths feet (72.37′) to a point

(41) South twenty-five degrees five minutes twenty seconds West (S 25° 05′ 20″ W) a distance of fifty-five and twenty-five hundredths feet (55.25′) to a point

(42) South nine degrees thirty-three minutes forty seconds East (S 9° 33′ 40″ E) a distance of twenty-eight and twenty-one hundredths feet (28.21′) to a point

(43) South sixty-eight degrees three minutes fifty seconds East (S 68° 03′ 50″ E) a distance of sixty-seven and fifty-two hundredths feet (67.52′) to a point

(44) North eighty-seven degrees seventeen minutes fifty seconds East (N 87° 17′ 50″ E) a dsitance of eighty-cne and eighty hundredths feet (81.80′) to a point

(45) North sixty-eight degrees forty-three minutes forty seconds East (N 68° 43′ 40″ E) a distance of sixty-seven and thirteen hundredths feet (67.13′) to a point

(46) South seventy-four degrees fifty-two minutes thirty seconds East (S 74° 52′ 30″ E) a distance of twenty-wo

(47) South eighty-four degrees twenty-eight minutes thirty seconds East (S 84° 28′ 30″ E) a distance of twenty-four and thirty-nine hundredths feet (24.39′) to a point

(48) North fifty-nine degrees sixteen minutes zero seconds East (N 59° 16′ 00″ E) a distance of fifty-four and twenty-one hundredths feet (54.21′) to a point

(49) North thirty-three degrees thirty-three minutes thirty seconds East (N 33° 33′ 30″ E) a distance of fifty-six and thirty-five hundredths feet (56.35′) to a point

(50) North thirteen degrees twenty-six minutes ten seconds West (N 13° 26′ 10″ W) a distance of forty-three and ninety-eight hundredths feet (43.98′) to a point

(51) North twenty-seven degrees forty minutes zero seconds West (N 27° 40′ 00″ W) a distance of forty-eight and sixty-two hundredths feet (48.62′) to a point

(52) North ten degrees six minutes ten seconds East (N 10° 06′ 10″ E) a distance of thirty-four and twenty-eight hundredths feet (34.28′) to a point

(53) North fifty-one degrees eighteen minutes twenty seconds East (N 51° 18′ 20″ E) a distance of fifty-two and fifty-three hundredths feet (52.53′) to a point

(54) North sixty-five degrees zero minutes fifty seconds East (65° 00′ 50″ E) a distance of sixty-five and eighty-four hundredths feet (65.84′) to a point

(55) South Eighty-five degrees three minutes fifty seconds East (S 85° 03′ 50″ E) a distance of fifty-five and ninety-four hundredths feet (55.94′) to a point in the westerly line of a County Road said point bearing North eight degrees twenty-one minutes West (N 8° 21′ W) and distant figteen feet (15′) from an iron pipe on the bank of said Run said point also bearing South thirteen degree forty-eight minutes East (S 13° 48′ E) and distant two hundred eighty and seventy-eight hundredths feet (280.78′) from an iron pipe in the center line of said County Road thence

Along the westerly line of the said County Road the following two (2) courses

(56) South eight degrees twenty-one minutes East (S 8° 21′ E) a distance of one hundred sixty-nine and eighty-nine hundredths feet (169.89′) to a fence post set in concrete

(57) South twenty-seven degrees forty minutes ten seconds East (S 27° 40′ 10″ E) a distance of one thousand two hundred fifty-two and nine hundredths feet (1.252.09′) to an iron pipe in the northerly line of the "Poor Farm Road" thence

(58) South forty-nine degrees forty-eight minutes fifty

seconds West (S 49° 48′ 50″ W) along the northerly line of said Farm road a distance of two thousand five hundred eighty-six and thirteen hundredths feet (2,586.13′) to an iron pipe in the northerly right-of-way line of the Pennsylvania Railroad (Cumberland Valley Division) said pipe being thirty feet (30′) northerly measured at right angles from the center line of the main track thence

Along the northerly line of said right-of-way of the Pennsylvania Railroad the following five (5) courses

(59) North eighty-four degrees seven minutes West (N 84° 07′ W) parallel to and thirty feet (30′) distant from this said center line of the main track a distance of seventeen and sixteen hundredths feet (17.16′) to an iron pipe

(60) North twenty-nine degrees forty-seven minutes West (N 29° 47′ W) a distance of thirty-six and ninety-three hundredths feet (36.93′) to an iron pipe of said pipe being sixty feet (60′) northerly measured at right angles from the said center line of the main track

(61) North eighty-four degrees seven minutes West (N 84° 07′ W) parallel to and sixty feet (60′) distant from the said center line of the main track a distance of one thousand three hundred seventy-two and seventy-one hundredths feet (1,372.71′) to an iron pipe in the center line of Garrison Lane

(62) South twenty-two degrees fifty-eight minutes West (S 22° 58′ W) along the center line of said Garrison Lane a distance of forty-seven and eight hundredths feet (47.08′) to an iron pipe said pipe being fifteen feet (15′) northerly measured at right angles from the said center line of the main track

(63) North eighty-three degrees twenty minutes thirty seconds West (N 83° 20′ 30″ W) a distance of seven hundred forty-one and five hundredths feet (741.05′) to an iron pipe said pipe being six feet (6′) easterly measured at right angles from the easterly edge of the aforementioned Letort Spring Run said pipe being also twenty-five feet (25′) northerly measured at right angles from the center line of the said main track thence

Along a line parallel to and six feet (6′) easterly of the easterly edge of the said Letort Spring Run the following five courses

(64) North twenty-two degrees fifty-seven minutes thirty seconds East (N 22° 57′ 30″ E) a distance of two hundred eighty-five and ninety-six hundredths feet (285.96′) to a point

(65) North eight degrees seven minutes thirty seconds East (N 8° 07′ 30″ E) a distance of one hundred twenty-five and seventeen hundredths feet (125.17′) to an iron pipe

(66) North five degrees forty-five minutes thirty seconds West (N 5° 45′ 30″ W) a distance of one hundred ninety-eight and twenty-seven hundredths feet (198.27′) to a point

(67) North two degrees forty-four minutes fifty seconds West (N 2° 44′ 50″ W) a distance of two hundred and twenty hundredths feet (200.20′) to a point

(68) North twelve degrees thirteen minutes fifty seconds West (N 12° 13′ 50″ W) a distance of seventy-one and eighteen hundredths feet (71.18′) to an iron pipe thence

(69) North forty-nine degrees thirty-seven minutes fifty seconds East (N 49° 37′ 50″ E) a distance of four hundred twenty-six and sixty-four hundredths feet (426.64′) to the point of beginning

Containing an area of one hundred sixty-one and thirty-six hundredths acres (161.36A) more or less

The above described tract or parcel of land is shown on map number 6394-100 entitled "Carlisle Barracks Pa Boundary Map" dated February one thousand nine hundred and thirty-two filed in the Office of The Quartermaster General Washington D C

The evidence of the purchase of the lands constituting the tract or parcel over which jurisdiction is hereby ceded is recorded in the Office of the Recorder of Deeds of Cumberland County Pennsylvania

New Cumberland General Depot

Beginning at a stone monument in the southerly right-of-way line of the Pennsylvania Railroad (Northern Central Branch) said stone monument marking the most easterly corner of tract and being one hundred (100) feet distant from the center line between the four (4) main tracks of said Railroad and running thence by true bearings

(1) South twenty-three degrees twenty-six minutes West (S 23° 26′ W) a distance of eight hundred fifty-six and fifty hundredths (856.50) feet to a point in the center line of Mountain Road thence

Along the center line of said Mountain Road the following seventeen (17) courses

(2) North seventy-four degrees three minutes West (N 74° 03′ W) a distance of one hundred nineteen and no tenths (119.0) feet to a point

(3) South two degrees fifty-seven minutes West (S 2° 57′ W) a distance of one hundred ninety-two and eighty hundredths (191.80) feet to a point

(4) South fifty-three degrees twenty-nine minutes West (S 53° 29′ W) a distance of four hundred eighty-eight and twenty hundredths (488.20) feet to a point

(5) North eighty-nine degrees twenty-eight minutes West (N 89° 28′ W) a distance of three hundred thirteen and seventy hundredths (313.70) feet to a point

(6) South fifty-eight degrees twenty-seven minutes West (S 58° 27′ W) a distance of one hundred five and ten hundredths (105.10) feet to a point

(7) South sixty-eight degrees fifty-three minutes West (S 68° 53′ W) a distance of eighty-three and forty hundredths (83.40) feet to a point

(8) South eighty-eight degrees fifty-one minutes West (S 88° 51′ W) a distance of one hundred forty-nine and eighty hundredths (149.80) feet to a point

(9) North sixty-eight degrees twenty-eight minutes West (N 68° 28′ W) a distance of one hundred eight and forty hundredths (108.40) feet to a point

(10) North eighty-three degrees ten minutes West (N 83° 10′ W) a distance of ninety-five and fifty hundredths (95.50) feet to a point

(11) North seventy-eight degrees ten minutes West (N 78° 10′ W) a distance of five hundred thirty-eight and fifty hundredths (538.50) feet to a point

(12) North seventy-five degrees eight minutes West (N 75° 08′ W) a distance of one hundred sixty-nine and eighty hundredths (169.80) feet to a point

(13) North eighty-two degrees twenty-four minutes West (N 82° 24′ W) a distance of one hundred twenty-nine and twenty hundredths (129.20) feet to a point

(14) North seventy-five degrees forty-six minutes West (N 75° 46′ W) a distance of three hundred eight and sixty hundredths (308.60) feet to a point

(15) North seventy-six degrees thirty minutes West (N 76° 30′ W) a distance of one thousand four hundred and eighty (1,480) feet to a point

(16) North eighty-one degrees thirty-six minutes West (N 81° 36′ W) a distance of one thousand seventy-seven (1,077) feet to a point

(17) North seventy-four degrees fifty minutes West (N 74° 50′ W) a distance of three hundred (300) feet to a point

(18) North sixty-six degrees fifty-five minutes West (N 66° 55′ W) a distance of three hundred (300) feet to a point thence

(19) North thirty-five degrees thirteen minutes East (N 35° 13′ E) approximately a distance of one thousand seven hundred ninety and fifty hundredths (1,790.50) feet to a point in the center line of Marsh Run Road thence

Along the center line of said Road the following eight (8) courses

(20) North fifty-six degrees twenty-four minutes West (N 56° 24′ W) a distance of one hundred twenty-nine and fifty hundredths (129.50) feet to a point

(21) North forty-nine degrees forty-two minutes West (N 49° 42′ W) a distance of one hundred forty-four and no hundredths (144.00) feet to a point

(22) North forty-three degrees nine minutes West (N 43° 09′ W) a distance of one hundred seventy-one and no hundredths (171.00) feet to a point

(23) North twenty-nine degrees nine minutes West (N 29° 09′ W) a distance of six hundred sixty-eight and twenty hundredths (668.20) feet to a point

(24) North twenty-six degrees fifty-three minutes West (N 26° 53′ W) a distance of one hundred forty-six and ten hundredths (146.10) feet to a point

(25) North eighteen degrees fourteen minutes West (N 18° 14′ W) a distance of three hundred thirty-three and seventy hundredths (333.70) feet to a point

(26) North sixty-four degrees forty-five minutes West (N 64° 45′ W) a distance of one thousand one hundred eighty and ninety hundredths (1.180.90) feet to a point

(27) North sixty degrees nineteen minutes West (N 60° 19′ W) a distance of nine hundred twenty and ten hundredths (920.10) feet to the point of intersection of the center line of said Marsh Run Road with the center line of a road bearing southwesterly thence

(28) South twenty-eight degrees eighteen minutes West (S 28° 18′ W) along the center line of said road a distance of two thousand twenty-five and no hundredths (2,025.00) feet to the center line of a road bearing northwesterly thence

Along said road the following three (3) courses

(29) North eighty-seven degrees thirty minutes West (N 87° 30′ W) a distance of one hundred twelve and no hundredths (112.00) feet to a point

(30) North sixty-eight degrees one minute West (N 68° 01′ W) a distance of three hundred twelve and twenty hundredths (312.20) feet to a point

(31) North seventy-seven degrees six minutes West (N 77° 06′ W) crossing State Highway No. 333 a distance of one hundred seventeen and eighty hundredths (117.80) feet to a point thence

(32) North twelve degrees fifty-four minutes East (N 12° 54′ E) a distance of six thousand four hundred fifty-two and no hundredths 6,452.00) feet following in part the westerly line of Township Road to a point in the center line of the Old Baltimore Turnpike thence

Along the center line of said Turnpike the following two (2) courses

(33) South eighty-five degrees thirty-eight minutes West (S 85° 38′ W) a distance of two hundred forty-two and no tenths (242.00) feet to a point

(34) North eighty-two degrees nineteen minutes West (N 82° 19′ W) a distance of two hundred seventy-one and no tenths (271.0) feet to a point thence

(35) North eleven degrees forty-one minutes East (N 11° 41′ E) a distance of three hundred seventy-nine and no tenths (379.0) feet to a point in the southerly line of the right of way of the said Pennsylvania Railroad (Northern Central Branch) thence

Along the said southerly right of way line the following eleven (11) courses

(36) South seventy-five degrees seven minutes East (S 75° 07′ E) a distance of one thousand five hundred thirty-one and forty hundredths (1,531.40) feet to a point

(37) South fourteen degrees fifty-three minutes West (S 14° 53′ W) a distance of seventy and no hundredths (70.00) feet to a stone monument

(38) South seventy-five degrees seven minutes East (S 75° 07′ E) a distance of five hundred sixty-three and five hundredths (563.05 feet to the point of beginning of a curve to the right having a radius of one thousand nine hundred forty-seven and no tenths (1,947.0) feet

(39) Along the arc of said curve a distance of one thousand ninety-five and thirty-four hundredths (1,095.34) feet to the point of tangency of said curve said point bearing South fifty-nine degrees zero minutes East (S 59° 00′ E) and distant one thousand eighty and ninety-five hundredths (1,080.95) feet from beginning of course

(40) South forty-two degrees fifty-three minutes East (S 42° 53′ E) a distance of one thousand three hundred seven and eighty hundredths (1,307.80) feet to a stone monument marking the point of beginning of a curve to the right having a radius of one thousand seven hundred ten and no tenths (1,710.0) feet

(41) Along the arc of said curve a distance of nine hundred forty-two and seventy hundredths (942.70) feet to a point marking the end of curve said point bearing South twenty-six degrees forty-five minutes East (S 26° 45′ E) and distant nine hundred thirty and eighty-three hundredths (930.83) feet from the beginning of course

(42) South sixteen degrees fifty minutes East (S 16° 50′ E a distance of four hundred seventy-one and seventy-six hundredths (471.76) feet to a stone monument marking a point on a curve to the left having a radius of two thousand eight hundred ninety-five and no tenths (2,895.0) feet

(43) Along the arc of said curve a distance of five hundred eighty-six and twenty-seven hundredths (586.27) feet to a point on said curve said point bearing South fourteen degrees fifty-one minutes East (S 14° 51′ E) and distant five hundred eighty-five and twenty-seven hundredths (585.27) feet from beginning of course

(44) South twenty degrees thirty-nine minutes East (S 20° 39′ E) a distance of two hundred sixty and twenty-seven hundredths (260.27) feet to a point

(45) South sixteen degrees fifty minutes East (S 16° 50′ E) a distance of two thousand seventy and eighty hundredths (2,070.80) feet to a point

(46) South thirty-two degrees forty minutes West (S 32° 40′ W) a distance of seventeen and twenty hundredths (17.20) feet to a stone monument marking a point on a curve to the left having a radius of three thousand five hundred thirty-eight (3,538.00) feet

(47) Along the arc of said curve a distance of three thousand seven hundred sixty-eight and twenty-one hundredths (3,768.21 feet to a stone monument the point of begining said stone monument bearing South fifty-one degrees nineteen minutes East (S 51° 19′ E) and distant three thousand five hundred ninety-two and sixty-two hundredths (3,592.62) feet from beginning of course

There is expected however from this tract the C Henry Shearer Tract which is described as follows

Beginning at a point in the center line of Marsh Run Road said point bearing South seven degrees fifty-five minutes East (S 7° 55′ E) and distant two thousand one hundred sixty-nine and fifty hundredths (2,169.50) feet from a stone monument said monument being the identical one referred to in Course No. 46 of the main description and running thence by the following approximate true bearings

(1) South eighty-six degrees thirty-four minutes East (S 86° 34′ E) along the center line of said Marsh Run Road a distance of five hundred fifty-four and four-tenths (554.4 feet to a point thence

(2) South nine degrees twenty-six minutes West (S 9° 26′ W) a distance of five hundred (500) feet to a point thence

(3) North eighty-six degrees forty-nine minutes West (N 86° 49′ W) a distance of seven hundred seventy-eight and eight-tenths (78.8) feet to a point thence

(4) North thirty-two degrees twenty-one minutes thirty seconds East (N 32° 21′ 30″ E) a distance of five hundred seventy-two and one hundredths (572.01) feet to the point of beginning

Containing an area of seven and sixty-five hundredths (7.65) acres more or less

All of the above described tract or parcel of land excepting the C Henry Shearer Trace contains an area of eight hundred and forty-three and twenty-five hundredths (843.25) acres more or less and is shown on Map 6271-113 entitled "New Cumberland General Depot Pennsylvania' Boundary Map 'scale 1"—300'" dated April one thousand nine hundred and thirty-three on file in the Office of The Quartermaster General Washington D C

The evidence of the purchase of the lands constituting the tract or parcel over which jurisdiction is hereby ceded i recorded in the office of the Recorder of Deeds of York County Pennsylvania

Section 2 The jurisdiction so ceded to the United States of America is granted upon the express condition that the said State of Pennsylvania shall retain concurrent jurisdiction with the United States in and over the tracts of land aforesaid in so far that civil process in all cases and such criminal process as may issue under the authority of the State of Pennsylvania against any person or persons charged with crimes committed outside the said tracts or parcels of land may be executed there-

on in the same way and maner as if this jurisdiction had not been ceded The United States shall retain such jurisdiction so long as the said tracts or parcels of land shall be used for the purposes for which jurisdiction is ceded and no longer

Section 3 That if at any time hereafter any additional lands adjoining those above described shall be purchased by the United States for use of the said Carlisle Barracks Military Reservation or the New Cumberland General Depot respectively or for any other military purpose this act shall be construed to vest in the United States jurisdiction over such additional lands to the same extent as is vested by this act over the tracts or parcels above described

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 933, (House Bill No. 369), entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "Second Class City Law," as amended, by reducing the number of newspapers for official advertising.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. SHAPIRO. Mr. President, I move that Senate Bill No. 934 (House Bill No. 877), on second reading, entitled:

An Act to amend section one of the act approved the twentieth day of March one thousand nine hundred and thirteen (Pamphlet Laws six) entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise securities or services and providing penalties for the violation thereof" by extending the provisions of the act to statements and assertions made by radio broadcast and providing certain exceptions to the application of the act

be recommitted to the Committee on Judiciary General for the purpose of further study and amendment, if necessary.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 935, (House Bill No. 1176), entitled:

An Act to amend Article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading,

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 936, (House Bill No. 1188), entitled:

An Act to amend section eight hundred two of the Act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. JACOBS. Mr. President, I move that Senate Bill No. 1022, on second reading, entitled:

An Act to re-enact and further amend the act, approved the seventh day of June, one thousand nine hundred and fifteen (P. L. 878), entitled as amended "An act providing for the escheat of certain property received for storage or safe-keeping or otherwise and of certain deposits of money; also for the escheat of certain dividends, profits, debts, and interest on debts of corporations, companies, banks, national banks, trust companies, insurance companies, limited partnerships, and partnership associations, doing business in this Commonwealth, except building and loan associations; also for the escheat of certain moneys, property, and estates held by persons, partnerships, associations, or corporations in any fiduciary capacity whatsoever; and the profits, accretions, and interest on such moneys, property, and estates, as well as the interest thereon accrued between the date of the decree of any court ordering the distribution of such moneys, property, and estates, and the actual distribution thereof; also for the escheat of certain moneys paid into or deposited in any court of this Commonwealth, or in any Federal court in and for any district within the Commonwealth, or in custody of any officer of such court; and for the escheat of certain other moneys, property, and estates held in any manner by any person, association, or body corporate for the benefit of another," extending the provisions of said act to corporations not engaged in receiving deposits of money, securities and other property for safe keeping.

be recommitted to the Committee on Judiciary General for further study.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1044, as follows:

An Act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Definitions That when used in this act the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly requires a different meaning

"Writ of execution" shall mean any writ of fieri gacias venditioni exponas levari facias or any other writ or form of execution for the sale of any dwelling and the land appurtenant thereto or any farm where such dwelling or farm shall be occupied by an owner thereof as his or her residence or any proceeding for the sale of real property as herein defined for failure to pay taxes

"Real property" shall mean any dwelling together with the land appurtenant thereto and any farm occupied by an owner of such dwelling or farm as a residence

Section 2 Every court of common pleas of this Commonwealth shall have authority under the conditions hereinafter set forth to stay any writ of execution from time to time and for such periods as he court in its discretion may deem proper Such stays shall be allowed only upon application of an owner lienholder or any other person in interest and unless the plaintiff conse nt thereto only upon the applicant's showing to the court such facts as the court may deem sufficient to warrant such relief In granting any such stay or continuance the court may impose such condition as it deems proper as to payment of costs taxes accruing interest repairs advertising and notice of sale insurance an any other pertinent matters

Section 3 In exercising the powers conferred by this act a court shall have the discretion of a chancellor sitting in equity It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity

Section 4 The stay of any execution under this act shall continue the return day of writ of execution to the first regular day for such writs which shall occur after a sale held under such writ In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ

Section 5 The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property as herein defined

Section 6 This act shall become effective immediately upon final passage by the Legislature and approval by the Governor and shall continue in force only until the thirty-first day of March one thousand nine hundred thirty-nine Provided That the provisions of this act shall not apply to the foreclosure of mortgages insured under Title II of an Act of Congress of the United States entitled the "National Housing Act" approved the twenty-seventh day of June one thousand nine hundred thirty-four

Section 7 All acts and parts of acts inconsistent herewith are suspended while this act is in effect

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

MOTION TO READ BILLS THE FIRST TIME

Mr. LAW. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 66, entitled:

An Act to amend section five of the act approved the sixteenth day of May, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred eighty) entitled, "An act to fix the salaries and compensation of the judges of Supreme Court, the judges of the Superior Court, the judges of the courts of common pleas, the judges of the orphans' courts, the judges of the Municipal Court of Philadelphia, and the judges of the County Court of Allegheny County," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 189, entitled:

An Act to amend sections two hundred and two of the act approved the second day of May, one thousand nine hundred twenty-five (Pamphlet Laws, four hundred forty-eight) entitled, "An act relating to fish; and amending, revising, consolidating, and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth," by providing additional penalties for killing fish by pollution or explosions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 200, entitled:

An Act to repeal clauses (c) and (d) of section two thousand and three of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled, "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees, of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," limiting certain powers of the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 247, entitled:

An Act granting a pension for military service to Robert R. Hoffman of the County of Lehigh.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 332, (House Bill No. 746), entitled:

An Act to further amend section one of an act approved the twenty-first day of May, one thousand nine hundred thirty-one (Pamphlet Laws, one hundred forty-seven) entitled, "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes for continuations of State highway routes in boroughs, incorporated towns, cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes, providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission, providing for the Com-

monwealth to succeed to the rights of the county under certain existing agreements or contracts, authorizing the deparment to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions, providing for the crediting of certain omneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges," by adding thereto county and township bridges over mill races.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 333 (House Bill No. 747), entitled:

An Act to amend section fourteen of an act approved the thirty-first day of May, one thousand nine hundred and eleven (Pamphlet Laws, four hundred sixty-eight), entitled "An act providing for the establishment of a State Highway Department, by the appointment of a State Highway Commissioner, two deputy State Highway Commissioners, chief engineer, chief draughtsman, superintendents of highways, and a staff of assistants and employes; defining their duties and the jurisdiction of the State Highway Department, and fixing salaries of commissioner and deputies and other appointees; providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats, principal cities, and towns and extending to the State line; describing and defining by route numbers as the State Highways of the Commonwealth; providing for the improvement, maintenance and repair of said State Highways solely at the expense of the Commonwealth, and relieving the several townships or counties from any further obligation and expense to improve or maintain the same, and relieving said townships or counties of authority over same; requiring borough and incorporated towns to maintain certain State Highways wholly and in part; requiring the State Highway Commissioner to make maps to be complete records thereof; conferring authority on the State Highway Commissioner; providing for the payment of damages in taking of property, or otherwise, in the improvement thereof; providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State Highway, and procedure therein, providing for work of improvement of State Highways to be done by contract, except where the State Highway Commissioner decides the work be done by the State; providing aid by the State to counties and townships desiring the same in the improvement of township or county roads; defining highways and State-aid highways; providing method of application for State aid in the improvement, maintenance and repair of township or county roads and prescribing the contents of townships, county, borough, or incorporated town petitions; providing for percentage of cost of improvement or repairs to be paid by State, county, township, borough, or incorporated towns with Commonwealth governing same, providing for the minimum width of State Highways and State-aid highways, and kind of materials to be used in the improvement; providing for payment of cost of improvement and repairs; providing penalty for injuring or destroying State Highways; making appropriations to carry out the provisions of the act; and providing for the repeal of certain acts relating to Highway Department and improvement of roads, and of all acts or parts of acts inconsistent herewith; and providing that existing contracts are not affected by provisions of this act," by changing the requirements for publics notices of proposals for construction, reconstruction or improvement of all State highways under the provisions of this act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 334, (House Bill No. 751), entitled:

An Act authorizing the Secretary of Highways with the approval of the Governor to enter into agreements with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquisition of such bridges or for the division of responsibility for such maintenance thereof

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 495 (House Bill No. 569), entitled:

An Act to amend sections three and nine of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 650), entitled "An act requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licenses; imposing certain duties on such dealers and brokers, and their agents; conferring powers on said department; and providing penalties," by providing for the payment of license fees for dealers and brokers and their agents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 609, entitled:

An Act permitting and regulating fishing in certain reservoirs used for public water supply purposes in accordance with rules and regulations adopted by the Board of Fish Commissioners; modifying the laws with respect to trespass; and imposing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 655 (House Bill No. 228), entitled:

An Act imposing an annual license tax for the privilege of operating, maintaining or controlling within this Commonwealth a store or stores as herein defined; prescribing the method and manner of collecting such tax and its disposition; including appropriations for school purposes and for the purpose of admistrating this act and providing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 723 (House Bill No. 1157), entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (P. L. 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or

natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commisioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats on boundary waters exempting out-board boats from licensure and regulating license fees for such motor boats providing for new license plates each year and fixing license years and regulating the installation and use of mufflers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 761, (House Bill 662), entitled:

An Act to amend sections four hundred thirteen and seven hundred ten of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds"; changing the registration year and adjusting registration fees.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 843, (House Bill 1562), entitled:

An Act to amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled, "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments," by extending the act to all pending claims of the Department of highways against boroughs for the construction, reconstruction or maintenance of State highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 892, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 932, (House Bill No. 185), entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 937, (House Bill No. 1299), entitled:

An Act to establish a separate orphans' court in and for the County of York.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 954, entitled:

An Act to amend sub-section (b) of section one thousand three hundred two of the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled, "An act relating to the finances of the State government, providing for the settlement assessment, collection and lien of taxes, bonus and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties effecting every department, board, commission and officer of the State government, every political sub-division of the State and certain officers of such sub-divisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws, imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provision for the recovery of property subject to escheat; authorizing escheators to bring a bill of discovery and to compel answers and to subpoena persons or corporations having a knowledge of property subject to escheat, and making other provisions for proceedings upon such bill.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 974, (House Bill 1570), entitled:

An Act to promote safety for the traveling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance

to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties.

And said bill having been read at length the first time. Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1012 (House Bill No. 843), entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise, purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing-out sale of goods damaged by fire, smoke or water in cities of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1013 (House Bill No. 1029), entitled:

An Act for the protection of producers of farm produce, providing for the licensing, the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth, conferring powers and imposing duties on the Department of Agriculture, providing for appeals and injunctions and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1017 (House Bill No. 2154), entitled:

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven evidenced by tax anticipation notes secured by and payable from current revenues levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1033 (House Bill No. 1651), entitled:

An Act to amend the act, approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws 858), entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board and providing for contributions by members.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1045, entitled:

An Act to amend the title and sections one, two, three, four and five of the act, approved the nineteetnh day of July, one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-nine) entitled, "An act providing for the purchase and for the distribution of vitamin products, as defined in this act, to certain pupils in the public schools· conferring powers and imposing duties on the Department of Health, the Department of Public Instruction, the Department of Property and Supplies, school districts, teachers, and medical inspectors of schools; and making an appropriation;" extending the provisions of said act to children under twelve years of age.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1086, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five, entitled, "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplement thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notice of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The Committee on Appropriations will meet in Room 265 on Wednesday, May 5, 10:00 a. m.

The Committee on Judiciary General will meet on Tuesday, May 4, at 10:00 a. m. in Room 302.

The Committee on Municipal Government will meet on Tuesday, May 4, at 11:45 a. m. in Room 402.

The Committee on Corporations will meet on Monday, May 3, at 5:00 p. m. in Room 265.

The Committee on Education will meet on Wednesday, May 5, at 11:30 a. m. in Room 402.

ADJOURNMENT

Mr. LAW. Mr. President, I move that the Senate do now adjourn.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 6:10 p. m. until nine o'clock Monday evening, May 3, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, April 28, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Rev. I. C. UHLER, Department Chaplain of Disabled American Veterans of the World War, offered the following prayer:

Almighty and everlasting God, Father of us all, we are assembled together in Thy name to meditate and we ask Thee, Father, that Thou will bless these representatives here this afternoon. We ask Thee, Father, to send Thy blessing upon the President of the United States and upon the Governor of the State of Pennsylvania. Oh, Father, give him grace, health and strength, we pray Thee. Oh, Father, we pray that Thou wilt bless every one here in Thy presence this afternoon. We pray Thee, Oh, Father, that Thou wilt render service unto us. Bless our representatives, give them grace, health and strength that the work which they represent this afternoon from the State and the Counties which they represent, that they may come back and give them the word the same as Thou hast given it unto them. Father, we pray Thee to bless every one of us. Give us health, grace and strength, and when our course is finished, we pray Thee, Father, to take every one of us to Thy glory and to eternity. We ask it in Jesus' name and for his sake, our Lord and Saviour, Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. CADWALADER, the further reading was dispensed with and the Journal approved.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 9. (HOUSE BILL No. 2216).

An Act creating a Safety Commission as an Independent Administrative Commission of the Commonwealth and defining its powers and duties.

Referred to the Committee on Highways.

SENATE BILL No. 388. (HOUSE BILL No. 2217).

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws 470) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the words "drugs" prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 672. (HOUSE BILL No. 2218).

An Act to amend sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licenseing registration bonding and regulation of certain individuals and entities, engaged in such business, conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as herein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties.

Referred to the Committee on Labor.

SENATE BILL No. 745. (HOUSE BILL No. 2219).

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner defining non-cancellable health and accident insurance.

Referred to the Committee on Insurance.

SENATE BILL No. 746. (HOUSE BILL No. 2220).

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring moneys and securities against all risk.

Referred to the Committee on Insurance.

SENATE BILL No. 747. (HOUSE BILL No. 2221).

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of

hon: and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing the manner in which dividends on contributory group insurance policies are to be apportioned.

Referred to the Committee on Insurance.

SENATE BILL No. 749. (HOUSE BILL No. 2222).

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

Referred to the Committee on Insurance.

SENATE BILL No. 755 (HOUSE BILL No. 2223).

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

Referred to the Committee on Insurance.

SENATE BILL No. 756. (HOUSE BILL No. 2224).

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate or authority.

Referred to the Committee on Insurance.

SENATE BILL No. 787. (HOUSE BILL No. 2225).

An Act to amend paragraph (a) of section eight of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health and Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 814. (HOUSE BILL No. 2228).

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies for taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner with any information he may desire providing penalties.

Referred to the Committee on Insurance.

SENATE BILL No. 826. (HOUSE BILL No. 2227).

An Act to further amend sections one thousand five hundred one and one thousand five hundred five of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring school districts of the first second and third class to provide medical inspection of all pupils of elementary and secondary private schools.

Referred to the Committee on Education.

SENATE BILL No. 904. (HOUSE BILL No. 2228).

An Act declaring valid provisions in wills and trust instruments directing that certain dividends upon and profits realized from corporate stock be treated in whole or in part either as principal or income and repealing inconsistent legislation.

Referred to the Committee on Judiciary General.

SENATE BILL No. 905. (HOUSE BILL No. 2229).

An Act to authorize boroughs incorporated towns townships and school districts to file suggestions of non-payment and averments of default or to sue out writs of scire facias on certain tax or municipal claims and to revive judgments where the lien of such claims or the judgments thereon have been lost and providing for the reinstatement of the liens of such claims and judgments.

Referred to the Committee on Municipal Corporations.

SENATE BILL No. 908. (HOUSE BILL No. 2230).

An Act to amend section six of the act approved the twelfth day of May one thousand nine hundred and twenty-five (Pamphlet Laws six hundred three) entitled "An act concerning conditional sales and to make uniform the law relating thereto" by providing that all such contracts heretofore or hereafter filed shall be judicial records and subject to the control of the court.

Referred to the Committee on Judiciary General.

BILL INTRODUCED AND REFERRED

By Mr. BOLTZ. HOUSE BILL No. 2215.

An Act making an appropriation to the Perseverance Fire Company of Jonestown, Pennsylvania.

Referred to the Committee on Appropriations.

RESOLUTIONS INTRODUCED AND REFERRED

By Messrs. ALLEN and PERRY (Concurrent). RESOLUTION No. 72.

In the House of Representatives, April 27, 1937.

Whereas, The Members of the General Assembly of the Commonwealth of Pennsylvania are strongly in favor of the removal of abnormal profits during time of war; and

Whereas, It is their belief that war should be prosecuted with special privilege to none and on the basis of equal service for all; and

Whereas, There is now pending in the Federal Congress a bill which would not only accomplish these desirable results, but by its enactment into law would do much towards the preservation and promotion of peace; and therefore be it

Resolved (if the Senate concur), That the General Assembly of the Commonwealth of Pennsylvania hereby memorialize the Congress of the United States to pass the Sheppard-House Bill (Senate No. 25, House No. 1954) at the earliest possible moment; and be it further

Resolved, That a copy of this resolution be transmitted to each of the members elected from the Commonwealth of Pennsylvania to the House of Representatives and to the Senate of the Congress of the United States.

Referred to the Committee on Federal Relations.

By Mr. PRESTON. RESOLUTION No. 73.

In the House of Representatives, April 27, 1937.

Whereas on March 16, 1937, House Bill No. 1603 was introduced by the Hon. J. Hall Stackpole which bill in substance regulates and establishes fees to be charged by constables, and

Whereas this bill was referred on March 16, 1937, to the Committee on Municipal Corporations, and

Whereas the Committee on Municipal Corporations after a thorough study ascertained that the Legislators themselves are permitted five cents (5c) per mile in going to and coming from the Session while attending to their legislative duties, and

Whereas the constables under the Act of July 20, 1917, are allowed ten (10c) cents per mile in attending to their duties, and

Whereas the Legislative Membership of the Committee on Municipal Corporations believe that the constables should be brought down at least to some comparative level with the ordinary Legislators on the question of mileage chargeable by them, and

Whereas House Bill No. 1603 reduces the mileage chargeable by constables from ten (10c) cents to six (6c) cents per mile, placing them one (1c) cent above the standard mileage paid to Legislators, and

Whereas this bill was reported on the Calendar and after a dramatic speech by the Hon. Justin D. Jirolanio and by the Hon. Jacob J. J. Elpern, militant Westmoreland County friend of the taxpayers, the bill was re-committed for the second time to the Committee on State Government of which the Hon. Leo Achterman is Chairman.

Now Be It Resolved that the Committee on Municipal Corporations of the House of Representatives hereby memorializes the Hon. Leo Achterman, Chairman of his Committee on State Government, to report back out on the Calendar House Bill No. 1603 which reduces the mileage chargeable by constables from ten (10c) cents to six (6c) cents so that the inference may be given to the people of this Commonwealth that the constables are not worth twice the Members of this Legislative Body, but are only in proportion worth one (1c) cent above the mileage rate charged by Legislators.

Referred to the Committee on Rules.

SENATE MESSAGES

RESOLUTIONS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 27, 1937.

Resolved (if the Senate concur) That House Bill No. 528, Printer's No. 91, entitled "An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County", be recalled from the Governor for the purpose of amendment.

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 27, 1937.

Resolved (if the Senate concur), That House Bill No. 1130, Printer's No. 643, entitled "An Act to amend sections fifty and seventy-two as amended subsection (b) of section one hundred ninety-one sections two hundred twenty and two hundred twenty-six as amended sections two hundred twenty-eight and two hundred fifty-six and section two hundred eighty-five as amended of and to add section two hundred eighty-two and two hundred eighty-three to the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 448) entitled 'An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth' further regulating the taking of fish changing certain penalties and providing new penalties requiring certain persons to possess fishing licenses providing for and regulating the revocation of fishing licenses providing for the payment over of fines collected and the return of fines erroneously collected vesting certain additional powers in the Board of Fish Commissioners eliminating certain restrictions on the use of license fees and regulating closed seasons on boundary lakes" be recalled from the Governor for the purpose of amendment.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 177.

An Act to amend section two of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred eighty-two) entitled as amended "An act relating to domestic animals and providing for their appraisement when condemned to prevent the spread of disease and regulating payments by the Commonwealth in such cases and the payment of salvage by butchers" as amended by changing the amount of compensation in certain cases

HOUSE BILL No. 565.

An Act prohibiting the use of the designation of "college" by any institution not conforming to the standards of a

college prescribed by the State Council of Education and providing for injunctions and penalties

HOUSE BILL No. 1366.

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding thereto section four A

HOUSE BILL No. 1561.

An Act to amend sections two, three, four, five and six of the act, approved the thirteenth day of April, one thousand nine hundred and twenty-one (P. L. 129), entitled "An act providing for the protection of the public health and the prevention of fraud and deception by prohibiting the manufacture, the sale, the offering for sale, or exposing for sale, or the having in possession with intent to sell, of adulterated or deleterious butter; defining butter and prescribing the penalty for the violation thereof; further defining butter and the adulteration of butter; conferring powers on the Department of Agriculture and the courts of quarter sessions; and providing penalties.

HOUSE BILL No. 1766.

An Act to amend sections one thousand four hundred and forty-one and one thousand seven hundred and sixteen, as added, of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," by further defining cost of tuition.

HOUSE BILL No. 196.

An Act to amend sections one and two of the act approved the thirty-first day of May one thousand eight hundred and ninety-three (Pamphlet Laws one hundred eighty-eight) entitled "An act designating the days and half days to be observed as legal holidays and for the payment acceptance and protesting of bills notes drafts checks and other negotiable paper on such days" as amended declaring Flag Day the fourteenth day of June a legal holiday.

HOUSE BILL No. 1125.

An Act to amend sections one two and six of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws 492) entitled "An act to provide for the equalization of educational opportunity and the encouragement of the study of citizenship by recognition of extension education for boys and girls who are employed and for adults as a function of the public schools of this Commonwealth and to facilitate the proper organization and administration of such extension education" by providing educational recreational and social opportunities for out-of-school youth who are not employed by reducing the number of petitioners required for applications for extension classes and by requiring certain qualifications for teachers and leaders in extension education

HOUSE BILL No. 1156.

An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrar of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

SENATE BILL No. 245.

An Act to amend part of section one of the act approved the second day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred four) entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of the courts of common pleas of the Commonwealth in counties having a population of less than one hundred fifty thousand and to provide the time for paying the same" by reducing the fee charged for filing municipal or tax liens

SENATE BILL No. 827.

An Act to further amend section five of the act approved the twenty-ninth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 944) entitled "An act relating to salaries compensation bonds offices and supplies of certain county officers their deputies and clerks in counties of the sixth class" by fixing the time for annual meetings and requiring other meetings of the salary board

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. LOVETT, from the Committee on Appropriations, reported as committed, House Bill No. 392, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property.

Mr. SIMON, from the Committee on Appropriations, reported as committed, House Bill No. 1133, entitled:

An Act making an appropriation for the purpose of maintaining the public roads, and improving and replacing bridges thereon through the Cornplanter Indian Reservation, in Elk Township, Warren County, Pennsylvania.

Mr. O'CONNOR, from the Committee on Mines and Mining, reported as committed, House Bill No. 1540, entitled:

An Act to repeal section ten of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1356), entitled "An act to regulate the sale and delivery of solid fuel, as herein defined; providing for appointment of licensed weighmasters; prescribing their powers and duties; authorizing subsitute licensed weighmasters; imposing certain duties on the Department of Internal Affairs; and providing penalties.

Mr. SHEPARD, from the Committee on Education, reported as amended, House Bill No. 1354, entitled:

An Act to further amend section two thousand two hundred and twenty-three of an act, approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws, three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violatoin thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general special, or local or any parts thereof that are or may be inconsistent

therewith" as amended, by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class, under certain circumstances, and authorizing such school districts to provide for the payment of such additional allowances.

Mr. MOOMAW, from the Committee on State Government, reported as committed, House Bill No. 1644, entitled:

An Act to amend sections one, two, four and fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain building and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," as amended; extending the provisions of said act to additional buildings; providing additional safety regulations and for the closing of certain buildings.

Mr. BROWN, from the Committee on Appropriations, reported as committed, House Bill No. 141, entitled:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court.

Mr. LaRUE, from the Committee on Appropriations, reported as committed, House Bill No. 1745, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg, Pennsylvania.

Mr. HERING, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1355, entitled:

An Act to amend paragraphs one, three and five of section one of the act, approved the twelfth day of June, one thousand eight hundred and ninety-three, (P. L. 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district, or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead," as amended, by transferring certain powers from the county commissioners to the coroner in counties of the first class.

Mr. MELCHIORRE, from the Committee on Appropriations, reported as committed, House Bill No. 1145, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

Mr. GANSER, from the Committee on Townships, reported as committed, House Bill No. 1788, entitled:

An Act to amend section five hundred forty-five of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending, revising, consolidating and changing the law relating thereto," as amended providing for the audit of the accounts of justices of the peace.

Mr. O'BRIEN, from the Committee on Legislative Apportionment, reported as amended, House Bill No. 1817, entitled:

An Act to fix the number of Representatives in the General Assembly of the State, and to apportion the State into representative districts as provided by the Constitution.

Mr. CLIFF S. PATTERSON, from the Committee on Appropriations, reported as amended, House Bill No. 564, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

Mr. FLANNERY, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1997, entitled:

An Act to amend sections one and two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," conferring police and building inspection powers on assistants appointed by the superintendent of State Police.

Mr. ZAPPALA, from the Committee on Appropriations, reported as amended, House Bill No. 393, entitled:

An Act making an appropriation to the Department of Labor and Industry for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein.

Mr. ZAPPALA, from the Committee on Appropriations, reported as committed, House Bill No. 1144, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

Mr. ZAPPALA, from the Committee on Judiciary General, reported as committed, House Bill No. 1798, entitled:

An Act to repeal clause (c) as amended, and to amend clause (d) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at

a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," eliminating certain provisions relating to foreign fiduciaries selling, assigning, transferring and receiving the income from certain assets of decedents, minors and costui que trusts.

Mr. BRADLEY, from the Committee on Corporations, reported as committed, House Bill No. 1671, entitled:

An Act to amend clause A of section two hundred and two of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commission, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing penalties; and repealing certain acts and part of acts relating to corporations;" as amended, restricting the use of certain words in corporate names.

Mr. HIRSCH, from the Committee on Judiciary Special, reported as amended, House Bill No. 1021, entitled:

An Act for the protection of employes by prohibiting those in authority over such employes to request, solicit or require employes to affix signatures to petitions or to threaten or intimidate employes for such purpose.

Mr. DICKINSON, from the Committee on Geological Survey, reported as committed, House Bill No. 1962, entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the re-publication of certain surveys and studies in order to make the same available to the citizens of the State.

Mr. LEWIS, from the Committee on Judiciary Special, reported as committed, House Bill No. 2066, entitled:

An Act to amend subsection (b) of section two by inserting a new subsection (b) therefor, and sections three and eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing, registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," by further defining the meaning of theatrical managers, exempting certain organizations from license requirements, and restricting foreign theatrical employment agencies.

Mr. WEIDEMANN, from the Committee on Counties, reported as committed, House Bill No. 2102, entitled:

An Act to add section 491.1 to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the sixth, seventh and eighth classes to pay bounties for the destruction of rattlesnakes and porcupines.

Mr. TURNER, from the Committee on Appropriations, reported as committed, House Bill No. 142, entitled:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court.

Mr. STOCKHAM, from the Committee on Geological Survey, reported as committed, House Bill No. 718, entitled:

An Act to describe, define, and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania.

Mr. WEBSTER, from the Committee on Education, reported as amended, House Bill No. 1465, entitled:

An Act creating county vocational school districts for the purpose of conducting county systems of vocational schools, departments or classes; and defining the powers and duties of county boards of school directors in connection therewith.

Mr. PERRY, from the Committee on Judiciary General, reported as committed, House Bill No. 2114, entitled:

An Act relating to trust indentures, deeds of trusts or similar instruments relating to real estate mortgages and interests therein; regulating and supervising the appointment, creation, powers and duties of trustees, bondholders' protective committees, depositories management companies, voting trustees and other persons administering, holding in custody, or otherwise concerned with real estate mortgages and interests therein; imposing certain powers and duties on courts of common pleas; and prescribing penalties.

Mr. WILSON, from the Committee on Geological Survey, reported as committed, House Bill No. 729, entitled:

An Act to permit the entry of engineers and surveyors and their representatives into private property for the purpose of using survey stations established by or under the direction of the United States Coast and Geodetic Survey, or as a part of the Pennsylvania Coordinate System, and providing a penalty for the injuring, defacing and destruction of marks and monuments.

Mr. HERBERT B. COHEN, from the Committee on Appropriations, reported as committed, House Bill No. 1177, entitled:

An Act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-seven; and for the payment of bills incurred and remaining unpaid

at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-seven.

Mr. FINNERTY, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2142, (Senate Bill No. 568), entitled:

An Act to amend sections one two three and section nine as amended of the act, approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties" by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable shortening reports required of physicians in such cases clarifying the duration of placarding and empowering the Department of Health to obtain additional information from local health authorities.

Mr. REISING, from the Committee on Labor, reported as committed, House Bill No. 2212, (Senate Bill No. 671), entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties.

Mr. BOLTZ, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2138, (Senate Bill No. 429), entitled:

An Act to amend sections two three four and six of the act, approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act.

Mr. McDERMOTT, from the Committee on Appropriations, reported as committed, House Bill No. 2177, (Senate Bill No. 775), entitled:

A Supplement to an act, approved the twentieth day of July, one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts, page seventy-one), entitled, "An act to provide for the ordinary expenses of the Executive, Legislative, and Judicial Departments of the Commonwealth, interest on the public debt, and the support of the public schools for two years beginning June first, one thousand nine hundred and thirty-five; and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first, one thousand nine hundred and thirty-five," by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie, available for the purchase of land to be available for the burial of deceased members of the home.

Mr. FRANK P. HAMILTON, from the Committee on Counties, reported as committed, House Bill No. 2192, (Senate Bill No. 806), entitled:

An Act to amend section one of the act approved the eleventh day of June, one thousand eight hundred and seventy-nine (P. L. 147) entitled, "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth," increasing the compensation of coroner's jurors.

Mr. WAGNER, from the Committee on Constitutional Amendments, reported as committed, House Bill No. 1956, (Senate Bill No. 546), entitled:

An Act proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A.

Mr. REESE, from the Committee on Townships, reported as committed, House Bill No. 2187, (Senate Bill No. 678), entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May, one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by providing that townships of the second class shall have the power to develop their own water supply.

Mr. COSTANZO, from the Committee on Judiciary General, reported as committed, House Bill No. 2126, (Senate Bill No. 65), entitled:

An Act to amend section one of the act, approved the seventh day of April, one thousand eight hundred seventy (P. L. 57), entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff, and to provide for the issuing of writs of foreign attachment in such cases," by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

Mr. WEIDEMANN, from the Committee on Townships, reported as committed, House Bill No. 2186, (Senate Bill No. 677), entitled:

An Act to amend section two thousand seven hundred one of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (P. L. 1206), entitled "An act concerning townships of the first class; and amending, revising, consolidating, and changing the law relating thereto," providing that townships of the first class shall have the power to develop their own water supply.

Mr. BROWN, from the Committee on State Government, re-reported as amended, House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

Mr. SHUGARTS, from the Committee on State Government, re-reported as committed, House Bill No. 1184, entitled:

An Act authorizing the Pennsylvania Historical Commission, on behalf of the Commonwealth of Pennsyl-

vania, to acquire, by gift, approximately 7.223 acres of land in Tinicum Township, Delaware County, sometime known as "Printz Park," or as "Printz-Lindberg Park," to be known hereafter as "Governor Printz Park"; providing for the control, management, supervision, restoration, improvement and maintenance thereof; authorizing the Commission to make and enforce rules and regulations for the preservation, maintenance and visitation thereof.

Mr. JOHN J. BAKER, from the Committee on Labor, re-reported as amended, House Bill No. 2200, (Senate Bill No. 425), entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders and providing penalties.

Mr. WOOD, from the Committee on Appropriations, re-reported as committed, House Bill No. 1508, entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress.

Mr. BURROWS, from the Committee on Townships, re-reported as committed, House Bill No. 1693, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land.

Mr. BROWN, from the Committee on Judiciary General, re-reported as amended, House Bill No. 1325, entitled:

An Act to add section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for the payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers, and liabilities of non-resident and foreign fiduciaries; the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents," by providing for the apportionment of estate taxes in certain cases.

Mr. CHERVENAK, from the Committee on Constitutional Amendments, re-reported as amended, House Bill No. 1557, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania.

Mr. JOHN J. BAKER, from the Committee on State Government, re-reported as amended, House Bill No. 1201, (Senate Bill No. 366), entitled:

An Act to amend sections three, four and six of the act approved the twenty-eighth day of June, one thousand nine hundred thirty-five (P. L. 452), entitled "An act to promote the welfare of the people of the Commonwealth; creating a General State Authority as a body corporate and politic with power to construct, improve, and operate projects, and to lease the same, and to fix and collect fees, rentals, and charges for the use thereof; authorizing and regulating the issuance of bonds by said Authority, and providing for the payment of such bonds, and the rights of the holders thereof; and to enter into agreements with the Government of the United States or any Federal agency; and authorizing the Department of Property and Supplies to grant, assign, convey or lease to the Authority lands of the Commonwealth and interests therein, and to acquire lands therefor; granting the right of eminent domain; and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act," by providing for additional projects; removing the date by which projects must be commenced; removing certain restrictions against the construction of projects; extending the life of such Authority; clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling, assigning, mortgaging, or otherwise disposing of any of the assets belonging to the Authority; and clarifying certain provisions of said act.

SENATE MESSAGES

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1028.

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred sixteen) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygenists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of denistry and as dental hygienists.

With the information that the Senate has passed the same with amendment, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend section 1, page 4, by inserting after line 27 the following:

"Provided however that the foregoing shall not prevent

the use of signs containing the name of any licensee and the word dentist or any abbreviation thereof."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—199

Achterman,	Fitch,	McDermott,	Siegel,
Alexander,	Flanagan,	McDevitt,	Simon,
Allen,	Flannery,	McElroy,	Skale,
Allmond,	Flinchbaugh,	McFall,	Sloan,
Arnold,	Ganser,	McGee,	Smith, James A.,
Atkins,	Gerard,	McShane,	Smith, John A.,
Aukerman,	Gillette,	Melchiorre,	Snyder,
Baine	Gorski,	Mellott,	Sollenberger,
Baker, F. T.,	Habbyshaw,	Mihm,	Spengler,
Baker, J. J.,	Haberlen,	Moomaw,	Sproul,
Balthaser,	Hagerty,	Mooney,	Stackpole,
Bierly,	Hamilton, F. P.,	Moran,	Stewart,
Blank,	Hamilton, R. S.,	Moul,	Stockham,
Bohn,	Harkins,	Muir,	Strode,
Boies,	Harmuth,	Munley,	Terry,
Boltz,	Hays,	Murrin,	Thomas,
Boose,	Hering,	Nagel,	Thompson,
Boyer,	Hess,	O'Brien,	Toole,
Bradley,	Hetrick,	O'Connor,	Tronzo,
Brancato,	Hindman,	O'Keefe,	Trout,
Brigerman,	Hirsch,	Ominsky,	Tumelty,
Broad,	Holland,	O'Neill,	Turner,
Brown,	Holmes,	Ostroff,	Valibus,
Brownfield,	Holstrom,	Patterson, C. S.,	VanAllsburg,
Burrows,	Hontz,	Patterson, J. W.,	VanSickle,
Cadwalader,	Horting,	Peale,	Vogt,
Caesar,	Huntley,	Perry,	Wagner,
Caputo,	Imbrie,	Pershing,	Wall,
Chervenak,	Jirolanio,	Piole,	Walsh,
Coakley,	Kane,	Powers,	Wampole,
Cohen, H. B.,	Keenan,	Preston,	Webster,
Cohen, R. E.,	Kelso,	Readinger,	Weidemann,
Coleman,	Kilroy,	Reese,	Weiss, D. H.,
Coolahan,	Kline,	Reising,	Weiss, S. A.,
Corrigan,	Kroll,	Richter,	Welliver,
Costanzo,	LaRue,	Robinson,	Welsh,
Davies,	Leisey,	Rothenberger,	Westrick,
Decker,	Levy,	Royer,	Whalen,
DeNote,	Lewis,	Ruffennach,	Whitenight,
Dickinson,	Long,	Rush,	Wilson,
Donohoe,	Longaker,	Sarraf,	Winner,
Dougherty,	Lopresti,	Schrock,	Wood,
Downey,	Lovett,	Schrope,	Woodside,
Dubbs,	Lyons,	Schumacher,	Wright,
Dyson,	Mallen,	Serrill,	Yanoshat,
Eckels,	Marino,	Shaw,	Yeakel,
Elpern,	Matthews, H. F.,	Shea,	Yourishin,
Falkenstein,	Matthews, J. F.,	Shepard,	Zappala,
Finnerty,	McArdle,	Shoemaker,	Furman,
Fiss,	McCullough,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 390.

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue and prescribing penalties

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments, as follows:

Amend the title, page 1, by striking out in lines 11 and 12 the words "and the Department of Revenue."

Amend section 4, page 5, by striking out all of lines 15 and 16 as follows: "(c) Articles of wearing apparel for use of children ten years of age or under"; also at the beginning of line 17 by striking out the letter "(d)" and inserting in lieu thereof the letter "(c)"; also at the beginning of line 18 by striking out the letter "(e)" and inserting in lieu thereof the letter "(d)"; also at the beginning of line 19 by striking out the letter "(f)" and inserting in lieu thereof the letter "(e)"; also at the beginning of line 20 by striking out the letter "(g)" and inserting in lieu thereof the letter "(f)"; also at the beginning of line 21 by striking out the letter "(h)" and inserting in lieu thereof the letter "(g)"; also at the beginning of line 22 by striking out the letter "(i)" and inserting in lieu thereof the letter "(h)"; also by inserting after line 22 the following new paragraph: "Provided That the word "rags" shall not be deemed to apply to new remnants clippings or selvages which are by-products of manufacturing processes"; also at the beginning of line 23 by striking out the letter "(j)" and inserting in lieu thereof the letter "(i)."

Amend section 5, page 6, by inserting after line 27 the following new paragraph: "(c) All power machines used in conduct of industrial home work shall be guarded in accordance with the laws and regulations of the Department of Labor and Industry."

On the question,

Will the House concur in the amendments made by the Senate?

Mr. GERARD. Mr. Speaker, I move that the House concur in the amendments made by the Senate.

Mr. JAMES W. PATTERSON. Mr. Speaker and members of the House, I rise in opposition to the motion of the gentleman from Allegheny, Mr. Gerard. On page 5 of House Bill No. 390 the Senate of Pennsylvania in its wisdom, has taken out lines 15 and 16 of that bill. The Senate has stricken out the words "Articles of wearing apparel for use of children ten years of age or under." Mr. Speaker and members of the House, I believe that these lines, lines 15 and 16, should remain in House Bill No. 390. It would be an appalling example of inconsistency for this House to concur in an amendment of this character.

Immediately below the amendment inserted by the Senate, Mr. Speaker, we have Article (c) toys and dolls —that is, if the members have the bill and are following it—that the manufacturing or processing of toys and dolls in industrial home work is prohibited. Now, Mr. Speaker, toys and dolls are used only by small children. It appears obvious to me that if the Senate of Pennsylvania is willing to go along with this House in prohibiting the manufacturing or processing of toys and dolls for the use of small children, they should be equally willing to go along with this House in prohibiting the manufacturing and processing in industrial home work surroundings of articles of clothing for children of a like age. If toys and dolls manufactured under unsanitary conditions are unhealthful for the children of this Commonwealth to use, it appears equally obvious that the clothing which these children

will wear should not be exempted from the provisions of this act. Therefore, Mr. Speaker, I ask the members of this House to defeat the motion of the gentleman from Allegheny, Mr. Gerard, so that I may offer a motion of non-concurrence and that we may send this bill to conference.

Mr. YOURISHIN. Mr. Speaker, when this bill was in the House, there was a serious question in the committee at that time as to whether or not this section should be taken out for the very simple reason that no one is able to determine the age of a child when purchasing clothes, and my understanding of it is that all of the clothes that are made for wearing apparel for children up to ten years of age are sterilized and that with dolls it is just a little different because there is packing and what not in connection with the dolls. The Department of Labor and Industry had the matter up with the Senate Committee and it was agreed that that section should be stricken out.

I ask the members of the House to vote to concur in the amendments to this bill.

Mr. JAMES W. PATTERSON. Mr. Speaker and members of the House, I agree with the gentleman from Luzerne, Mr. Yourishin, that the Department of Labor and Industry had taken up this matter with the Senate Committee and had agreed to this amendment, but I submit, Mr. Speaker, that on authority of Mr. Staley of the Department of Labor and Industry, I am informed that the principal question at issue in this matter was the question of constitutionality, the constitutionality of this particular phrase, and I submit to you, Mr. Speaker, that there is a severance clause in this bill and that if the courts hold that the Legislature of Pennsylvania has no authority to regulate the manufacturing or processing of children's clothing—that is for children under ten years of age—they may throw out that clause and we will still have the industrial home work act.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I only rise to urge the concurrence of the House in the amendments to this bill made by the Senate. As I understand it this bill passed the House with a definite prohibition of the manufacture of children's clothing in the home. All this bill will allow—it will allow the manufacture of children's clothing in the home under regulations established by the Department of Labor and Industry. Now, as the gentleman from Luzerne, Mr. Yourishin, has indicated it is very hard to determine just the age limitation upon the children's clothes. Also as the gentleman from Luzerne, Mr. Yourishin, has indicated children's clothes go through a process of laundering and sterilizing prior to being placed on the market which will, in addition to the regulations imposed by the Department of Labor, eliminate all possibility of harmful agents being transmitted to the children wearing the clothes.

That is not true as far as toys and dolls are concerned. They are manufactured in the home, painted and processed in the home, and are not exposed to any sterilization of laundry process.

I, therefore, ask the members to support the motion of the gentleman from Allegheny, Mr. Gerard, to concur in the measure as amended by the Senate.

Mr. JAMES W. PATTERSON. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, will not the gentleman agree with me that the manufacture and processing of toys and dolls is included in this bill; that it is included in so far as the manufacturing and processing are prohibited.

Mr. HERBERT B. COHEN. I think, it is, yes, Mr. Speaker.

Mr. JAMES W. PATTERSON. Mr. Speaker, the gentleman knows it is. Will the gentleman inform me of any good reason why if dolls and toys for the consumption and use of children of small age are prohibited by this bill—any good reason why articles of clothing to be used and consumed by those children should be exempted from it. If one is manufactured under unsanitary conditions certainly the other would be.

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the question of the gentleman from Allegheny, apparently he was not paying attention to what I had to say and for his sole benefit I will reiterate what I did say. The distinction between toys and dolls and children's clothes is one that is very apparent, in that the clothing of children is laundered and processed before it is shipped to the retailer or before it is consumed or worn by the children, and in the case of toys and dolls they are not laundered or processed or cleansed.

Mr. JAMES W. PATTERSON. Mr. Speaker, will the gentleman point out to me the section in this bill which directs manufacturers or contractors of children's clothing to so launder and so disinfect the children's clothing?

Mr. HERBERT B. COHEN. Mr Speaker, that would be covered by the regulations of the Department of Labor and Industry, and it is also covered by the natural manner in which the manufacture of children's clothing is indulged in, namely, every shirt, every piece of wearing apparel that is processed is finally laundered before it is shipped to the consumer.

Mr. JAMES W. PATTERSON. Mr. Speaker, the gentleman says that it can be. He does not say it will be and certainly this act does not say that it shall be.

Mr. HERBERT B. COHEN. But the fact remains, Mr. Speaker, that it is.

On the question recurring,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—193

Achterman,	Fitch,	McDermott,	Siegel,
Alexander,	Flanagan,	McDevitt,	Simon,
Allen,	Flannery,	McElroy,	Skale,
Allmond,	Flinchbaugh,	McFall,	Sloan,
Arnold,	Ganser,	McGee,	Smith, James A.,
Atkins,	Gerard,	McShane,	Smith, John A.,
Aukerman,	Gillette,	Melchiorre,	Snyder,
Baine	Gorski,	Meliott,	Sollenberger,
Baker, F. T.,	Habbyshaw,	Mihm,	Spangler,
Baker, J. J.,	Haberlen,	Moomaw,	Sproul,
Balthaser,	Hagerty,	Mooney,	Stackpole,
Bierly,	Hamilton, F. P.,	Moran,	Stewart,
Blank,	Hamilton, R. S.,	Moul,	Stockham,
Bohn,	Harkins,	Muir,	Strode,
Boles,	Harmuth,	Munley,	Terry,
Boltz,	Hays,	Murrin,	Thomas,
Boose,	Hering,	Nagel,	Thompson,
Boyer,	Hess,	O'Brien,	Toole,
Bradley,	Hetrick,	O'Connor,	Tronzo,
Brancato,	Hindman,	O'Keefe,	Trout,
Brigerman,	Hirsch,	Ominsky,	Tumelty,

Broad,	Holland,	O'Neill,	Turner,
Brown,	Holmes,	Ostroff,	Valibus,
Brownfield,	Holstrom,	Patterson, C. S.,	VanAllsburg,
Burrows,	Hontz,	Peale,	VanSickle,
Cadwalader,	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Jirolanio,	Powers,	Walsh,
Coakley,	Kane,	Preston,	Wampole,
Cohen, H. B.,	Keenan,	Readinger,	Webster,
Cohen, R. E.,	Kelso,	Reese,	Weidemann,
Coleman,	Kilroy,	Reising,	Weiss, D. H.,
Coolahan,	Kline,	Richter,	Weiss, S. A.,
Corrigan,	Kroll,	Robinson,	Welliver,
Costanzo,	LaRue,	Rothenberger,	Welsh,
Davies,	Leisey,	Royer,	Westrick,
Decker,	Levy,	Ruffennach,	Whalen,
DeNote,	Lewis,	Rush,	Whitenight
Dickinson,	Long,	Sarraf,	Wilson,
Donohoe,	Longaker,	Schrock,	Winner,
Dougherty,	Lopresti,	Schrope,	Wood,
Downey,	Lovett,	Schumacher,	Woodside,
Dubbs,	Lyons,	Serrill,	Wright,
Dyson,	Mallen,	Shaw,	Yanoshat,
Eckels,	Marino,	Shea,	Yeakel,
Elpern,	Matthews, H. T.,	Shepard,	Yourishin
Falkenstein,	Matthews, J. F.,	Shoemaker,	Zappala,
Finnerty,	McArdle,	Shugarts,	Furman,
Fiss,	McCullough,		

NAYS—1

Patterson, J. W.,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

AMENDED SENATE BILLS NON-CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has non-concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled, as follows:

SENATE BILL No. 177.

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors and prohibiting minors from purchasing or attempting to purchase the same

Mr. MOOMAW. Mr. Speaker, I move that the House insist upon its amendments non-concurred in by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1028.

An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 216) entitled "An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their re-instatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws" by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making additional penal provisions and further regulating the practice of dentistry and as dental hygienists

Whereupon,

The Speaker in the presence of the House signed the same.

Mr. SIMON in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1020, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 304, entitled:

An Act granting a pension for military service to Robert R. Hoffman of the County of Lehigh

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1753, entitled:

An Act to create an agency in the public interest to be known as the Pennsylvania State Bar, for the purpose of organizing and governing persons who practice law, and regulating said practice to provide for the organization government membership and powers of said agency and to provide penalties for the violation of the act and repealing of acts or parts of acts in conflict therewith

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1437, entitled:

An Act to amend sections two hundred and eleven three hundred and twelve seven hundred and seven and eight hundrd and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eighty-nine) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolu-

tion of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth and conferring discretionary powers upon the courts

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1333, entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand eight hundred four) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1897, entitled:

An Act authorizing the Governor to enter into compacts with the Governors of certain other states and possesions of the United States relative to the producing of tobacco

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1898, entitled:

An Act to provide for the supervision and regulation of the production of tobacco committeemen and other agencies and employes and to define and to provide for their functions duties and powers to provide for the appointment compensation costs and expenses of said commission and of committeemen, agencies and employes thereof to provide for the raising of funds for the administration of this act, and for the disposition of the revenue hereunder to provide a fund to compensate tobacco producers for crop failures and losses from fire to impose penalties for violation of this act and to provide for the co-operation of the commission with commissions of certain other states and possessions of the United States for the purpose of uniformly regulating and controlling the production of tobacco in this State and each of such states and possessions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1006, entiled:

An Act to amend article ten of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by making it unlawful to interfere with drains and ditches under or along county highways and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1576 (Senate Bill No. 404), entitled:

An Act to amend section one of the act, approved the eleventh day of June, one thousand nine hundred and thirty-five (P. L. 336) entitled "An act authorizing courts to stay legal proceedings, except in certain cases, against banks, bank and trust companies, and trust companies where any such corporation has guaranteed, or otherwise obligated itself, to pay in cash the amount or value of trust, or other funds, placed with it for investment, and the same have been invested in mortgages, or participations in mortgages, or in pools or funds of mortgages, and suspending the operation of the Statute of Limitations, and inconsistent acts of Assembly;" extending said act for a further period of two years.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1773 (Senate Bill No. 311), entitled:

An Act authorizing the recording and copying of documents, plates, papers and instruments of writing by photostatic, photographic or other mechanical process; and relating to the effect and use of such copies and records.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 121, entitled:

An Act imposing a state tax payable by those herein defined as distributors on fuel oil used or sold and delivered within the Commonwealth providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to give security to file reports and to retain certain records imposing duties on retail dealers common carriers and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain state officers and departments providing for refunds imposing penalties and making an appropriation

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 717, entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws three hundred eighty-eight) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of gorund-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of un-

divided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis, have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1879, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred fifty) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon; and providing penalties" correcting an error in said section

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

The SPEAKER (Roy E. Furman) in the Chair.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. KILROY asked and obtained permission for the Committee on Highways to meet during the session of the House.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 390.

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties

Whereupon,

The SPEAKER in the presence of the House signed the same.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 716, as follows:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth article thereof

That Article nine section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any county city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed seven (7) per centum upon the assessed value of the taxable property therein but the debt of the county of Allegheny may be increased in an amount that the total county debt of such county shall not exceed ten (10) per centum upon the assessed value of the taxable realty therein and the debt of the city and county of Philadelphia may be increased in such amount that the total city and county debt of said city and county shall not exceed fifteen (15) per centum upon the assessed value of the taxable realty therein nor shall any municipality or district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such assessed valuation of taxable property or taxable realty without the consent of the electors thereof at a public election in such manner as shall be provided by law In ascertaining the borrowing capacity of the city and county of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and county as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any other public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the city and county of Philadelphia may issue its obligations maturing

not later than fifty (50) years from the date thereof with provision for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said city and county of Philadelphia for the purpose of the construction or improvements of public works or utilities of any character from which income or revenue is to be derived by said city and county or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city and county such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges accruing and which may accure thereon throughout the period of construction and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said city and county shall not be required to levy a tax to pay said interest and sinking fund charges as required by section ten article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however That any county city borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment work

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. TURNER. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1222, as follows:

An Act to amend section three of the act approved the third day of May one thousand eight hundred fifty (Pamphlet Laws six hundred fifty-four) entitled "An act providing for the election of district attorneys" by changing the power of appointment in cases of vacancies in the office of district attorney

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the third day of May one thousand eight hundred fifty (Pamphlet Laws six hundred fifty-four) entitled "An act providing for the election of district attorneys" is hereby amended to read as follows

Section 3 All elections of district attorneys shall be contested and decided in the same manner as is now provided by law for contesting the election of county officers and if any vacancy shall occur either by death resignation removal from office or from the county or otherwise [the judges of the court of common pleas] the Governor of the Commonwealth by and with the advice and consent of the Senate shall supply such vacancy by the appointment of a competent person to fill the office until the next general election Provided Such vacancy happens thirty days before if not then until the next general election thereafter and until a successor is duly elected and qualified

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2172, (Senate Bill No. 639), entitled:

An Act to prevent the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

The first and second sections were separately read and agreed to as follows:

Section 1 Short Title "Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That" This act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings and Policy (a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with the employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collectively bargaining tend to lead to strikes lock-outs and other forms of industrial strife and unrest which are inimical to the public saftey and welfare and frequently endanger the public health (b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices funda-

ental to the friendly adjustment of industrial disputes rising out of differences as to wages hours or other work- g conditions and tends to restore equality of bargaining wer between employers and employes

(c) In the interpretation and application of this act d otherwise it is hereby declared to be the public policy the State to encourage the practice and procedure of llective bargaining and to protect the exercise by work- s of full freedom of association self-organization and signation of representatives of their own choosing for e purposes of negotiating the terms and conditions of eir employment or other mutual aid or protection free om the interference restraint or coercion of their em- oyers

(d) All the provisions of this act shall be liberally con- ued for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police wer of the Commonwealth of Pennsylvania for the pro- ction of the public welfare prosperity health and peace of e people of the Commonw th

The third section was read as follows:

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department Labor and Industry

(b) The term "person" includes an individual partner- ip association corporation legal representative trustee ustee in bankrupcy or receiver

(c) The term "employer" includes an employer and any rson acting directly or indirectly on behalf of or in e interest of an employer with the employer's knowledge ratification but shall not include any person subject to e jurisdiction of the Federal Railway Labor Act or the ational Labor Relations Act as amended from time to me but a labor organization or any officer or agent ereof shall be considered an employer only with respect individual employed by such organization

(d) The term "employe" shall include any employe and all not be limited to the employes of a particular mployer unless the act explicitly states otherwise and all include any individual whose work has ceased as a nsequence of or in connection with any current labor spute or because of any unfair labor practice This rm however shall not include any individual taking the ace of any employe whose work has ceased as afore- id nor shall it include any individual employed by his rent or spouse or in the domestic service of any person the home of the employer

(e) The term "representative" is not limited to an in- vidual but shall include a labor organization and an in- vidual representative need not himself be employed by d a labor organization serving as a representative need t be limited in membership to employes of the employ- whose employes are represented

(f) The term "labor organization" mean any organiza- on which exists and is constituted for the purpose in hole or in part of collective bargaining but shall not clude any employe organization or association agency or an established maintained administered or assisted by y employer through action defined in the act as an un- ir labor practice

(g) The term "collectively bargaining" or "bargain col- ctively" includes but is not restricted to the process of gotiating terms and conditions of employment conducted employers and employes through their representatives r the purpose of embodying the results of such negotia- n in an agreement for a period of time

(h) The term "unfair labor practice" means only these air labor practices listed in section six of this act

(i) The term "labor dispute" includes but is not re- icted to any controversy between employers and em- yes or their representatives as above defined concern- ; (1) terms tenure or conditions of employment or con- rning (2) the association or representation of persons negotiating fixing maintaining changing or seeking to otiate fix maintain or change terms or conditions of em- yment or concerning (3) the violation of any of the its granted or affirmed by this act regardless of whe- ther the disputant stand in the proximate relations of em- ployer and employe

(j) The term "Board" means the Pennsylvania Labor Relations Board created by section four of this act

(k) The term "policies of this act" means the policies set forth in section two of this act The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 3, page 5, line 18, by inserting after the word "practice" the following: "nor include any labor organization which by ritualistic practice, constitutional or by-law proscription, by tacid agreement among its members, or otherwise denies a person or persons membership in its organization on account of race, creed or color."

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The fourth and fifth sections were seperately read and agreed to as follows:

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created an administrative board in the department to be known as the "Pennsylvania Labor Relations Board' (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for re-appointment The employes of the Board shall be appointed by the Secretary of the Department of Labor and Industry The Board may establish or use such voluntary and uncompensated services as may from time to time be needed

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents as it may designate pro-

secute in any part of this Comonwealth any inquiry necessary to the performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case

Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from the Bureau of Mediation of the Department of Labor and Industry

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargin collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

The sixth section was read as follows:

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To spy upon or keep under surveillance employes or their representatives in the excercise of any right created or affirmed by this act

(b) To distribute or circulate any blacklist of individuals exercising any right created or affirmed by this act or of members of a labor organization or to inform any person of the exercise by any individual of such rights or of the membership of any individual in a labor organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining employment

(c) To dominate or interfere with the formation existence or administration of any employe association or organization agency or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment labor disputes or grievances or to contribute financial or other support thereto by any means including but not limited to the following (1) by participating or assisting in supervising controlling or dominating (I) the initiation or creation of any such employe organization or association agency or plan or (II) the meetings management operation elections formulation or amendment of constitution rules or policies of any such employe organization or association agency or plan (2) by urging the employe to join any such employe organization or association agency or plan for the purpose of encouraging membership in the same (3) by compensating any employe or individual for services performed in behalf of any such employe organization association agency or plan or by donating free services equipment materials office or meeting place or anything else of value for the use of any such employe organization or association agency or plan Provided that an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay

(d) To discourage membership in any labor organization or encourage membership in any such employe association agency or plan by discrimination in regard to hire or tenure of employment or in any term or condition of employment Provided that an employer may make an agreement with a labor organization requiring membership therein as a condition of employment

(e) To refuse to bargain collectively with the representatives of employes subject to the provisions of section seven (a)

(f) To refuse to discuss grievances with representatives of employes subject to the provisions of section seven (a)

(g) To discharge or otherwise discriminate against an employe because he has signed or filed any affidavit petition or complaint or given any information or testimony under this act

(h) To do any acts other than those already enumerated in this section which interfere with restrain or coerce employes in the exercise of the rights guaranteed by this act

On the question,

Will the House agree to the section?

Mr. BROWN. Mr. Speaker, I desire to offer the following amendment:

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 6, page 10, line 4, by striking out after the word "any" the word: "such".

On the question,

Will the House agree to the amendment?

It was agreed to.

On the question,

Will the House agree to the section as amended?

Mr. SAMUEL A. WEISS. Mr. Speaker, I desire to offer the following amendments:

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 6, page 8, by striking out all of lines 25 to 29 inclusive.

Amend section 6, page 9, by striking out all of lines 1 to 28 inclusive.

Amend section 6, page 10, by striking out all of lines 1 to 22 inclusive, and inserting in lieu thereof

"(a) To interfere with, restrain, or coerce employes in the exercise of the rights guaranteed in this act.

(b) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, that subject to rules and regulations made and published by the board pursuant to this act, an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay.

(c) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: Provided, That nothing in this act or in any agreement approved or prescribed thereunder, or in any other statute of this Commonwealth, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representatives of the employes as provided in section seven of this act in the appropriate collective bargaining unit covered by such agreement when made.

(d) To discourage or otherwise discriminate against an employe because he has filed charges or given testimony under this act.

(e) To refuse to bargain collectively with the representatives of his employes, subject to the provisions of section seven of this act".

On the question,

Will the House agree to the amendments.

BILL AND AMENDMENTS TABLED

Mr. YOURISHIN. Mr. Speaker, I move that this bill together with the amendments be laid on the table.

On the question,

Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, the motion to lay on the able is not debatable, but I would like to ask the gentleman from Allegheny a question as to his amendments for he purpose of information. Is that permissible?

The SPEAKER. Will the gentleman from Luzerne, Mr. Yourishin, withdraw his motion temporarily to permit the gentleman from Delaware to interrogate the gentleman from Allegheny, Mr. Weiss?

Mr. YOURISHIN. Yes, I will, Mr. Speaker.

The SPEAKER. Will the gentleman from Allegheny, Mr. Weiss, permit himself to be interrogated?

Mr. SAMUEL A. WEISS. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Luzerne. I would like to ask the gentleman from Allegheny whether the amendments which he has offered are not in the same language as the Federal Wagner Relations Act?

Mr. SAMUEL A. WEISS. Mr. Speaker, they are identical with the wording of section 6 of the Federal Wagner Relations Act.

Mr. YOURISHIN. Mr. Speaker, I renew my motion that the bill together with the amendments be laid on the table.

On the question,

Will the House agree to the motion?

It was agreed to.

The SPEAKER. For the information of the members of the House, when this bill is taken from the table we will take up Section 6.

The other amendments have already been agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1574.

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter interstate and federal compacts requiring persons who weigh measure sample or test milk to procure permits or certicates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Table of Contents, page 3, by striking out all of line 18 as follows: "Section 312 Marketing Area Committees."

Amend Article II, Section 201, page 12, by striking out at the beginning of line 17 the heavy-faced bracket before the word "The"; also at the end of line 26 by striking out the heavy-faced bracket after the word "thereon"; also in Section 202, page 13, by striking out in lines 5 and 6 the word and numerals "dollars ($6,000)" and inserting in lieu thereof the words and figures "five hundred dollars (6,500)"; also same section, line 8, by striking out the words and figures "five thousand five hundred dollars ($5,500)" and inserting in lieu thereof the words and figures "six thousand dollars ($6,000);" also same section, page 14, by striking out all of lines 1 to 6 inclusive as follows: "No person employed in the work of the commission as a Deputy Attorney General or as an attorney shall for a period of two years after leaving the service of the commission be eligible to appear before the commission as an attorney representing any person interested in any proceding before the commission."

Amend Article III, Section 312, page 20, by striking out in lines 9 to 29 inclusive the following: "Section 312 Marketing Area Committee (a) The commission upon petition of at least twenty-five per centum of the producers in any milk marketing area shall establish a marketing area committee in such area Each such committee shall consist of five producers all of whom shall serve for one year The members of such committees shall be chosen by producers in such manner and in accordance with such procedure as may be provided by rules and regulations adopted by the commission

(b) Such marketing area committees when constituted shall serve as bargaining agents for producers with dealers and shall have power to adopt tentative agreements fixing the price to be paid for milk to producers in the marketing area and such other relevant matters as are deemed proper and to submit such agreements to the commission for approval Such committees shall have the power to negotiate production agreements seeking to control milk surpluses in order to stabilze milk production and thus to assure an adequate future supply of pure wholesome milk Every marketing area committee shall aid the commission" also on page 21 by striking out all of lines 1 to 20 inclusive as follows: "in the enforcement of this act and may report to the commission any violations of this act in the area in order that proper steps may be taken by the commission to secure compliance with this act

(c) When sixty per centum of the producers in any marketing area shall agree to finance any such marketing area committee said agreement to be obtained under such procedure as may be provided in rules and regulations to be adopted by the commission the commission shall impose on producers within such area a charge of not more than one cent per hundred pounds of milk sold by producers to dealers in said area The amount to be paid by producers shall be deducted by the dealers from the price paid to producers which deductions shall be paid to the treasurer of the marketing area committee to pay the expenses of the members of the committee and any person or persons employed by it An annual financial statement of receipts and expenditures of any such marketing area committee shall be furnished to each producer in the area and filed with the commission"

Amend Article IV, Section 404, page 25, by striking out at the beginning of line 16 the word "restrain" in inserting in lieu thereof the word "restraint."

Amend Article V, Section 501, page 33, by striking out in lines 12 and 13 the words "if the milk dealer is delin-

quent in the payment to producers for milk purchased"; also in line 15, by inserting at the beginning of the line after the words "equal to" the words "the value of"; also in lines 15 and 16 by striking out the words "due in any one month according to lawful prices for" and inserting in lieu thereof the words "of"; also in line 17 by inserting after the word "producers" the words "in any one month"; also in line 18 by striking out the words "but in any event not exceeding" and inserting in lieu thereof the words "which value shall be computed according to lawful prices and shall not in any event exceed"; also in line 26 by striking out after the word "dealer" the words "required to filed a bond"; also same section, page 34, by inserting in line 1, after the word "of" the words "the value of"; also in lines 1 and 2 by striking out the words "due in any one month according to lawful prices for"; also in line 3 by inserting after the word "producers" the words "in any one month"; also in line 4 by striking out the words "but in any event not exceeding" and inserting in lieu thereof the words "which value shall be computed according to lawful prices and shall not in any event exceed."

Amend Section 502, page 34, by striking out in line 16 the words "required to file a bond"; also in line 20 by striking out the heavy-faced bracket before the word "and"; also at the end of line 22 by striking out the heavy-faced bracket after the word "sum".

Amend Section 503, page 34, by striking out at the end of line 23 the words "A bond"; also at the beginning of line 24 by striking out the word "when" and inserting in lieu thereof the words "The bond"; also in same line by striking out the word "by" and inserting in lieu thereof the word "with"; also in lines 26 and 27 by striking out the words "dealer on order of the commission" and inserting in lieu thereof the words "dealer's application for a license and shall be filed within the time for filing such application."

Amend Section 504, page 35, by striking out in lines 2 to 4 inclusive the words "The commission shall have no power to reject any corporate surety bond which is so executed by a corporate surety company"; also in line 8 by striking out the word "assessed" and inserting in lieu thereof the word "fair"; also in line 13, by striking out the word "said" and inserting in lieu thereof the word "such".

Amend Section 506, page 36, by inserting at the beginning of line 23 after the words "centum of" the words "the value of"; also in lines 23 and 24 by striking out the words "due in any one month according to the applicable prices for" and inserting in lieu thereof the word "of"; also in line 25 by inserting after the word "producers" the words "in any one month"; also in lines 26 and 27 by striking out the words "and in any event not exceeding" and inserting in lieu thereof the words "which value shall be computed according to the prices applicable and shall not in any event exceed"; also on page 37, by striking out in line 2 the word "amount" and inserting in lieu thereof the word "value".

Amend Section 511, page 38, by inserting in line 19 after the word "bond" the words "or of collateral".

Amend Section 513, page 39, by striking out in line 15 the word "period" and inserting in lieu thereof the word "year".

Amend Article VIII, Section 801, page 51, by striking out in lines 21 and 22 the words "where necessity therefor in the opinion of the commission exists"; also in line 28 by striking out after the word "prices" the words "fixed by it"; also on page 52, line 8, by inserting before the word "amend" the word "or"; also in same line by striking out after the word "amend" the words "or revoke"; also in line 11 by inserting the word "order" the words "defining milk marketing areas or"; also in line 27 by striking out the word "such" and inserting in lieu thereof the word "the"; also same line by striking out after the word "of" the word "the" and inserting in lieu thereof the word "such".

Amend Section 802, page 53, by striking out in line 5 the word "may" and inserting in lieu thereof the word "shall"; also in lines 6 and 7 by striking out the words "where deemed necessary by it" and inserting in lieu thereof the words "(except as hereinafter provided in this section)"; also in lines 7 and 8 by striking out the words "in any milk marketing area"; also in line 8 by striking out the word "also" and inserting in lieu thereof the word "may".

Amend Section 803, page 53, by striking out at the end of line 28 the words "Where the" and inserting in lieu thereof the word "The"; also on page 54, by striking out in lines 2 and 3 the words "it may exclude from or include in its order the" and inserting in lieu thereof the words "Provided however That the fixing of"; also at the beginning of line 5 by inserting after the syllable "facturing" the words "shall be discretionary with the Commission".

Amend Section 809, page 58, line 27, by striking out at the beginning of the line the heavy-faced bracket before the word "Any"; also in line 29, by striking out at the end of said line the heavy-faced bracket after the word "or"; also on page 59, by striking out the heavy-faced bracket at the beginning of line 1 before the word "which"; also by striking out at the end of line 14 the heavy-faced bracket after the word "producers".

Amend Article XIII, Section 1301, page 72, by striking out in line 22 after the word "of" the word "an" and inserting in lieu thereof the word "any".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House non-concur in the amendments inserted by the Senate.

On the question,

Will the House agree to the motion?

Mr. TURNER. Mr. Speaker, as I understand it the amendments made in the Senate take out the amendments made in the House to this bill, I would ask the Republican members of the House to go along with the motion to non-concur.

The motion was agreed to.

Ordered. That the Clerk inform the Senate accordingly.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1234 as follows:

An Act to amend section five hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changing the requirements relating to the annexation of boroughs and townships to cities of the third class

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 501 Petition for Annexation of Boroughs or Townships and Parts of Townships Any borough (having a population of less than ten thousand inhabitants) or any township or part of a township contiguous to any city whether wholly or partially within the same or differ-

ent counties may become annexed to any such city in the following manner

(a) In the case of a borough the borough council (may) shall pass an ordinance for such annexation whenever (three-fifths) a majority of the taxable inhabitants of such borough shall present a petition (accompanied with the written consent of a majority in number and interest of property owners of the borough) asking for such annexation

(b) In the case of a township or part of a township whenever (three-fifths) a majority of the taxable inhabitants of such township or part of a township shall present a petition to the council of said city (accompanied with the written consent of a majority in number and interest of property owners of such township or part of a township) asking for such annexation

(c) In case of part of a township when there are no taxable inhabitants residing therein then whenever (three-fifths) a majority of the property owners in number and interest of property situated therein shall present a petition to the council of said city asking for such annexation

In construing this section a majority in interest of owners of undivided interests in any piece of property shall be deemed and treated as one person for the purpose of ascertaining the number of petitioners

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. BROAD. Mr. Speaker, I move that this bill be recommitted to the Committee on Boroughs for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1411 entitled:

An Act to further amend the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by conferring certain powers on the State Board of Optometrical Examiners further regulating and providing for the licensing of branch offices prescribing additional grounds for refusing cancelling revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" as amended by section two of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 260) is hereby further amended to read as follows

Section 3 For the purpose of carrying out and enforcing the provisions of this act there shall be established in this Commonwealth a board which shall be known as the Board of Optometrical Education Examination and Liconsure of the Commonwealth of Pennsylvania The said board shall consist of seven members who shall be appointed by the Governor of the Commnwealth on or before July first nineteen hundred and seventeen Each member shall receive a certificate of his appointment signd by the Governor and attested by the Secretary of the Commonwealth The members of this board shall be optometrists citizens of this Commonwealth who possess the requisite qualifications to practice optometry under this act and who shall have been so practicing in this State during the five years next previous to their appointment Two members of the board first appointed under this act shall serve for one year two for two years and three for three years after which the successor of each member shall be appointed for the term of three years but no member of said board shall be a member of the faculty of any undergraduate school or college teaching optometry The first appointees shall by virtue of such appointment receive certificates of licensure without examination The Governor shall by appointment fill all vacancies caused by death resignation or otherwise and may remove any member of said board for continued neglect of his duties in conection therewith or for any unprofessional or dishonorable conduct Appointments to fill vacancies shall be for the unexpired term of the deceased or retiring member The board herein created is hereby charged with the enforcement of this act To assist the board in the enforcement of this act the Governor shall appoint an optometrist who is a citizen of this Commonwealth and has practiced optometry in this State for at least five years and who shall be known as the State optometrical inspector He shall serve for a period of two years and shall assist the board in investigating and prosecuting all reported violations of this act The optometrical inspector shall be compensated at the rate of fifteen dollars per day and necessary expenses for each day actually devoted to this work The State Board of Optometrical Examiners is hereby charged with the enforcement of this act and shall have power when more than one construction can be placed upon the language used in this act to interpret such language in accordance with its conception of the legislative intent and so as to protect the public against fraud and incompetency

All suits for the recovery of the penalties prescribed in this act shall be prosecuted in the name of the State of Pennsylvania in any court having jurisdiction and it shall be the duty of the prosecuting attorney of the county where such offense is committed to prosecute all the persons violating the provisions of this act upon proper complaint being made

On the question,

Will the House agree to the section?

Mr. REUBEN E. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend page 4, section 1, lines 7, 8, 9, 10, 11, 12, and 13 by striking out:

"[The State Board of Optometrical Examiners]" in line 7, all of lines 8, 9, 10, 11, 12 and the words "[fraud and incompetency]" in line 13.

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The second to the sixth sections inclusive and title were separately read and agreed to as follows:

Section 2 Section six of said act as amended by section two of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 659) is hereby further amended to read as follows

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee [In case of failure at any limited examination the applicant shall have the privilege of continuing the practice of optomerty and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optomerty in this Commonwealth] Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office [or place of business] wherein said person shall practice optometry together with the photograph of said person attached to the lower right-hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board

Peddling from door to door or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office [or place of business] is specifically forbidden under penalty of revocation of certificate by the board Certificate holders may however [establish branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination and is in charge of a regularly licensed optometrist] apply to the board for and be granted by it branch office licenses for such branch offices as the board may approve A separate license shall be required for each branch office maintained Each such branch office shall not be any less a permanent office than the certificate holder's main office Branch offices within the meaning of this act are defined as permanent additional offices where the licensed optometrist may render a more convenient personal service to his patients but nothing herein shall be construed as prohibiting the employment of licensed optometrists as assistant Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board

Each person to whom a certificate has been issued by said board shall before practising under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 4 The first paragraph of section seven of said act as amended by section five of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 260) is hereby further amended to read as follows

Section 7 [Said Board of Optometrical Education Examination and Licensure] The State Board of Optometrical Examiners shall charge the following fees for examination registration and renewals of certificates The sum of twenty-five dollars for a standard examination and [ten dollars for a limited examination] two dollars for each branch office license Every registered optometrist who desires to continue the practice of optometry shall annually on or before the first day of January pay to the secretary of the board a renewal registration fee of five dollars per annum for which he shall receive a renewal of his certificate He shall also pay a renewal license fee of two dollars per annum for each licensed branch office maintained by him

Section 4 Section nine of said act as last amended by section one of the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 26) is hereby further amended to read as follows

Section 9 The [Board of Optometrical Education Examination and Licensure] State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit the peddling from house to house or person to person or the establishment of temorary offices contrary to the provisions of this act or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical [business] profession in which untruthful statements are made or the failure to deliver the certificates provided for in section six of this act or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 5 Section twelve of said act as amended by section four of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 659) is hereby further amended to read as follows

Section 12 The provisions of this act shall not apply to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery or person selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

Section 6 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

An Act to further amend the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by conferring certain powers on the State Board of Optometrical Examiners further regulating and providing for the licensing of branch offices prescribing additional grounds for refusing cancelling revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1055 as follows:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitle "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violations thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added by the act approved the twenty-eighth day of April one thousand nine hundred and twenty-one (P. L. 328) and last amended by section three of the act approved the sixth day of May one thousand nine hundred and twenty-five (P. L. 547) is hereby further amended to read as follows

23 The amount apportioned and allotted to each school district shall be divided into equal semi-annual installments and the Superintendent of Public Instruction shall draw his [warrants] reguisitions semi-annually upon the State Treasurer in favor of each district for the amount to which it is entitled and payment thereof shall be made to fourth class districts during the months of February and August of each year to second and third class districts during the months of March and September of each year and to first class districts during the months of April and October of each year

[Provided That reimbursement] Reimbursement on account of salaries required to be paid for extension schools and classes as herein provided shall be made to school districts maintaining approved extension schools and classes established as herein provided and shall begin with the first semi-annual payment of the biennium beginning the first day of June one thousand nine hundred and twenty-seven Provided however That the Superintendent of Public Instruction may refuse to authorize the payment of any amount payable to any school district for the school year commencing the first day of July one thousand nine hundred and thirty-seven or any school year thereafter which school district has for the year one thousand nine hundred and thirty-five one thousand nine hundred and thirty-six or the year one thousand nine hundred and thirty-six one thousand nine hundred and thirty seven failed or refused to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by this section giving due credit for increments suspended during the years one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-four one thousand nine hundred and thirty-five or which shall at any time hereafter fail or refuse to pay to the members of its teaching and supervisory staffs the full amount of the minimum salaries and increments required by this section He may continue to withhold such requisitions until provision has been made by the school district for the payment of such minimum salaries and increments

Section 2 This act shall become effective the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2169, (Senate Bill No. 831), entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2125 (Senate Bill No. 64), as follows:

An Act to establish a separate Orphans' Court in and for the County of Dauphin

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same

Section 1 That in the County of Dauphin a separate orphans' court be and is hereby established the name and style of which shall be the Orphans' Court of Dauphin County which court shall be a court of record and shall consist of one judge learned in the law

Section 2 At the first municipal election which shall occur after the passage of this act a judge of the said court shall be elected and duly commissioned to hold of-

fice from the first Monday of January next succeeding such election for the same term and in the same manner as the judges of the court of common pleas of the county The annual salary of the said judge shall be the same as is paid to the judges of the court of common pleas of the said county except that he shall not receive the additional compensation provided by law for said judges for trying civil cases for the Commonwealth and shall be paid in the same manner as the salaries of said judges of the court of common pleas are now or may be hereafter made by law payable.

Section 3 The terms of the said Orphans' Court shall be established by the judge thereof as he shall deem necessary and proper

Section 4 The said court shall have and exercise all the jurisdiction and powers now vested in or which may hereafter be conferred upon the orphans' courts of this Commonwealth under and by virtue of the laws thereof

Section 5 The commissioners of the said county shall provide proper and suitable rooms in which the said orphans' court shall be held and its business transacted and in which the records thereof shall be safely and securely kept

Section 6 The Governor is hereby authorized by and with the consent of the Senate to appoint one competent person learned in the law as such Orphans' Court Judge for the said Dauphin County to serve until the first Monday in January succeeding the next municipal election

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG asked and obtained permission for the Committee on State Boards to meet during the session of the House.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 190, as follows:

An Act to amend clauses (i) and (j) of section four clauses (e) (f) and (j) of section two hundred eight and sections three hundred nine and five hundred seven of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" by providing for certain additional persons to be considered as employers providing for additional credits in civil service examinations for persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who were honorably discharged from such service further defining the qualifications and the method of examining personnel providing a system of promotion for employes in the civil service system further defining the scope of judgments obtained for the collection of employer contributions and extending the jurisdiction of courts of common pleas with respect to summons and subpoenas issued under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (j) of section four of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such contributions and the payment of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" are hereby amended to read as follows

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual co-partnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or sub-contractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or sub-contractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or sub-contractor for each day during which said individual is engaged in performing such work except that each such contractor or sub-contractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or sub-contractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor of sub-contractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes entirely without this Commonwealth with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employe or employes included in such election maintain a domicile within this Commonwealth Such election shall be subject to the approval of the department and if such election is approved

by the department the election shall become binding for not less than two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) "Employment" means all service performed for remuneration or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operation or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed or (c) that such individual is customarily engaged in an independently established trade occupation profession business business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

Section 2 That clauses (e) (f) and (j) of section two hundred eight of the said act are hereby amended to read as follows

(e) The secretary shall prescribe by rules and regulations the qualifications to be possessed by persons desiring employment in the various grades of employment in the administration of this act The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application

(f) Every individual desiring employment under the provisions of this act shall file with the board an application which shall be in a form prescribed by the board provided that such application shall be the same for all individuals desiring the same grade of employment and shall be so drawn as to reveal the qualifications as prescribed by the secretary In no case shall the board require of the applicant any information pertaining to his race creed color or political affiliations Upon receiving such application the applicant shall be admitted to the next competitive examination in the grade of employment which he or she seeks Such competitive examinations shall be practical in their character and so far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but no applicant shall be required to be possessed of any specified scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position Such competitive examinations shall be in writing but in arriving at a final rating of applicants for such administrative and professional grades of employment as are so designated by the board the board may take into consideration such experience and personal qualifications as are related to the grades of employment for which applicants are being examined provided that the same standards shall apply with respect to all applicants in the same grade of employment Provided however That in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall be rated an additional five per centum over and above the rating fixed for the quality and character of answers in the examination and any such person who shall have been wounded or otherwise disabled in such service (so long as he is able to perform the work of the employment for which he is examined) shall be rated a further additional five per centum over and above the five per centum herein required and in either case the total per centum mark for grade thus obtained shall determine the order of standing of such persons on any list of eligibles

(j) The secretary shall make appointments to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade

of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three separate vacancies The third and any additional vacancies shall be filled in like manner

Vacancies in positions subject to the provisions of this section whether such positions be newly created or vacated for any reason by any former incumbent shall be filled in so far as practical by promotions from among employes holding positions in the lower grades In all cases an employe to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act Promotions shall be based on merit and upon the superior qualifications of the employe to be promoted as shown by his or her previous service record under this act The secretary may promote an employe to a higher position to which such emloye has been certified as eligible by the board provided that the board shall in certifying such employe satisfy itself that the employe possesses the qualifications prescribed by the sceretary for the higher position Before making such certification the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe

Section 3 That sections three hundred nine and five hundred seven of the said act are hereby amended to read as follows

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest due thereon the amount due shall be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 507 Procedure where Summons or Subpoenas Disobeyed In case any person refuses fails or neglects to obey a summons or subpoena issued under the authority of this act or fails refuses or neglects to produce any books papers correspondence memoranda or record the department or board or its agent duly authorized in writing may petition the court of common pleas of the county in which the inquiry is being carried on or within which the person summoned or subpoenaed is found or resides or transacts business setting forth the facts whereupon the court shall have jurisdiction to direct such person to appear before the department or its agent or before a referee or the board at a time and place fixed by the court and give such testimony and produce such books papers correspondence memoranda and other records as may be required or to issue to such person its subpoena requiring such person to appear before the court at a time fixed and there to give testimony touching the matter under investigation or to produce such other evidence as may be required

Any person who shall without just cause fail neglect or refuse to obey a subpoena or order of the court or who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books papers correspondence memoranda and other records if it is in his power so to do in obedience to a subpoena or an order of the court may be punished by said court for contempt

Section 4 This act shall become effective immediately upon its final enactment

RECONSIDERATION OF VOTE

Mr. MOOMAW. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. JAMES W. PATTERSON. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Franklin, Mr. Moomaw, vote on the motion?

Mr. MOOMAW. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny, Mr. Patterson, vote on the final passage of this bill?

Mr. JAMES W. PATTERSON. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. MOOMAW. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 1, sub-section (j), page 7, line 5, by inserting after the word "fact" and before "(b)" the word "and"

Amend section 1, sub-section (j), page 7, line 10, by striking out after "formed" the word "or" and inserting in lieu thereof the word: "and"

Amend section 2, sub-section (f), page 10, line 10, by striking out the following: "wounded or otherwise disabled in such service" and inserting in lieu thereof the following "disabled by wounds or in any other manner while engaged in such service"

Amend section 2, sub-section (f), page 10, lines 12-13-14, beginning with "shall" and ending with "required" by striking out the following: "shall be rated a further additional five per centum over and above the five per centum herein required" and inserting in lieu thereof the following: "and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 752 as follows:

An Act regulating the removal of sand gravel and coal from the beds of streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth and providing for the imposition collection and lien of royalties for such materials taken removed or dredged from such waters

title to which is in whole or in part in the Commonwealth requiring persons associations copartnerships and corporations to secure permits from the Water and Power Resources Board and to file bonds with the Department of Revenue providing for appeals and providing penalties and refunds

Section 1 Be it enacted by the Senate and House of Representatives of the Commowealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Association" means a partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Board" means the Water and Power Resources Board of this Commonwealth

"Department" means the Department of Revenue of this Commonwealth

"Material" means sand gravel or coal

"Marketable Material" means such material as is removed from the stream lake or other body of water for purposes of sale commercial or other use

"Permittee" is a person as hereinafter defined holding a stream deposit permit under this act

"Person" means a natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the officers or members thereof and as applied to corporations the officers thereof

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 2 Stream Dredging Permits Penalty On and after the effective date of this act it shall be unlawful for any person to take remove or dredge or cause to be taken removed or dredged any material from the beds of streams lakes and other bodies of water wholly or party within or forming part of the boundary of this Commonwealth unless and until such person shall have first secured and have in his possession a stream dredging permit issued by the Board specifying

(a) The material authorized to be taken removed or dredged

(b) The stream lake or other body of water from which such material may be taken removed or dredged

(c) The location of the place or places in or along such stream lake or other body of water where such material may be taken removed or dredged

(d) The duration of the permit

(e) The charge for the material to be taken removed or dredged under such permit where the taking removal and dredging is from a stream lake or other body of water title to which is in whole or in part in the Commonwealth

(f) Such other conditions and stipulations as the Board may require

Applications for permits shall be made on forms furnished by the Board and shall be accompanied by a filing fee in the amount of Five Dollars ($5.00) In addition thereto an inspection fee of Fifteen Dollars ($15.00) shall be paid by the permittee annually in the manner specified in the permit

Permits once issued shall be effective until their date of termination unless revoked by the Board or surrendered by the permittee The Board shall have full power to revoke the permit of any permittee who shall fail to comply fully with the provisions of this act or the provisions conditions and stipulations contained in a stream dredging permit Provided that the Board may also revoke a permit if in its opinion the interests of the Commonwealth so require

Section 3 Charges for Materials Payment Whenever application is made for a permit to remove or dredge material from the beds of streams lakes or bodies of water title to which in whole or in part is in the Commonwealth the permit issued shall require in addition to the charges imposed by section 2 hereof a reasonable royalty to be fixed by the Board based upon the value of the material dredged as influenced by its location or other relevant factors not however to exceed five (5) cents per ton for the material dredged or removed to be paid by the permitte at quarterly intervals on the first day of January April July and October for the three months immediately preceding and payment shall be made to the Department within one month of the date when the charges become due

There is hereby imposed on whoever dredges or removes materials from the beds of streams lakes or bodies of water title to which in whole or in part is in the Commonwealth a royalty to be fixed by the board as above provided not however exceeding five (5) cents per ton of two thousand pounds for each ton of marketable material dredged and removed to be paid and collected as in this act provided But this provision shall not apply to channel improvement operations where the material dredged is redeposited and not sold or used for commercial purposes

Section 4 Violations Penalty Any person who continues or hereafter begins to take remove or dredge material from the beds of streams lakes and other bodies of water without securing and having in his possession a stream dredging permit and without filing with the Department the bond required by this act shall upon conviction in a summary proceeding be sentenced to pay a fine of one hundred ($100.00) dollars and in default of the payment of such fine and costs of prosecution the person or if such person be a copartnership then the patrner or if such person be a corporation then the officer thereof shall be imprisoned in the county jail for a period of ninety (90) days Each day's dredging in violation of this provision of the act is hereby declared to be a separate offence

Section 5 Bond Every person before receiving a stream dredging permit authorizing him to engage in the taking removing and dredging of any material from the beds of streams lakes and other bodies of water to which title is in whole or in part in the Commonwealth shall file with the Department an acceptable bond payable to the Commonwealth of Pennsylvania in such amount as shall be fixed by the Department Every such bond shall have a surety approved by and acceptable to the Department and shall be conditioned that the principal in the bond will faithfully comply with the provisions of this act and pay the fees charges penalties and interest imposed by or under the provisions of this act or by the permit issued pursuant thereto The Department may require any permittee to furnish such additional acceptable surety bond as shall be deemed necessary to secure at all times the payment by the permittee to the Commonwealth of all fees charges penalties and interest due under the provisions of this act The Department shall permit any permittee to substitute a new bond for the one then on file if such new bond is acceptable to the Department For the purpose of determining whether an existing bond or bonds are sufficient the Department may at any time by written notice require any permittee to furnish a financial statement in such form as it may prescribe Upon failure of any permittee to furnish a financial statement within thirty days of such written notice the Department may request the Board to forthwith suspend or revoke the permit or permits issued to him and shall collect all charges penalties and interest due by him

Any surety on a bond furnished by a permittee as provided herein shall be released and discharged from any and all liability to the Commonwealth accruing on such bond after the expiration of sixty days from the date upon which such surety shall have lodged with the Department a written request to be released and discharged but this provision shall not operate to relieve release or disharge the surety from any liability already accured of which shall accrue before the expiration of the sixty-day period The Department shall promptly upon receiving any such request notify the permittee who furnished the bond and unless the permittee shall on or before the expiration of the sixty-day period file with the Department a new bond aproved by and acceptable to the Department the Department shall request the board to forthwith cancel the permittee's permit or permits Whenever a new bond shall be furnished by a permittee as aforesaid the Department shall cancel and surrender the old bond of the permittee as

soon as it and the Department of Justice shall be satisfied that all liability under the old bond has been fully discharged

Section 6 Report and Payment of Charges Interest and Penalty For the purpose of ascertaining the amount payable under this act it shall be the duty of every permittee within thirty days after any charge becomes due and payable to transmit to the Department upon a form prescribed prepared and furnished by the Department a report under oath or affirmation of the amount of material taken removed or dredged by him during the preceding quarter under permits issued pursuant to this act Such report shall also show such further information as the Department shall prescribe A permittee having more than one place of business within this Commonwealth shall combine in each report the total quantity taken at each such separate place of business

Every permittee at the time of making any such report shall compute and pay to the Department the amount due the Commonwealth for the material taken removed or dredged by him during the preceding quarter less a two per centum discount if the report is filed and said amount paid on time The amount of all charges imposed under the provisions of this act which shall remain unpaid for more than thirty days after the time the charges become due and payable shall bear interest at the rate of one per centum per month or fractional part of a month until the charges have been paid

If any permittee shall neglect or refuse to make any report and payment of any charge as herein required an additional ten per centum of the amount of the charge shall be added by the Department and collected as hereinafter provided and in addition thereto the stream dredging permit of such person may upon request of the Department be suspended or revoked by the Board

Section 7 Determination and Redetermination of Charges Penalties and Interest Due (a) If the Department is not satisfied with the report and payment of any charge made by the permittee under the provisions of this act it is hereby authorized and empowered to make a determination of the charge due by such permittee based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the Department shall send by registered mail a copy thereof to such permittee Within thirty days after the date of any such determination such permittee may file with the Department a petition for redetermination of such charge Every petition for redetermination shall state specifically the reasons which the permittee believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the Department within sixty days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the Department

(c) Within thirty days after notice by the Department of the action taken on any petition for redetermination filed with it the permittee against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which the petitioner relied and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with it within sixty days after they have been received and in the event of the failure of said Board to dispose of any such petition within sixty days the action taken by the Department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the charge due upon such basis as it shall deem proper according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the Department and to the petitioner

(d) The Department or any person aggrieved by the decision of the Board of Finance and Revenue or by the Board's failure to act upon his petition for review within sixty days may within thirty days appeal to the Court of Common Pleas of Dauphin County from the decision of the Board of Finance and Revenue in the manner now or hereafter provided by law for appeals in the case of tax settlements

(e) If any permittee shall neglect or refuse to make any report and payment of any charge required by this act the Department shall estimate the charge due by such permittee and determine the amount due by him including penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal Upon any such neglect or refusal the stream dredging permit or permits issued by the Board may upon request from the Department be suspended or revoked by the Board and required to be surrendered to said Board

Section 8 Examination of Records and Equipment The Department or any agent appointed in writing by it is hereby authorized to examine the books papers records and any equipment of the permittee pertaining to the business permitted by this act to verify the accuracy of any report or paper made under the provisions of this act or to ascertain whether or not any charge imposed under the provisions of this act has been paid but any information gained by the Department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment of not more than one year or both in the discretion of the court

Section 9 Retention of Records by Permittees Penalty Each permittee shall maintain and keep for a period of two years such record or records of the business made permissible by this act with invoices bills of lading and other pertinent papers as may be required by the Department

Any person violating any of the provision of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars ($1,000) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 10 Lien of Charges Penalties and Interest (a) All charges herein imposed and unpaid penalties and interest due by any person shall be a lien upon the franchises and property both real and personal of such person from the date said charges are due and payable as provided in this act and shall have priority over any subsequent lien or encumbrance whatsoever except the lien of State taxes having priority by law and except also that such charges penalties and interest shall have priority over a mortgage only if the statements thereof are filed of record as provided in clause (b) hereof prior to the recording of the mortgage

(b) Statements of all charge herein imposed due and unpaid with penalties and interest thereon certified by the Secretary of Revenue or his representative may at any time be transmitted to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

(c) No sheriff receiver trustee assignee master or other officer shall sell the property or franchises of any person who is a permittee as herein defined without first filing with the Department a statement the following information

(1) The name or names of the plaintiff or party at whose instance or upon whose account the sale is made

(2) The name of the person whose property or franchise is to be sold

(3) The time and place of sale

(4) The nature of the property and the location of the same

(d) It shall be the duty of the Department after receiving notice as aforesaid to furnish to the sheriff receiver trustee assignee master or other officer having charge of the sale a certified copy or copies of all charges penalties and interest on file in the Department as liens against such person and in the case of no such liens a certificate showing that fact which certified copy of copies or certificate shall be publicly read by such officer at and immediately before the sale of the property or franchise of such person

(e) It shall be the duty of the Department to furnish to any person applying therefor upon payment of the fee prescribed by the Department of certificate showing the amount of all liens for charges penalties and interest that may be of record in the Department against any person under the provisions of this act

Section 11 Collection of Unpaid Charges Penalties and Interest Whenever any charges penalties and interest imposed by this act are not paid within thirty days after the date of their determination if no petition for redetermination has been filed or from the date of redetermination if no petition for review has been filed or within sixty days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the Board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales assignments or bankruptcies the Department shall call upon the Department of Justice to collect the same

On all claims for charges penalties and interest hereunder the Department of Justice or any attorney employed by it there shall be paid by and recovered from the person for the use of the Commonwealth an Attorney General's commission of five per centum upon the amount of recovery not exceeding ten thousand dollars ($10,000) and three per centum upon the amount of the recovery in excess of ten thousand dollars ($10,000) and the payment of the Attorney General's commission shall not affect liability for any penalty or interest payable under this act The amount of the Attorney General's commission shall in all cases be added to the amount of the claim against the person and shall be a lien against his property in like manner as the amount of the claim

Section 12 Disposition or Charges and Other Moneys All charges fees interest penalties commissions and any other moneys received collected or recovered under this act shall be paid by or through the Department into the State Treasury and credited to the State Forests and Waters Fund

Section 13 Refunds The Board of Finance and Revenue may refund to persons charges penalties and interest paid by them as the result of an error of law or of fact or of both law and fact Claims for refund shall be made under the procedure prescribed by the Fiscal Code

All refunds of moneys allowed hereunder shall be paid from the State Forests and Waters Fund

Section 14 Constitutional Construction The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 15 Effective Date This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—114.

Alexander,	Dubbs,	McCullough,	Sarraf,
Allmond,	Dyson,	McElroy,	Schrope,
Aukerman,	Elpern,	McGee,	Shea,
Baine	Falkenstein,	McShane,	Shepard,
Baker, J. J.,	Fitch,	Melchiorre,	Shoemaker,
Bierly,	Flanagan,	Mellott,	Shugarts,
Blank,	Flannery,	Mihm,	Simon,
Bohn,	Flinchbaugh	Moomaw,	Skale,
Bradley,	Gerard,	Mooney,	Smith, James A.,
Brancato,	Gorski,	Moran,	Spengler,
Brigerman	Hagerty,	Munley,	Thomas,
Broad,	Hamilton, F. P.	Murrin,	Thompson,
Brown,	Harkins,	Nagel,	Toole,
Brownfield	Hays,	O'Brien,	Tronzo,
Burrows,	Hering,	O'Keefe,	Tumelty,
Caesar,	Hess,	Ominsky,	Valibus,
Caputo,	Hetrick,	O'Neill,	VanSickle,
Chervenak,	Hindman,	Ostroff,	Vogt,
Coakley,	Hirsch,	Patterson, J. W.,	Weiss, D. H.,
Cohen, H. B.,	Holland,	Pershing,	Weiss, S. A.,
Cohen, R. E.,	Holmes,	Piole,	Welliver,
Coleman,	Horting,	Powers,	Welsh,
Coolahan,	Hontz,	Preston,	Westrick,
Costanzo,	Keenan,	Readinger,	Whalen,
DeNote,	Kelso,	Reese,	Whitenight,
Dickinson	Kilroy,	Reising,	Yanoshat,
Donohoe,	LaRue,	Richter,	Yourishin,
Dougherty,	Lopresti,	Robinson,	Zappala,
Downey,	Matthews, H. T.,	Rush,	Furman,

NAYS—35.

Atkins,	Imbrie,	Perry,	Stackpole,
Baker, F. T.,	Kline,	Rothenberger,	Strode,
Boose,	Leisey,	Royer,	Turner,
Boyer,	Longaker,	Schrock,	Wall,
Cadwalader,	Lyons,	Schumacher,	Wampole,
Davies,	Matthews, J. F.,	Serrill,	Wood,
Eckels,	McDevitt,	Siegel,	Woodside,
Habbyshaw,	Muir,	Sloan,	Yeakel,
Huntley,	Peale,	Sproul,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreebly to order,

The House proceeded to the consideration on final passage of House Bil No. 2163, (Senate Bill No. 49), as follows:

An Act to amend clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the power of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto' defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the Court of Philadelphia as a court having such jurisdiction

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and con-

solidating the law relating thereto" is hereby amended to read as follows

(1) The word "court" as used in this act means the County or Juvenile Court in the County of Allegheny the [Municipal Court in] Family Court of the County of Philadelphia and the court of quarter sessions in all other counties of this Commonwealth

Section 2 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Dyson,	Marino,	Ruffennach,
Alexander,	Elpern,	Matthews, H T.,	Rush,
Allen,	Falkenstein,	McArdle,	Sarraf,
Allmond,	Finnerty,	McCullough,	Schrope,
Arnold,	Fitch,	McDermott,	Shaw,
Aukerman,	Flanagan,	McElroy,	Shea,
Baine,	Flannery,	McFall,	Shepard,
Baker, J. J.,	Flinchbaugh,	McGee,	Shoemaker,
Balthaser,	Ganser,	McShane,	Shugarts,
Bierly,	Gerard,	Melchiorre,	Siegel,
Blank,	Gorski,	Mellott,	Simon,
Bohn,	Haberlen,	Mihm,	Skale,
Boies,	Hagerty,	Moomaw,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Bradley,	Harkins,	Moran,	Spengler,
Brancato,	Harmuth,	Moul,	Thomas,
Brigerman,	Hays,	Munley,	Thompson,
Broad,	Hering,	Murrin,	Toole,
Brown,	Hess,	Nagel,	Tronzo,
Brownfield,	Hetrick,	O'Brien,	Tumelty,
Burrows,	Hindman,	O'Connor,	Valibus,
Caesar,	Hirsch,	O'Keefe,	VanSickle,
Caputo,	Holland,	Ominsky,	Vogt,
Chervenak,	Holmes,	O'Neill,	Wagner,
Coakley,	Holstrom,	Ostroff,	Walsh,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Weiss, D. H.,
Cohen, R. E.,	Horting,	Patterson, J. W.,	Weiss, S. A.,
Coleman,	Jirolanio,	Pershing,	Welliver,
Coolahan,	Keenan,	Piole,	Welsh,
Corrigan,	Kelso,	Powers,	Westrick,
Costanzo,	Kilroy,	Preston,	Whalen,
Decker,	Kroll,	Readinger,	Whitenight,
DeNote,	LaRue,	Reese,	Wright,
Dickinson,	Levy,	Reising,	Yanoshat,
Donohoe,	Lewis,	Richter,	Yourishin,
Dougherty,	Long,	Robinson,	Zappala,
Downey,	Lopresti,	Rothenberger,	Furman,
Dubbs,	Lovett,		

NAYS—49.

Atkins,	Kane,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Sloan,	Wall,
Cadwalader,	Lyons,	Snyder,	Wampole,
Davies,	Mallen,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	Muir,	Stewart,	Winner,
Habbyshaw,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed its with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2164 (Senate Bill No. 58), as follows:

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 711) entitled "An act establishing a court for the County of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the County or City of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in certain civil and criminal actions and certain actions in equity

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 711) entitled "An act establishing a court for the County of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the County and City of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" as amended by the act approved the seventeenth day of July one thousand nine hundred and seventeen (P. L. 1015) is hereby further amended to read as follows

Section 11 [The said court hereby created shall have jurisdiction in all criminal actions and suits for penalties except that it shall not have jurisdiction in the trial of indictments for arson burglary murder voluntary manslaughter treason or misprison of treason or for violation or conspiracy to violate the election or registration laws of this Commonwealth or for embezzlement by any public officer of any offense involving breach of official duties by any public officer Provided however That nothing herein contained and no exception to the jurisdiction of the said court herein set forth shall be construed to deprive the said court of exclusive jurisdiction in those cases hereinafter in this section set forth]

The jurisdiction of the said Municipal Court shall be exclusive

(a) In all proceedings brought against any husband or father wherein it is charged that he has without reasonable cause separated himself from his wife or children or from both or has neglected to maintain his wife or children and in all proceedings where any child of full age has neglected or shall neglect to maintain his or her parents not able to work or of sufficient ability to maintain themselves and in all proceedings for the custody of children

(b) In all proceedings concerning dependent deliquent or neglected children as defined by existing laws relating thereto which are hereby made applicable to proceedings in the Municipal Court

(c) In all proceedings concerning or trials of charges brought against all persons whether adults or minors accused of disorderly street-walking

(d) In all proceedings concerning or trials of charges brought against all minors between the ages of sixteen and twenty-one years who shall disobey their parent's command or be found idle in the streets and against all disorderly children

(e) All children not under the age of sixteen years deserting their homes without good and sufficient cause or keeping company with dissolute or vicious persons against the lawful commands of their fathers mothers or guardians or other persons standing in the place of a parent shall be deemed disorderly children

(f) In all proceedings wherein it is charged that a mother has deserted her child or children or has neglected to maintain her child or children or wherein it is alleged that a grandfather or a grandmother has neglected to maintain his or her grandchild or grandchildren or wherein it is alleged that any child is suffering from epilepsy nervous or mental defects as defined by existing laws relating thereto and which are hereby made applicable to proceedings in the Municipal Court

The judges of the said Municipal Court shall be ex officio justices of the peace When defendants are bound over for trial in any case indictments may be presented against

them before the grand jury in accordance with existing laws which indictments may be tried either in existing courts or in the Municipal Court as the case may be Provided however That if it shall be decided by the courts that provisions herein for exclusive jurisdiction in Municipal Court or for abolishing preliminary hearings in certain cases are unconstitutional the intent of the Legislature is hereby expressed that said provisions only shall be void and that all other provisions of this act shall be valid and enforceable

All cases of desertion and non-support instituted in the court of quarter sessions pursuant to the authority of existing law which are pending and undisposed of in said court at the time this act takes effect together with all orders decrees judgments or sentences are hereby transferred to Municipal Court The said Municipal Court is hereby authorized to hear determine and dispose of the cases hereby transferred and shall have full power and authority to enforce any and all orders decrees judgments or centences heretofore entered or imposed in said cases by the said court of quarter sessions with the same power and effect as if such cases had been originally instituted in the said Municipal Court

Section 2 That section ten of said act and the amendments thereto are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—150.

Achterman,	Dyson,	Marino,	Ruffennach,
Alexander,	Elpern,	Matthews, H. T.,	Rush,
Allen,	Falkenstein,	McArdle,	Sarraf,
Allmond,	Finnerty,	McCullough,	Schrope,
Arnold,	Fitch,	McDermott,	Shaw,
Aukerman,	Flanagan,	McElroy,	Shea,
Baine,	Flannery,	McFall,	Shepard,
Baker, J. J.,	Flinchbaugh,	McGee,	Shoemaker,
Balthaser,	Ganser,	McShane,	Shugarts,
Bierly,	Gerard,	Melchiorre,	Siegel,
Blank,	Gorski,	Mellott,	Simon,
Bohn,	Haberlen,	Mihm,	Skale,
Boles,	Hagerty,	Moomaw,	Smith, James A.,
Boltz,	Hamilton, F. P.,	Mooney,	Smith, John A.,
Bradley,	Harkins,	Moran,	Spengler,
Brancato,	Harmuth,	Moul,	Thomas,
Brigerman,	Hays,	Munley,	Thompson,
Broad,	Hering,	Murrin,	Toole,
Brown,	Hess,	Nagel,	Tronzo,
Brownfield,	Hetrick,	O'Brien,	Tumelty,
Burrows,	Hindman,	O'Connor,	Valibus,
Caesar,	Hirsch,	O'Keefe,	VanSickle,
Caputo,	Holland,	Ominsky,	Vogt,
Chervenak,	Holmes,	O'Neill,	Wagner,
Coakley,	Holstrom,	Ostroff,	Walsh,
Cohen, H. B.,	Hontz,	Patterson, C. S.,	Weiss, D. H.,
Cohen, R. E.,	Jirolanio,	Patterson, J. W.,	Weiss, S. A.,
Coleman,	Keenan,	Pershing,	Welliver,
Coolahan,	Kelso,	Piole,	Welsh,
Corrigan,	Kilroy,	Powers,	Westrick,
Costanzo,	Kroll,	Preston,	Whalen,
Decker,	LaRue,	Readinger,	Whitenight,
DeNote,	Levy,	Reese,	Wright,
Dickinson,	Lewis,	Reising,	Yanoshat,
Donohoe,	Long,	Richter,	Yourishin,
Dougherty,	Lopresti,	Robinson,	Zappala,
Downey,	Lovett,	Rothenberger,	Furman,
Dubbs,			

NAYS—49.

Atkins,	Kane,	Schrock,	Trout,
Baker, F. T.,	Kline,	Schumacher,	Turner,
Boose,	Leisey,	Serrill,	VanAllsburg,
Boyer,	Longaker,	Sloan,	Wall,
Cadwalader,	Lyons,	Snyder,	Wampole,
Davies,	Mallen,	Sollenberger,	Webster,
Eckels,	Matthews, J. F.,	Sproul,	Weidemann,
Fiss,	McDevitt,	Stackpole,	Wilson,
Gillette,	Muir,	Stewart,	Winner,
Habbyshaw,	Peale,	Stockham,	Wood,
Hamilton, R. S.,	Perry,	Strode,	Woodside,
Huntley,	Royer,	Terry,	Yeakel,
Imbrie,			

The majority required by the Constitution having voted in the affirmative, the question was determinted in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION.

Mr. SHUGARTS asked and obtained permission for the Committee on Counties to meet during the session of the House.

BILL ON FINAL PASSAGE

Agreeably to order.

The House proceeded to the consideration on final passage of House Bill No. 1765, as follows:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by restricting the number of assistant county superintendents providing for supervisors of special education and establishing standards of eligibility methods of appointment duties salaries and methods for the payment thereof for such supervisors of special education

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand one hundred and one of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by section twenty of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1101 For the superintendence and supervision of the public schools of this Commonwealth there shall be elected or appointed in the manner herein provided county superintendents district superintendents assistant county and district superintendents associate superintendents and supervisors of special education

Section 2 Section one thousand one hundred and two of said act as amended by section twenty-one of the act approved the twenty-ninth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 243) is hereby further amended to read as follows

Section 1102 Every person elected or appointed as county district or assistant county or district superintendent or associate superintendent or supervisor of special education must be a person of good moral character

Section 3 Section one thousand one hundred and twenty-six of said act as amended by section twenty of the act approved the twenty-fourth day of May one thousand nine hundred and twenty-one (Pamphlet Laws 1078) is hereby further amended to read as follows

Section 1126 Every county superintendent having more than one hundred and fifty (150) and not more than [three hundred and fifty teachers under his supervision shall have an assistant superintendent every county super-

intendent having more than three hundred and fifty and not more than six hundred teachers under his supervision shall have two assistant superintendents every county superintendent having more than six hundred and not more than eight hundred teachers under his supervision shall have three assistant superintendents and for each additional four hundred teachers or fraction thereof under his supervision a county superintendent shall have an additional assistant superintendent And the school directors of any county at their convention for electing a county superintendent may authorize the appointment of additional assistant superintendents to those herein provided for] five hundred and fifty (550) teachers under his supervision shall have one assistant county superintendent Every county superintendent having more than five hundred and fifty (550) but not more than one thousand and fifty (1050) teachers under his supervision shall have two assistant county superintendents Every county superintendent having more than one thousand and fifty (1050) teachers under his supervision shall have one additional assistant county superintendent for each additional five hundred teachers or fraction thereof but no county superintendent shall have more than five assistants In addition to the assistant county superintendents herein provided for in each county in which there are 550 or more teachers under the supervision of the county superintendent there shall be appointed one supervisor of special education and in each county in which there are less than 550 teachers under the supervision of the county superintendent there shall be appointed a joint supervisor of special education who shall serve in two or more counties In no instance shall such supervisor of special education serve in more than three counties The State Council of Education shall have power and it shall be their duty to determine the counties which shall be served jointly by a joint supervisor of special education The time of the joint supervisor of special education shall be apportioned among the several counties on the basis of the number of teachers under the supervision of the county superintendent in each county

Section 4 Sections one thousand one hundred and twenty-seven one thousand one hundred and twenty-eight and one thousand one hundred and twenty-nine of said act are hereby amended to read as follows

Section 1127 The superintendent of each county entitled to an assistant superintendent or assistant superintendents shall within fifteen days after receiving his commission nominate to the [five officers of the school directors' association of the county] county board of school directors the assistant superintendent or superintendents who must furnish the president of county board of school directors [the same evidence of eligibility as is required of candidates for county superintendents] evidence of eligibility in accordance withe the regulations of the State Council of Education These nominations shall be appointments until the end of the county superintendent's term of office when confirmed by a majority vote of the [five officers of the directors' association of said county] county board of school directors The president and secretary of the [school directors' associations] county board of school directors shall certify to the Superintendent of Public Instruction the name and post-office addresses of the assistant county superintendents and supervisors of special education appointed as herein provided [thus appointed] and their salaries as fixed by the directors' convention and such assistant county superintendents and supervisors of special education shall be commissioned by the Superintendent of Public Instruction in the same manner and under the same conditions as in the case of county superindendents Should the county superintendent and the [officers of the School Directors' Association] county board of school directors of any county fail to nominate and confirm the assistant superintendent or superintendents or supervisor of special education for such county within thirty days after the county superintendent has received his commission the Superintendent of Public Instruction shall appoint such assistant superintendent or superintendents or supervisor of special education to serve until the end of the county superintendent's term of office

Any person who is certified to teach in the public schools of the Commonwealth and who is certified as a public school psychologist by the Department of Public Instruction shall be eligible for appointment as a supervisor or joint supervisor of special education

The superintendent of each county entitled to a supervisor of special education shall nominate to the county board of school directors the candidate for the office of supervisor of special education By a majority vote of the county board of school directors the candidate may be appointed to serve until the end of the term of office of the county superintendent

The county superintendents of the counties which are entitled to a joint supervisor of special education shall nominate to their county boards of school directors the candidate for the office of joint supervisor of special education By a majority vote of the several members the county boards of school directors the candidate may be appointed to serve until the end of the terms of office of the county superintendents

Section 1128 Any vacancy occurring in the position of assistant county superintendent or supervisor of special education shall be filled by the county superintendent and the [officers of the school directors' association] county board of school directors in like manner as at the beginning of a term [In all counties entitled to one or more assistant county superintendents the county superintendents elected in May one thousand nine hundred and eleven (1911) and the officers of the school directors' association therein shall before the first day of September one thousand nine hundred and eleven (1911) nominate and confirm the assistant county superintendents to which the several counties in this Commonwealth are entitled Such assistant county superintendents shall hold office subject to the provisions of this act until the first Monday of June one thousand nine hundred and fourteen (1914)]

Section 1129 Upon the written charges and recommendation of the county superintendent or of the majority of the members of each of three boards of school directors whose schools are under the jurisdiction of the county superintendent assistant county superintendents or supervisor of special education of any county may after a hearing be removed by the Superintendent of Public Instruction for the same cause and in like manner as a county superintendent is removed

Section 5 Section one thousand one hundred and thirty of said act as amended by section two of the act approved the twenty-seventh day of May one thousand nine hundred and nineteen (Pamphlet Laws 300) is hereby further amended to read as follows

Section 1130 The minimum salary of each assistant county superintendent or supervisor of special education [shall be eighteen hundred dollars ($1,800.00) per year which] as hereinafter in this act provided shall be paid out of the State appropriation for public schools in such payments and manner as the county superintendents are paid [The salaries of additional assistant county superintendents whose appointments may be authorized as herein provided shall be fixed by the convention of school directors which provides for their appointment and together with any additional salary granted by said convention to any required] Any additional salary granted by the school directors of any county at their convention for electing a county superintendent to any assistant county superintendent or supervisor of special education shall be paid from the school appropriation apportioned among the several school districts under the supervision of the county superintendent before the same is distributed The salaries of assistant county superintendents and of supervisors of special education shall be paid monthly

In addition to the said salary each assistant county superintendent and each supervisor of special education shall be entitled to receive annually a sum not to exceed five hundred dollars for the payment of actual and necessary expenses incurred in visiting schools within his district in attending educational meetings and in the performance of such other official duties as may be required by him by law Payments shall be made monthly on account of such expenses to any such assistant county superintendent or supervisor of special education by requisi-

tion of the Superintendent of Public Instruction upon the Auditor General upon the production to him of itemized vouchers in the usual manner

[This act shall take effect June first one thousand nine hundred nineteen]

Section 6 Section one thousand one hundred and thirty-one of said act is hereby amended to read as follows

Section 1131 Every assistant county superintendent shall diligently visit the schools assigned him by the county superintendent and shall under his direction supervise and direct the work of the schools and see that each school is equal to the grade for which it was established and that there is as far as practicable uniformity in the courses of study of the several grades respectively and shall when so directed by the county superintendent the Superintendent of Public Instruction or a State Inspector of High Schools direct or conduct examinations for promotion or graduation He shall also inspect school property and see that the requirements of the law as to buildings grounds equipment and sanitary arrangements are fully observed and complied with During the school terms and vacations he shall assist the county superintendent in his work and perform such other duties in connection with the public schools of the county as may be assigned him by the county superintendent Provided however That the duties herein prescribed for the assistant county superintendent shall in no case be constructed to lessen or limit the duty and responsibility of the county superintendent to visit all the schools under his jurisdiction as frequently as possible

It shall be the duty of each supervisor of special education to examine and investigate the abilities disabilities and needs of the exceptional children in the schools to make recommendations concerning the instruction of such children and to supervise such instruction It shall also be his duty to make reports to the judge of the juvenile court upon request by such judge concerning any child who is a resident of a school district that is under the jurisdiction of the county superintendent of schools

It shall also be his duty to assist the county superintendent in the preparation administration and interpretation of examinations for promotion or graduation when so directed by the county superintendent

Section 7 Section one thousand one hundred and thirty-two of said act is hereby amended to read as follows

Section 1132 Assistant county superintendents and supervisors of special education shall meet with boards of school directors for conference when they deem it necessary or when they are requested by the directors to do so and shall make to their county superintendents monthly reports concerning the condition and progress of the schools which they have visited and the needs of individual pupils together with any needed recommendations which reports shall be kept on file in the county superintendents' offices for not less than one year The county superintendents shall forward to the various boards of school directors the reports and recommendations of the assistant county superintendents and supervisors of special education concerning the schools and pupils in their districts or such portions thereof as they deem wise together with any additional suggestions or recommendations

Section 8 Clause eight of section one thousand two hundred and ten of said act as last amended by section one of the act approved the seventh day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1587) is hereby further amended to read as follows

8 County superintendents of counties having a population of less than twenty thousand (20,000) minimum annual salary three thousand dollars ($3,000) county superintendents of counties having a population of twenty thousand and more but less than forty-five thousand (45,000) minimum annual salary three thousand five hundred dollars ($3,500) county superintendents of counties having a population of forty-five thousand and more but less than one hundred and fifty thousand (150,000) minimum annual salary four thousand dollars ($4,000) county superintendents of counties having a population of one hundred and fifty thousand $150,000) or more minimum annual salary four thousand five hundred dollars ($4,500) all assistant county superintendents and supervisors of special education minimum annual salary three thousand dollars ($3,000)

Section 9 The amendments to this act which pertain to supervisors of special education shall become effective on the first day of July one thousand nine hundred and thirty-nine

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Fiss,	McArdle,	Shugarts,
Alexander,	Fitch,	McCullough,	Siegel,
Allen,	Flanagan,	McDermott,	Simon,
Allmond,	Flannery,	McDevitt,	Skale,
Arnold,	Flinchbaugh,	McElroy,	Sloan,
Atkins,	Ganser,	McFall,	Smith, James A.,
Aukerman,	Gerard,	McGee,	Smith, John A.,
Baine,	Gillette,	McShane,	Snyder,
Baker, F. T.	Gorski,	Melchiorre	Sollenberger,
Baker, J. J.,	Habbyshaw,	Mellott,	Spengler,
Balthaser,	Haberlen,	Mihm,	Sproul,
Bierly,	Hagerty,	Moomaw,	Stackpole,
Blank,	Hamilton, F. P.,	Mooney,	Stewart,
Bohn,	Hamilton, R. S.,	Moran,	Stockham,
Boies,	Harkins,	Moul,	Strode,
Boltz,	Harmuth,	Muir,	Terry,
Boose,	Hays,	Munley,	Thomas,
Boyer,	Hering,	Murrin,	Thompson,
Bradley,	Hess,	Nagel,	Toole,
Brancato,	Hetrick,	O'Brien,	Tronzo,
Brigerman,	Hindman,	O'Keefe,	Trout,
Broad,	Hirsch,	Ominsky,	Tumelty,
Brown,	Holland,	O'Neill,	Turner,
Brownfield,	Holmes,	Ostroff,	Valibus,
Burrows,	Holstrom,	Patterson, C. S.,	VanAllsburg,
Cadwalader,	Hontz,	Patterson, J. W.,	VanSickle,
Caesar,	Horting,	Peale,	Vogt,
Caputo,	Huntley,	Perry,	Wagner,
Chervenak,	Imbrie,	Pershing,	Wall,
Coakley,	Jirolanio,	Piole,	Wampole,
Cohen, H. B.,	Kane,	Powers,	Webster,
Cohen, R. E.,	Keenan,	Preston,	Weidemann,
Coleman,	Kelso,	Readinger,	Weiss, D. H.,
Coolahan,	Kilroy,	Reese,	Weiss, S. A.,
Corrigan,	Kline,	Reising,	Welliver,
Costanzo,	Kroll,	Richter,	Welsh,
Davies,	LaRue,	Robinson,	Whalen,
Decker,	Leisey,	Royer,	Whitenight,
DeNote,	Levy,	Ruffennach,	Wilson,
Dickinson,	Lewis,	Rush,	Winner,
Donohoe,	Long,	Sarraf,	Wood,
Dougherty,	Longaker,	Schrock,	Woodside,
Downey,	Lopresti,	Schrope,	Wright,
Dubbs,	Lovett,	Schumacher,	Yanoshat,
Dyson,	Lyons,	Serrill,	Yeakel,
Eckels,	Mallen,	Shaw,	Yourishin,
Elpern,	Marino,	Shea,	Zappala,
Falkenstein,	Matthews, H. T.,	Shepard,	Furman,
Finnerty,	Matthews, J. F.,	Shoemaker,	

NAYS—3.

O'Connor,	Rothenberger,	Westrick,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2073, entitled:

An Act limiting the duration of any franchise given o granted by any city of the first class

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180.

Achterman,	Fitch,	McDermott,	Shepard,
Alexander,	Flanagan,	McDevitt,	Shoemaker,
Allen,	Flannery,	McElroy,	Shugarts,
Allmond,	Flinchbaugh,	McFall,	Siegel,
Arnold,	Ganser,	McGee,	Simon,
Aukerman,	Gerard,	McShane,	Skale,
Baine,	Gillette,	Melchiorre,	Sloan,
Baker, J. J.,	Gorski,	Mellott,	Smith, James A.,
Balthaser	Haberlen,	Mihm,	Smith, John A.,
Bierly,	Hagerty,	Moomaw,	Snyder,
Blank,	Hamilton, F. P.,	Mooney,	Sollenberger,
Bohn,	Harkins,	Moran,	Spengler,
Boles,	Harmuth,	Moul,	Stackpole,
Boltz,	Hays,	Manley,	Stewart,
Boose,	Hering,	Murrin,	Stockham,
Bradley,	Hess,	Nagel,	Strode,
Brancato,	Hetrick,	O'Brien,	Terry,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Patterson, J. W.,	Valibus,
Caputo,	Huntley,	Peale,	VanAllsburg,
Chervenak,	Imbrie,	Perry,	VanSickle,
Coakley,	Jirolanio,	Pershing,	Vogt,
Cohen, H. B.,	Kane,	Piole,	Wagner,
Cohen, R. E.,	Keenan,	Powers,	Walsh,
Coleman,	Kelso,	Preston,	Wampole,
Coolahan,	Kilroy,	Readinger,	Webster,
Corrigan,	Kline,	Reese,	Weiss, D. H.,
Costanzo,	Kroll,	Reising,	Weiss, S. A.,
Davies,	LaRue,	Richter,	Welliver,
Decker,	Leisey,	Robinson,	Welsh,
DeNote,	Levy,	Rothenberger,	Westrick,
Dickinson,	Lewis,	Royer,	Whalen,
Donohoe,	Long,	Ruffennach,	Whitenight,
Dougherty,	Lopresti,	Rush,	Wilson,
Downey,	Lovett,	Sarraf,	Winner,
Dubbs,	Lyons,	Schrock,	Wright,
Dyson,	Mallen,	Schrope,	Yanoshat,
Eckels,	Marino,	Schumacher,	Yeakel,
Elpern,	Matthews, H. T.,	Serrill,	Yourishin,
Falkenstein,	Matthews, J. F.,	Shaw,	Zappala,
Finnerty,	McArdle,	Shea,	Furman,
Fiss,	McCullough,		

NAYS—10.

Baker, F. T.,	Longaker,	Wall,	Wood,
Boyer,	Sproul,	Weidemann,	Woodside,
Habbyshaw,	Turner,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1574.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1574, entitled:

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing torage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

And has appointed Messrs. Sipe, Rice and Wolfenden a Committee on Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two houses in relation to said bill.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1574.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1574, Messrs. Arnold, Westrick and Snyder.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. TURNER asked and obtained permission for the Republican Steering Committee to meet during the session of the House.

BILL PASSED OVER

There being no objection House Bill No. 2039, Printer's No. 653, was passed over at the request of Mr. McELROY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1246, entitled:

An Act to prohibit the recruiting or the securing or offering to secure employment for persons to take the places of employes where a labor strike is pending or a lockout exists

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Alexander,	Falkenstein,	Matthews, H. T.,	Serrill,
Allen,	Finnerty,	Matthews, J. F.,	Shaw,
Allmond,	Fiss,	McArdle,	Shea,
Arnold,	Fitch,	McCullough,	Shepard,
Atkins,	Flanagan,	McDermott,	Shoemaker,
Aukerman,	Flannery,	McElroy,	Shugarts,
Baine,	Flinchbaugh,	McFall,	Siegel,
Baker, F. T.,	Ganser,	McGee,	Simon,
Baker, J. J.,	Gerard,	McShane,	Skale,
Balthaser,	Gillette,	Melchiorre,	Sloan,
Bierly,	Gorski,	Mellott,	Smith, James A.,
Blank,	Haberlen,	Mihm,	Smith, John A.,
Bohn,	Hagerty,	Moomaw,	Snyder,
Boies,	Hamilton, F. P.,	Mooney,	Sollenberger,
Boltz,	Harkins,	Moran,	Spengler,
Boose,	Harmuth,	Moul,	Stewart,
Boyer,	Hays,	Munley,	Terry,
Bradley,	Hering,	Murrin,	Thomas,
Brancato,	Hess,	Nagel,	Thompson,
Brigerman,	Hetrick,	O'Brien,	Toole,
Broad,	Hindman,	O'Connor,	Tronzo,
Brown,	Hirsch,	O'Keefe,	Trout,
Brownfield,	Holland,	Ominsky,	Tumelty,
Burrows,	Holmes,	O'Neill,	Valibus,
Caesar,	Holstrom,	Ostroff,	VanAllsburg,
Caputo,	Hontz,	Patterson, C. S.,	VanSickle,
Chervenak,	Horting,	Patterson, J. W.,	Vogt,
Coakley,	Huntley,	Peale,	Wagner,
Cohen, H. B.,	Jirolanio,	Perry,	Walsh,
Cohen, R. E.,	Kane,	Pershing,	Wampole,
Coleman,	Keenan,	Piole,	Weiss, D. H.,
Coolahan,	Kelso,	Powers,	Weiss, S. A.,
Corrigan,	Kilroy,	Preston,	Welliver,
Costanzo,	Kline,	Readinger,	Welsh,
Davies,	Kroll,	Reese,	Westrick,
Decker,	Leisey,	Reising,	Whalen,
DeNote,	Levy,	Richter,	Whitenight,
Dickinson,	Lewis,	Robinson,	Wilson,
Donohoe,	Long,	Rothenberger,	Winner,
Dougherty,	Longaker,	Ruffennach,	Wright,
Downey,	Lopresti,	Rush,	Yanoshat,
Dubbs,	Lovett,	Sarraf,	Yourishin,
Dyson,	Lyons,	Schrock,	Zappala,
Eckels,	Mallen,	Schrope,	Furman,
Elpern,	Marino,	Schumacher,	

NAYS—15

Achterman,	Royer,	Strode,	Weidemann,
Cadwalader,	Sproul,	Turner,	Wood,
Habbyshaw,	Stackpole,	Wall,	Woodside,
Imbrie,	Stockham,	Webster,	Yeakel,
LaRue,			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2173 (Senate Bill No. 640), entitled:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such concontroversies on the Department of Labor and Industry

On the question,

Will the House agree to the bill on third reading?

Mr. YOURISHIN. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 3, page 2, line 13, strike out "or any officer"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection?

MOTION TO LAY BILL AND AMENDMENTS ON TABLE

Mr. TURNER. Mr. Speaker, in view of the fact that Senate Bill No. 640 is connected with No. 639, I move that the bill together with the amendment be laid on the table.

On the question,

Will the House agree to the motion?

Mr. YOURISHIN. Mr. Speaker, may I ask the gentleman from Delaware to withdraw his motion as this bill will be up Monday night anyhow and I intend to hold No. 639 until it reaches the third reading calendar.

Mr. TURNER. Mr. Speaker, I realize that——

The SPEAKER. Will the gentleman withdraw his motion temporarily?

MOTION WITHDRAWN

Mr. TURNER. I will withdraw my motion temporarily, Mr. Speaker. I understand, of course, that this bill will go over until Monday night by reason of the insertion of the amendment, but if we do not object to the insertion of the amendment—I have had no chance to check it with the bill at all — then the amendment will be in the bill on Monday night and the bill will be ready for final passage. It seems, therefore, to me that rather than have it in that position it would be far better to hold both bills until Monday night.

Mr. YOURISHIN. Mr. Speaker, I can assure the gentleman from Delaware, Mr. Turner, that the amendment is a strikeout and does not affect the bill one way or the other.

Mr. TURNER. Mr. Speaker, I am willing to accept the gentleman's statement in the matter and withdraw my motion.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 135 as follows:

An Act requiring the Secretary of the Commonwealth and providing for hearings and appeals to inquire into the

purposes of the incorporators or those attempting to form an association of labor groups to approve and disapprove their incorporation or their attempted association or right to do business within the Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That no certificate of incorporation of a proposed domestic corporation and no statement and designation of a foreign corporation having for its purpose the formation of an organization composed of a group or combination of groups of working men and women or wage earners having the name of Labor Organized Labor Federation of Labor Brotherhood of Labor Union Labor Union Labor Committee Trade Union Trades Union Union Labor Council Building Trades Council Building Trades Union Allied Printing Trades Council Trades Union Building Trades Union Allied Printing Trades Council Allied Trade Union Central Labor Body Central Labor Union Federated Trades Council Local Union National Union State Union International Union District Labor Council District Labor Union American Federation of Labor of Pennsylvania State Federation of Labor or the component parts thereof or the significant words therein where same are used in juxtaposition or with interspace shall be filed or recorded for the purpose of effecting incorporation or permitting the formation and association or by authorizing it to do business in this State unless such certificate or statement and designation shall accompanied by an endorsement thereon by the Secretary of the Commonwealth that he has held a hearing into the aims and purposes of such organization and has determined that it will not be harmful to the community in which it proposes to operate or to the Commonwealth and that there is a necessity thereof for such incorporation or association

Section 2 Before any such hearing shall be held notice of the intention to apply for the endorsement of the Secretary of the Commonwealth shall be given by advertisement in a newspaper of general circulation once a week for two weeks in the county where such organization or association intends to operate of the day when application will be made to the Secretary of the Commonwealth for such purposes Proof of such publication shall be laid before the Secretary of the Commonwealth and shall be attached to such certificate or statement and designation On the day specified in the notice or on any day to which the same may be adjourned a hearing shall be held before the Secretary of the Commonwealth at which any person interested for or against the granting of such charter of incorporation shall be heard After such hearing if the Secretary of the Commonwealth is of the opinion that the aims and purposes of such organization are improper and that the organization will be harmful to the community he shall refuse to enter his endorsement on the certificate or statement and designation otherwise he shall enter such endorsement thereon as above provided

Section 3 Any person aggrieved by the decision of the Secretary of the Commonwealth shall have a right to appeal therefrom by petition to the Court of Common Pleas of Dauphin County which court shall hear such appeal de novo at such time as it shall fix of which such notice shall be given to all parties interested as the court may prescribe After hearing the court shall make such order affirming or reversing the action of the Secretary of the Commonwealth as to it appears just and proper and the endorsement shall enter or refused as the court may prescribe

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196

Achterman,	Fiss,	McCullough,	Siegel,
Alexander,	Fitch,	McDermott,	Simon,
Allen,	Flanagan,	McElroy,	Skale,
Allmond,	Flannery,	McFall,	Sloan,
Arnold,	Flinchbaugh,	McGee,	Smith, James A.,
Atkins,	Ganser,	McShane,	Smith, John A.,
Aukerman,	Gerard,	Melchiorre	Snyder,
Baine	Gillette,	Mellott,	Sollenberger,
Baker, F. T.,	Gorski,	Milm,	Spengler,
Baker, J. J.,	Habbyshaw,	Moomaw,	Sproul,
Bierly,	Haberlen,	Mooney,	Stackpole,
Balthaser,	Hagerty,	Moran,	Stewart,
Blank,	Hamilton, F. P.,	Moul,	Stockham,
Bohn,	Harkins,	Munley,	Strode,
Boies,	Harmuth,	Murrin,	Terry,
Boltz,	Hays,	Nagel,	Thomas,
Boose,	Hering,	O'Brien,	Thompson,
Boyer,	Hess,	O'Connor,	Toole,
Bradley,	Hetrick,	O'Keefe,	Tronzo,
Brancato,	Hindman,	Ominsky,	Trout,
Brigerman,	Hirsch,	O'Neill,	Tumelty,
Broad,	Holland,	Ostroff,	Turner,
Brown,	Holmes,	Patterson, C. S.,	Valibus,
Brownfield,	Holstrom,	Patterson, J. W.,	VanAllsburg,
Burrows,	Hontz,	Peale,	VanSickle,
Cadwalader	Horting,	Perry,	Vogt,
Caesar,	Huntley,	Pershing,	Wagner,
Caputo,	Imbrie,	Piole,	Wall,
Chervenak,	Jirolanio,	Powers,	Walsh,
Coakley,	Kane,	Preston,	Wampole,
Cohen, H. B.,	Keenan,	Readinger,	Webster,
Cohen, R. E.,	Kelso,	Reese,	Weidemann,
Coleman,	Kilroy,	Reising,	Weiss, D. H.,
Coolahan,	Kline,	Richter,	Weiss, S. A.,
Corrigan,	Kroll,	Robinson,	Welliver,
Costanzo,	LaRue,	Rothenberger	Welsh,
Davies,	Leisey,	Royer,	Westrick,
Decker,	Levy,	Ruffennach,	Whalen,
DeNote,	Lewis,	Rush,	Whitenight,
Dickinson,	Long,	Sarraf,	Wilson,
Donohoe,	Longaker,	Schrock,	Winner,
Dougherty,	Lopresti,	Schrope,	Wood,
Downey,	Lovett,	Schumacher,	Woodside,
Dubbs,	Lyons,	Serrill,	Wright,
Dyson,	Marino,	Shaw,	Yanoshat,
Eckels,	Mallen,	Shea,	Yeakel,
Elpern,	Matthews, H. T.,	Shepard,	Yourishin,
Falkenstein,	Matthews, J. F.,	Shoemaker,	Zappala,
Finnerty,	McArdle,	Shugarts,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. OMINSKY asked and obtained permission for the Committee on Public Utilities to meet during the session of the House.

SENATE MESSAGES

HOUSE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 2162.

An Act making an appropriation to the State Emergency Relief Board for direct relief, work relief, and the expenses; defining the purposes for which such moneys may be expended; prescribing the powers and duties of the State Emergency Relief Board and certain State departments; prohibiting political activity by employes of the State Emergency Relief Board; and prescribing penalties.

With the information that the Senate has passed the same without amendment.

AMENDED HOUSE BILLS RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 51.

An Act to amend article thirty-two of the act, approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by inserting after the word "works" in line 15 the follows:

"Whenever any city has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from itme to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to proviue sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served"

Also at the end of line 19 by inserting after the word "Maturity" the word "Negotiability"; also in line 21 by striking out the words "shall sell the same" and inserting in lieu thereof the words "may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof to the sinking fund of the city Any bonds not so sold shall be sold"; also on page 3, line 5, by striking out the word "equal"; also in same line by inserting after the word "installments" the words "as may be determined by the city;" also by inserting after the word "annum" in line 7 the following:

"Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any city may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the city may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the city with reference therto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 3252 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the city shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the city shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and nay trustees under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to equire the city to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the city to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the city to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the city declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have juurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the city and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct in any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursemente allowed by the court shall by a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions

specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Fiss,	McElroy,	Simon,
Alexander,	Fitch,	McFall,	Skale,
Allen,	Flanagan,	McGee,	Sloan,
Allmond,	Flannery,	McShane,	Smith, John A.,
Arnold,	Flinchbaugh,	Melchiorre,	Smith, James A.,
Atkins,	Ganser,	Mellott,	Snyder,
Aukerman,	Gerard,	Mihm,	Sollenberger,
Baine,	Gorski,	Moomaw,	Spengler,
Baker, F. T.,	Habbyshaw,	Mooney,	Sproul,
Baker, J. J.,	Haberlen,	Moran,	Stackpole,
Balthaser,	Hagerty,	Moul,	Stewart,
Bierly,	Hamilton, F. P.,	Munley,	Stockham,
Blank,	Harkins,	Murrin,	Strode,
Bohn,	Harmuth,	Nagel,	Terry,
Boles,	Hays,	O'Brien,	Thomas,
Boltz,	Hering,	O'Connor,	Thompson,
Boose,	Hess,	O'Keefe,	Toole,
Boyer,	Hetrick,	Ominsky,	Tronzo,
Bradley,	Hindman,	O'Neill,	Trout,
Brancato,	Hirsch,	Ostroff,	Tumelty,
Brigerman,	Holland,	Patterson, C. S.,	Turner,
Broad,	Holmes,	Patterson, J. W.,	Valibus,
Brown,	Holstrom,	Peale,	VanAllsburg,
Brownfield,	Hontz,	Perry,	VanSickle,
Burrows,	Horting,	Pershing,	Vogt,
Cadwalader,	Huntley,	Piole,	Wagner,
Caesar,	Imbrie,	Powers,	Wall,
Caputo,	Jirolanio,	Preston,	Walsh,
Chervenak,	Kane,	Readinger,	Wampole,
Coakley,	Keenan,	Reese,	Webster,
Cohen, H. B.,	Kelso,	Reising,	Weidemann,
Cohen, R. E.,	Kilroy,	Richter,	Weiss, D. H.,
Coleman,	Kline,	Robinson,	Weiss, S. A.,
Coolahan,	Kroll,	Rothenberger,	Welliver,
Corrigan,	LaRue,	Royer,	Welsh,
Costanzo,	Leisey,	Ruffennach,	Westrick,
Davies,	Levy,	Rush,	Whalen,
Decker,	Lewis,	Sarraf,	Whitenight,
DeNote,	Long,	Schrock,	Wilson,
Dickinson,	Longaker,	Schrope,	Winner,
Dohohoe,	Lopresti,	Schumacher,	Wood,
Dougherty,	Lovett,	Serrill,	Woodside,
Downey,	Lyons,	Shaw,	Wright,
Dubbs,	Marino,	Shea,	Yanoshat,
Dyson,	Matthews, H. T.,	Shepard,	Yeakel,
Eckels,	Matthews, J. F.,	Shoemaker,	Yourishin,
Elpern,	McArdle,	Shugarts,	Zappala,
Falkenstein,	McCullough,	Siegel,	Furman,
Finnerty,	McDermott,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 52.

An Act to amend article fifteen of the act, approved the first day of May one thousand nine hundred and thirty-three (P. L. 103), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by inserting after the word "works" in line 15 the following:

"Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking funds charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served"

Also at the end of line 20 by inserting after the word "Maturity" the word Negotiability"; also in line 22 by striking out the words "shall sell the same" and inserting in lieu thereof the following: "may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the township Any bonds not so sold shall be sold;" also on page 3, by striking out in line 5 the word "equal;" also same line by inserting after the word "installments" the words "as may be determined by the township"; also by inserting after the word "annum" in line 7 the following:

"Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any township may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same includdig any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the township may authorize including (but without limitations) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the township with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 1547 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the township shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty day or in the event that the township shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged

i the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Sush trustee and any trustees under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the township to collect rates rentals and other charges adequate to carry out any argeement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the township to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the township to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the township declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annual such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action of proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the township and shall deposit all such moneys in a separate account and reply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and posess all of the powers necessary or appropriate for the exercise of any functions specificially set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Fiss,	McDermott,	Siegel,
Alexander,	Fitch,	McElroy,	Simon,
Allen,	Flanagan,	McFall,	Skale,
Allmond,	Flannery,	McGee,	Sloan,
Arnold,	Flinchbaugh,	McShane,	Smith, James A.,
Atkins,	Ganser,	Melchiorre,	Smith, John A.,
Aukerman,	Gerard,	Mellott,	Snyder,
Baine,	Gorski,	Mihm,	Spengler,
Baker, F. T.,	Habbyshaw,	Moomaw,	Sproul,
Baker, J. J.,	Haberlen,	Mooney,	Stackpole,
Balthaser	Hagerty,	Moran,	Stewart,
Bierly,	Hamilton, F. P.,	Moul,	Stockham,
Blank,	Harkins,	Munley,	Strode,
Bohn,	Harmuth,	Murrin,	Terry,
Boies,	Hays,	Nagel,	Thomas,
Boltz,	Hering,	O'Brien,	Thompson,
Boose,	Hess,	O'Connor,	Toole,
Boyer,	Hetrick,	O'Keefe,	Tronzo,
Bradley,	Hindman,	Ominsky,	Trout,
Brancato,	Hirsch,	O'Neill,	Tumelty,
Brigerman,	Holland,	Ostroff,	Turner,
Broad,	Holmes,	Patterson, C. S.,	Valibus,
Brown,	Holstrom,	Patterson, J. W.,	VanAllsburg
Brownfield,	Hontz,	Peale,	VanSickle,
Burrows,	Horting,	Perry,	Vogt,
Cadwalader,	Huntley,	Pershing,	Wagner,
Caesar,	Imbrie,	Piole,	Wall,
Caputo,	Jirolanio,	Powers,	Walsh,
Chervenak,	Kane,	Preston,	Wampole,
Coakley,	Keenan,	Readinger,	Webster,
Cohen, H. B.,	Kelso,	Reese,	Weidemann,
Cohen, R. E.,	Kilroy,	Reising,	Weiss, D. H.,
Coleman,	Kline,	Richter,	Weiss, S. A.,
Colahan,	Kroll,	Robinson,	Welliver,
Corrigan,	LaRue,	Rothenberger,	Welsh,
Costanzo,	Leisey,	Royer,	Westrick,
Davies,	Levy,	Ruffennach,	Whalen,
Decker,	Lewis,	Rush,	Whitenight,
DeNote,	Long,	Sarraf,	Wilson,
Dickinson,	Longaker,	Schrock,	Winner,
Donohoe,	Lopresti,	Schrope,	Wood,
Dougherty,	Lovett,	Schumacher,	Woodside,
Downey,	Lyons,	Serrill,	Wright,
Dubbs,	Mallen,	Shaw,	Yanoshat,
Dyson,	Marino,	Shea,	Yeakel,
Eckels,	Matthews, H. T.,	Shepard,	Yourishin,
Elpern,	Matthews, J. F.,	Shoemaker,	Zappala,
Falkenstein,	McArdle,	Shugarts,	Furman,
Finnerty,	McCullough,		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 53.

An Act to amend article twenty-one of the act, approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by inserting after the word "works" in line 15 the following:

Whenever any borough has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the in-

terest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served"

Also at the beginning of line 21 by inserting after the syllable "turity" the word "Negotiability"; also by striking out in line 22 the words "shall sell the same" and inserting in lieu thereof the following: "may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the borough Any bonds not so sold shall be sold"; also on page 3, by striking out in line 5 the word "equal"; also in same line by inserting after the word "installments" the words "as may be determined by the borough"; also by inserting after the word "annum" in line 7 the following:

"Said bonds shall have all the qualities of negotiable instruments under the law merchant and the negotiable instruments law of the Commonwealth of Pennsylvania

Any borough may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the borough may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the borough with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 2182 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the borough shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the borough shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in in any deed of trust indenture or other agreement aforesaid) in pricipal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the borough to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the borough to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the borough to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the borough declare all bonds due and payable and if all defaults shall be made good then with the consent of the bond holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement oforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the borough and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if nay and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenues of receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Fitch,	McElroy,	Simon,
Alexander,	Flanagan,	McFall,	Skale,
Allen,	Flannery,	McGee,	Sloan,
Allmond,	Flinchbaugh,	McShane,	Smith, James A.,
Arnold,	Ganser,	Melchiorre,	Smith, John A.,
Atkins,	Gerard,	Mellott,	Snyder,
Aukerman,	Gorski,	Mihm,	Sollenberger,
Baine,	Habbyshaw,	Moomaw,	Spengler,
Baker, F. T.,	Haberlen,	Mooney,	Sproul,
Baker, J. J.,	Hagerty,	Moran,	Stackpole,
Balthaser,	Hamilton, F. P.,	Moul,	Stewart,
Bierly,	Harkins,	Munley,	Stockham,
Blank,	Harmuth,	Murrin,	Strode,
Bohn,	Hays,	Nagel,	Terry,
Boies,	Hering,	O'Brien,	Thomas,
Boltz,	Hess,	O'Connor,	Thompson,
Boose,	Hetrick,	O'Keefe,	Toole,
Boyer,	Hindman,	Ominsky,	Tronzo,
Bradley,	Hirsch,	O'Neill,	Trout,
Brancato,	Holland,	Ostroff,	Tumelty,
Brigerman,	Holmes,	Patterson, C. S.,	Turner,
Broad,	Holstrom,	Patterson, J. W.,	Vallbus,
Brown,	Hontz,	Peale,	VanAllsburg,
Brownfield,	Horting,	Perry,	VanSickle,
Burrows,	Huntley,	Pershing,	Vogt,
Cadwalader,	Imbrie,	Piole,	Wagner,
Caesar,	Jirolanio,	Powers,	Wall,
Caputo,	Kane,	Preston,	Walsh,
Chervenak,	Keenan,	Readinger,	Wampole,
Coakley,	Kelso,	Reese,	Webster,
Cohen, H. B.,	Kilroy,	Reising,	Weidemann,
Cohen, R. E.,			

Coleman,	Kline,	Richter,	Weiss, D. H.,
Coolahan,	Kroll,	Robinson,	Weiss, S. A.,
Corrigan,	LaRue,	Rothenberger,	Welliver,
Costanzo,	Leisey,	Royer,	Welsh,
Davies,	Levy,	Ruffennach,	Westrick,
Decker,	Lewis,	Rush,	Whalen,
DeNote,	Long,	Sarraf,	Whitenight
Dickinson,	Longaker,	Schrock,	Wilson,
Donohoe,	Lopresti,	Schrope,	Winner,
Dougherty,	Lovett,	Schumacher,	Wood,
Downey,	Lyons,	Serrill,	Woodside,
Dubbs,	Mallen,	Shaw,	Wright,
Dyson,	Marino,	Shea,	Yanoshat,
Eckels,	Matthews H. T.,	Shepard,	Yeakel,
Elpern,	Matthews, J. F.	Shoemaker,	Yourishin,
Falkenstein,	McArdle,	Shugarts,	Zappala,
Finnerty,	McCullough,	Siegel,	Furman,
Fiss,	McDermott		

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 50.

An Act to amend article twenty-four of the act, approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 2, by inserting after the word "works" in line 11 the following:

"Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds it shall have power to authorize the issue and sale of such non-debt revenue bonds from time to time as the work of construction proceeds and sufficient additional non-debt revenue bonds as may be necessary may be issued and sold to provide for the interest and sinking fund charges accruing thereon until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served"

Also in line 20 by inserting after the word "Maturity" the word "Negotiability"; also in line 22, by striking out the words "shall sell the same" and inserting in lieu thereof the words "may sell the same or any portion thereof at private sale to the United States of America or any agency instrumentality or corporation thereof or to the sinking fund of the township Any bonds not so sold shall be sold"; also on page 3, line 5, by striking out the word "equal" and inserting in lieu thereof the word "such"; also in same line by inserting after the word "installments" the words "as may be determined by the township"; also by inserting after the word "annum" in line 7 the following:

"Such bonds shall have all the quality of negotiable instruments under the law merchant and the negotiable instruments law of this Commonwealth.

Any township may enter into any deeds of trust indentures or other agreements with any bank or trust company or other person or persons in the United States having power to enter into the same including any Federal agency as security for such bonds and may assign and pledge all or any of the revenues or receipts of the sewer system or sewage treatment works thereunder Such deed of trust indenture or other agreement may contain such provisions as may be customary in such instruments or as the township may authorize including (but without limitation) provisions as to (1) the construction improvement operation maintenance and repair of any sewer system or sewage treatment works and the duties of the township with reference thereto (2) the application of funds and the safeguarding of funds on hand or on deposit (3) the rights and remedies of said trustee and the holders of the bonds (which may include restrictions upon the individual right of action of such bondholders) and (4) the terms and provisions of the bonds or the resolutions authorizing the issuance of the same

Section 2447 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bond holders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions or ordinance or ordinances providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the township shall default in the payment of principal of or interest on any of the bonds after the said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the township shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) By mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the township to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the sewer system or sewage treatment works and to require the township to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) Bring suit upon the bonds

(c) By action or suit in equity require the township to account as if it were the trustee of an express trust for the bondholders

(d) By action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) By notice in writing to the township declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

The court of common pleas of the county shall have jurisdiction of any suit action or proceedings by the trustee on behalf of the bondholders Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as

of right to the appointment of a receiver who may enter and take possession of the sewer system or sewage treatment works or any part or parts thereof the revenues or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the township and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustee the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursments allowed by the court shall be a first charge on any revenues and receipts derived from the sewer system or sewage treatment works the revenus or receipts form which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—195.

Achterman,	Fiss,	McElroy,	Skale,
Alexander,	Fitch,	McFall,	Sloan,
Allen,	Flanagan,	McGee,	Smith, James A.,
Allmond,	Flannery,	McShane,	Smith, John A.,
Arnold,	Flinchbaugh,	Melchiorre,	Snyder,
Atkins,	Ganser,	Mellott,	Sollenberger,
Aukerman,	Gerard,	Mihm,	Spengler,
Baine,	Gorski,	Moomaw,	Sproul,
Baker, F. T.,	Habbyshaw,	Mooney,	Stackpole,
Baker, J. J.,	Haberlen,	Moran,	Stewart,
Balthaser,	Hagerty,	Moul,	Stockham,
Bierly,	Hamilton, F. P.,	Munley,	Strode,
Blank,	Harkins,	Murrin,	Terry,
Bohn,	Harmuth,	Nagel,	Thomas,
Boles,	Hays,	O'Brien,	Thompson,
Boltz,	Hering,	O'Connor,	Toole,
Boose,	Hess,	O'Keefe,	Tronzo,
Boyer,	Hetrick,	Ominsky,	Trout,
Bradley,	Hindman,	O'Neill,	Tumelty,
Brancato,	Hirsch,	Ostroff,	Turner,
Brigerman,	Holland,	Patterson, S.,	Valibus,
Broad,	Holmes,	Patterson, W.,	VanAllsburg,
Brown,	Holstrom,	Peale,	VanSickle,
Brownfield,	Hontz,	Perry,	Vogt,
Burrows,	Horting,	Pershing,	Wagner,
Cadwalader,	Huntley,	Piole,	Wall,
Caesar,	Imbrie,	Powers,	Walsh,
Caputo,	Jirolanio,	Preston,	Wampole,
Chervenak,	Kane,	Readinger,	Webster,
Coakley,	Keenan,	Reese,	Weidemann,
Cohen, H. B.,	Kelso,	Reising,	Weiss, D. H.,
Cohen, R. E.,	Kilroy,	Richter,	Weiss, S. A.,
Coleman,	Kline,	Robinson,	Welliver,
Coolahan,	Kroll,	Rothenberger,	Welsh,
Corrigan,	LaRue,	Royer,	Wampole,
Costanzo,	Leisey,	Ruffennach,	Westrick,
Davies,	Levy,	Rush,	Whalen,
DeNote,	Lewis,	Sarraf,	Whitenight,
Decker,	Long,	Schrock,	Wilson,
Dickinson,	Longaker,	Schrope,	Winner,
Donohoe,	Lopresti,	Schumacher,	Wood,
Dougherty,	Lovett,	Serrill,	Woodside,
Downey,	Lyons,	Shaw,	Wright,
Dubbs,	Marino,	Shea,	Yanoshat,
Dyson,	Matthews, H. T.,	Shepard,	Yeakel,
Eckels,	Matthews, J. F.,	Shoemaker,	Yourishin,
Elpern,	McArdle,	Shugarts,	Zappala,
Falkenstein,	McCullough,	Siegel,	Furman,
Finnerty,	McDermott,	Simon,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1692.

An Act requiring the consent of the electors of a township of the first or second class when such township or any part thereof is to be annexed to a contiguous borough or city

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 2, by striking out the words "or second".

Amend section 1, page 1, line 4, by striking out the words "or second".

On the question,

Will the House concur in the amendments made by the Senate?

Mr. CLIFF S. PATTERSON. Mr. Speaker, I move that the House do non-concur in the amendments made by the Senate.

The motion was agreed to.

Ordered, That the Clerk inform the Senate accordingly.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly as follows:

HOUSE BILL No. 2162.

An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGES

AMENDED SENATE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 377.

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

SENATE BILL No. 558.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition

SENATE BILL No. 557.

An Act to amend article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 377.

An Act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (P. L. 1409) entitled "An act authorizing the Secretary of Highways to enter into agreements relating to support for State highways right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county" extending said act to all counties of this Commonwealth

SENATE BILL No. 558.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by changing the method of computing reimbursement to be made to school districts for the payment of high school tuition

SENATE BILL No. 559.

An Act to amend article ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring the Superintendent of Public Instruction to withhold appropriations from school

Thereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1043.

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (P. L. 414) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing permanent annual taxes for county purposes and in cities coextensive with counties for city and county purposes and by imposing for two years annual taxes for State purposes imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon modifying and further defining certain exemptions from said taxes and concerning the distribution of the proceeds thereof providing that the existing and future borrowing capacity and the obligations and security of the outstanding bonds and other securities of the several counties and cities coextensive with counties of the Commonwealth shall not be impaired

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, line 5, by inserting after the word "property" the words "and on the value of certain equitable interests;" also page 2 of the title by striking out after the word "imposing" in line 2, the word "permanent;" also by striking out in lines 3 to 5 inclusive the following: "for county purposes and in cities coextensive with counties for city and county purposes and by imposing for two years annual taxes"; also in line 6 by inserting after the word "purposes" the words "for two additional years"; also in line 11 by inserting after the word "thereon" the word "and"; also by striking out in lines 13 to 18 inclusive the following: "and concerning the distribution of the proceeds thereof, providing that the existing and future borrowing capacity and the obligations and security of the outstanding bonds and other securities of the several counties and cities coextensive with counties of the Commonwealth shall not be impaired."

Amend section 1, page 2, by striking out in lines 4 and 5 the words "title and all sections of the"; also on page 3, line 9, by striking out the word "are" and inserting in lieu thereof the word "is"; also on page 3 by striking out all of lines 11 to 29 inclusive; also on page 4 by striking out all of lines 1 and 2.

Amend section 3, page 4, by striking out in lines 28 the words "and County"; also in line 29 by striking out the word "imposing" and inserting in lieu thereof the word "imposition"; also on page 5, line 8, by striking out the light-faced bracket before the word "and"; also in line 15, by striking out the light-faced bracked after the word "from"; also by striking out in lines 17 to 19 inclusive the words "and county purposes and in cities coextensive with

counties for State city and county" also in line 20, by striking out the word "eight" and inserting in lieu thereof the word "for"; also by striking out in lines 21 to 28 inclusive as follows: (that is to say four mills for the use of the State and four mills for the use of the county or city coextensive with the county as the case may be) for the years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine and thereafter for county purposes and in cities coextensive with counties for city and county purposes at the rate of four mills on each dollar of the value thereof"; also in page 6 by striking out in line 11 the word "eighteen" and inserting in lieu thereof the word "seventeen"; also in line 20 by striking out the word "eighteen" and inserting in lieu thereof the word "seventeen"; also on page 8 by striking out in line 3 the words "eight or"; also in lines 3 and 4 by striking out the words "as the case may be"; also in line 8 by striking out the words "eight or"; also in line 9 by striking out the words "as the case may be"; also in line 23 by striking out after the word "stock" the word "for" and inserting in lieu thereof the word "or"; also on page 9 by striking out in line 5 the words "city and county"; also in line 9 by inserting after the word "law" the following: "except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law" "except for county purposes and in cities coextensive with counties for city and county purposes as now provided by law"; also on page 10 by striking out at the beginning of line 10 the light-faced bracket before the word "the"; also at the end of line 17 by striking out the light-faced bracket after the word "therein".

Amend section 4, page 10, line 25 by inserting after the word "original" the words "in duplicate and original"; also on page 11, by inserting after the syllable "formation" in line 20 the following: "The duplicate unsworn return shall be forwarded by the Department of Revenue to the county commissioners board of revision of taxes or board for the assessment and revision of taxes as the case may be of the county from which the return was made for its use and information."

Amend bill, page 19, line 22, by striking out the heavy-faced bracket before the figures "10"; also at the end of line 29 by striking out the heavy-faced bracket after the word "and"; also on page 20, line 1 by striking out the heavy-faced bracket before the word "shall"; also in line 9 by striking out the heavy-faced bracket after the word "annum"

Amend bill, page 20, line 9 by striking out the figure "10" and inserting in lieu thereof the word and figure "Section 11"; also in line 15 by striking out the figure "11" and inserting in lieu thereof the figure "12"; also in line 26 by striking out the figure "12" and inserting in lieu thereof the figure "13"; also on page 21, line 15 by striking out the figures "13" and inserting in lieu thereof the figures "14"; also on page 22, line 10 by striking out the figures "14" and inserting in lieu thereof the figures "15"; also on page 23, line 20 by striking out the figures "15" and inserting in lieu thereof the figures "16"; also on page 25 by striking out all of lines 9 to 29 inclusive; also on page 26 by striking out all of lines 1 to 29 inclusive; also on page 28 by striking out all of lines 1 and 2.

Amend bill, page 28, line 3 by striking out the figures "18" and inserting in lieu thereof the figures "17"; also in line 23 by inserting parenthesis before the word "or"; also in line 24 by inserting parenthesis after the word "thirty-nine"; also in same line by inserting after the word "and" the word "for"; also on page 29 by striking out in line 4 the words "annually thereafter" and inserting in lieu thereof the words "every year thereafter"; also in line 6 by striking out the words "and thereafter"'; also in line 8 by inserting before the word "thereafter" the words "and for every year"; also in page 31, line 25 by striking out the word 'said"; also in line 26 by striking out the word "herein" and inserting in lieu thereof "or any part thereof"; also in same line by inserting after the word "for" the words "in this act or in the act approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven"; also in line 29 by striking out the word "said"; also same line by inserting after the word "tax" the word "imposed herein".

Amend bill, page 33, line 16 by striking out the figures "19" and inserting in lieu thereof the figures "18"; also on page 34, line 5 by striking out the word "eighteenth" and inserting in lieu thereof the word "seventeenth"; also same page, line 18 by striking out the word "eighteenth" and inserting in lieu thereof the word "seventeenth"; also page 35, line 11 by striking out the word "eighteen" and inserting in lieu thereof the word "seventeen"; also in line 26 by striking ou the figures "20" and inserting in lieu thereof the figures "19"; also on page 36 by striking out the figures "21" and inserting in lieu thereof the figures "20"; also in line 26 by striking out at the beginning of the line the word "The" and inserting in lieu thereof "Sections seventeen and eighteen of the"; also page 37, line 6 by striking out the word "its" and inserting in lieu thereof the word "their"; also in line 7 by striking out the word "is" and inserting in lieu thereof the word "are"; also same line by striking out the heavy-faced bracket before the word "but"; also line 9 by striking out the heavy-faced bracket after the word "act"; also page 37 by striking out the lines 15 to 21 the following: "imposed by section seventeen approved the seventeenth day of June one thousand nine hundred thirteen (Pamphlet Laws five hundred seven) as amended for the year one thousand nine hundred thirty-seven on assessments made during or as of the year one thousand nine hundred thirty-six and prior years or from any taxes penalties and interest imposed"; and inserting in lieu thereof the word "imposed"; also line 22 by striking out the heavy-faced bracket before the word "of"; also line 23 by striking out the heavy-faced bracket after the figures "507"; also page 38, line 2 by striking out the word "proceeding" and inserting in lieu thereof the word "proceedings"; also lines 8 to 10 by striking out the following: "of any county or city coextensive with the county as the case may be"; also line 13 by striking out the words "or to any county or city coextensive with a county"; also line 15 by striking out the figures "22' and inserting in lieu thereof the figures "21"; also line 25 by striking out the word "year" and inserting in lieu thereof the word "years"; also line 26 by striking out the words "every year thereafter"; also line 28 by striking out the word "eighteen" and inserting in lieu thereof the word "seventeen"; also line 25 by inserting parenthesis before the word "or"; also line 25 by inserting parenthesis after the word "thirty-seven."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the years and nays were taken and were as follows, viz:

YEAS—195

Achterman,	Fiss,	McDermott,	Simon,
Alexander,	Fitch,	McElroy,	Skale,
Allen,	Flanagan,	McFall,	Sloan,
Allmond,	Flannery,	McGee,	Smith, James A.,
Arnold,	Flinchbaugh,	McShane,	Smith, John A.,
Atkins,	Ganser,	Melchiorre,	Snyder,
Aukerman,	Gerard,	Mellott,	Sollenberger,
Baine,	Gorski,	Mihm,	Spengler,
Baker, F. T.,	Habbyshaw,	Moomaw,	Sproul,
Baker, J. J.,	Haberlen,	Mooney,	Stackpole,
Balthaser	Hagerty,	Moran,	Stewart,
Bierly,	Hamilton, F. P.,	Moul,	Stockham,
Blank,	Harkins,	Munley,	Strode,
Bohn,	Harmuth,	Murrin,	Terry,
Boles,	Hays,	Nagel,	Thomas,
Boltz,	Hering,	O'Brien,	Thompson,
Boose,	Hess,	O'Connor,	Toole,
Boyer,	Hetrick,	O'Keefe,	Tronzo,
Bradley,	Hindman,	Ominsky,	Trout,
Brancato,	Hirsch,	O'Neill,	Tumelty,
Brigerman,	Holland,	Ostroff,	Turner,
Broad,	Holmes,	Patterson, C. S.,	Valibus,
Brown,	Holstrom,	Patterson, J. W.,	VanAllsburg,
Brownfield,	Hontz,	Peale,	VanSickle,
Burrows,	Horting,	Perry,	Vogt,
Cadwalader,	Huntley,	Pershing,	Wagner,

Caesar,	Imbrie,	Piole,	Wall,
Caputo,	Jirolanio,	Powers,	Walsh,
Chervenak,	Kane,	Preston,	Wampole,
Coakley,	Keenan,	Readinger,	Webster,
Cohen, H. B.,	Kelso,	Reese,	Weidemann,
Cohen, R. E.,	Kilroy,	Reising,	Weiss, D. H.,
Coleman,	Kline,	Richter,	Weiss, S. A.,
Coolahan,	Kroll,	Robinson,	Welliver,
Corrigan,	LaRue,	Rothenberger,	Welsh,
Costanzo,	Leisey,	Royer,	Westrick,
Davies,	Levy,	Ruffennach,	Whalen,
Decker,	Lewis,	Rush,	Whitenight,
DeNote,	Long,	Sarraf,	Wilson,
Dickinson,	Longaker,	Schrock,	Winner,
Donohoe,	Lopresti,	Schrope,	Wood,
Dougherty,	Lovett,	Schumacher,	Woodside,
Downey,	Lyons,	Serrill,	Wright,
Dubbs,	Mallen,	Shaw,	Yanoshak,
Dyson,	Marino,	Shea,	Yeakel,
Eckels,	Matthews, H. T.,	Shepard,	Yourishin,
Elpern,	Matthews, J. F.,	Shoemaker,	Zappala,
Falkenstein,	McArdle,	Shugarts,	Furman,
Finnerty,	McCullough,	Siegel,	

NAYS— 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

REPORTS FROM COMMITTEES

Mr. SIEGEL, from the Committee on Highways, reported as committed, House Bill No. 956, entitled:

An Act making an appropriation out of the Motor License Fund to the Auditor General, State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania, for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

Mr. AUKERMAN, from the Committee on Insurance, reported as amended, House Bill No. 947, entitled:

An Act to amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed, housed or assembled in certain buildings and structures not in cities of the first class, second class and second class A, by requiring certain construction and ways of egress, equipment and maintenance; providing for the licensing of projectionists requiring the submission of plans for examination and approval, providing for the promulgation of rules and regulations for the enforcement of this act by the Department of Labor and Industry, and in certain cases by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act, and repealing certain acts;" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 1732, entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy, section seven hundred thirty two as amended, sections seven hundred thirty-three, eight hundred seventy-six, and eight hundred ninety-six of, and to add section seven hundred thirty-seven to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating tax levies, bond issues, appropriations, and the procedure for rebuilding bridges in such counties.

Mr. TRONZO, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 1433, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, permitting State institutions and sanatoria to supply water to individuals.

Mr. MELCHIORRE, from the Committee on State Boards, reported as amended, House Bill No. 1524, entitled:

An Act to further amend the act, approved the nineteenth day of June, one thousand nine hundred and thirty-one (P. L. 589), entitled "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops, barber schools and barber colleges, and apprentices and students therein; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," by modifying the provisions relating to barber schools, and licensing of persons as barbers, and the issuing of renewal, student or apprentice permits; providing additional grounds for suspension and revocation of permits and registrations; discontinuing the use of the term "barber college"; and prescribing penalties.

Mr. TRONZO, from the Committee on Judiciary General, reported as amended, House Bill No. 606, entitled:

An Act relating to magistrates, alderman and justices of the peace; conferring power on the courts of quarter sessions to regulate and supervise the conduct of courts not of record, and prescribing penalties.

Mr. FRANK P. HAMILTON, from the Committee on Highways, reported as committed, House Bill No. 80[illegible], entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny, and providing for its construction, and maintenance at the expense of the Commonwealth.

Mr. LONGAKER, from the Committee on Highways, reported as amended, House Bill No. 470, entitled:

An Act to amend Route 18033 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, per-

sons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as added.

Mr. JACOB F. MATTHEWS, from the Committee on Geological Survey, reported as amended, House Bill No. 1963, entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein, and to make copies of such records available upon payment of prescribed fees; and providing fees and penalties.

Mr. TRONZO, from the Committee on State Boards, reported as amended, House Bill No. 1282, entitled:

An Act to further amend the act, approved the nineteenth day of March, one thousand nine hundred and nine (P. L. 46), entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania; to provide for the establishment of a State Board of Osteopathic Examiners; to define the powers and duties of said Board of Osteopathic Examiners; in this State; and to provide penalties for the violation of this act," by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery; further defining osteopathy; providing for issuing licenses to perform operative surgery to licensees of other states; requiring annual renewals of osteopathic surgeon's licenses; fixing fees; extending the functions and authority of osteopathic physicians and surgeons; and prescribing additional penal provisions.

Mr. GERARD, from the Committee on Highways, reported as committed, House Bill No. 957, entitled:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll bridge at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey.

Mr. SIMON, from the Committee on State Boards, reported as committed, House Bill No. 1316, (Senate Bill No. 243), entitled:

An Act to provide for the registration of certain nurses.

Miss BRANCATO, from the Committee on State Boards, re-reported as committed, House Bill No. 621, entitled:

An Act relating to the business of painting, paperhanging and decorating; defining, regulating and providing for the licensing of contractors engaged in such business, and for the revocation of such licenses subject to appeal; and creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry.

Mr. MORAN, from the Committee on Public Utility, re-reported as amended, House Bill No. 851, entitled:

An Act relating to the regulation of public utilities; defining as public utilities certain corporations, companies, associations and persons; providing for the regulation of public utilities, including certain municipalities engaging in a public utility business, by prescribing, defining, and limiting their duties, powers and liabilities, and regulating the exercise, surrender or abandonment of their powers, privileges and franchises; defining and regulating contract carriers by motor vehicle and brokers, in order to regulate effectively common carriers by motor vehicle; conferring upon the Pennsylvania Public Utility Commission, the power and duty of supervising and regulating persons and corporations, including certain municipal corporations subject to this act, and administering the provisions of this act; authorizing the commission to fix temporary rates; placing the burden of proof on public utilities to sustain their rates and certain other matters; authorizing a permissive or mandatory sliding scale method of regulating rates; providing for the supervision of financial and contractual relations between public utilities and affiliated interests, and supervision and regulation of accounts and securities or obligations issued, assumed or kept by persons or corporations subject to this act; conferring upon the commission the exclusive power to regulate or order the construction, alteration, relocation, protection or abolition of crossings of facilities of public utilities and of such facilities by or over public highways, to appropriate properly for the construction or improvement of such crossings, and to award or apportion resultant costs and damages; authorizing owners of such property to sue the Commonwealth for such damages; providing for ejectment proceedings in connection with the appropriation of property for crossings; conferring upon the commission power to control and regulate budgets of public utilities; imposing upon persons and corporations, including municipal corporations subject to regulation, the cost of administering this act; prescribing and regulating practice and procedure before the commission, and procedure for review by the courts of commission action; giving the Court of Common Pleas of Dauphin County exclusive jurisdiction over certain proceedings; prescribing penalties, fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission, and the procedure for enforcing such fines and penalties; and repealing legislation supplied and superseded by, or inconsistent with, this act.

Mr. WESTRICK, from the Committee on Appropriations, reported as committed, House Bill No .1151, entitled:

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund.

BILL INTRODUCED

Mr. COLEMAN. Mr. Speaker, I ask the unanimous consent of the House to introduce a bill.

The SPEAKER. The title of the bill will be read for the information of the House.

The title was read as follows:

An Act to establish as a State highway a certain section of public road in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

The SPEAKER. Will the House give its unanimous consent to the introduction of the bill. Are there objections?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Lackawanna, Mr. Coleman.

The SPEAKER. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. COLEMAN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, I would like to ask the gentleman from Lackawanna why he is asking for consent to introduce this bill at this time. Is there any reason why it could not have been introduced before the closing date fixed for the introduction of bills in the House?

Mr. COLEMAN. Mr. Speaker, in answer to the gentleman from Delaware, I will say that this bill was placed in the hands of the Legislative Reference Bureau two days before the date fixed for the final introduction of bills. For some reason or other it was mislaid and my colleague from Lackawanna, Mr. Davies, has asked me to introduce it today.

Mr. TURNER. Mr. Speaker, I have no objection

The SPEAKER. The Chair hears no objection and consent is granted.

RESOLUTIONS

Mr. SHEA offered a resolution which was filed with the Clerk under the rules.

PUBLIC SCHOOLS APPROPRIATIONS

Mr. TURNER offered a resolution and asked and obtained unanimous consent that it be read for the information of the House.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 28, 1937.

Whereas, The school laws of the Commonwealth provide that the appropriations made for the support of the public schools shall be distributed semi-annually during the months of February and August to fourth class districts, during March and September to second and third class districts and during April and October to first class districts; and

Whereas, The last of these three spring payments is now due and there are rumors that the payments due in February and March have not been paid in full, therefore be it

Resolved, That the Treasury Department shall furnish by Monday, May 3, 1937, to this House a detailed statement of the account of the Commonwealth with the various school districts, showing the amounts due to districts, of accounts payable during the months of February and March 1937, and the accounts, if any, which may be due for the August, September and October, 1936 payments.

Resolved, That a copy of this resolution shall be transmitted to the Treasury Department by the Chief Clerk of this House.

Mr. TURNER. Mr. Speaker, I ask the unanimous consent of the House for the immediate consideration of the resolution.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution? Are there objections?

Mr. TURNER. Mr. Speaker and members of the House, I have been advised by a number of the school districts that they are in a rather difficult position because there are moneys due them for a long period of time. My inspection of the accounts of the State as of this morning shows, that there is about twenty-five million dollars in the General Fund, and it therefore seems to me that the school districts that are in need of this money should receive it. That is the reason why I am asking for immediate consideration, in order that we may receive from the Treasury Department a statement of just exactly what is the real condition.

Mr. HERBERT B. COHEN. Mr. Speaker, reserving my right to object, I desire to interrogate the gentleman from Delaware.

The SPEAKER. Will the gentleman from Delaware permit himself to be interrogated?

Mr. TURNER. I will Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, is the gentleman from Delaware acquainted with the fact that I am about to present a resolution granting the use of the Hall of this House to the Hon. F. Clair Ross for the purpose of having the oath of office as Treasurer of the Commonwealth of Pennsylvania administered to the said F. Clair Ross?

Mr. TURNER. Mr. Speaker, I am not familiar with the fact that the gentleman is about to present a resolution. I am familiar with the fact that on Tuesday, I think it is, or Monday, F. Clair Ross will be sworn in as State Treasurer.

Mr. HERBERT B. COHEN. Mr. Speaker, is it not a fact that at the present time the esteemed gentleman from Philadelphia, Hon. Charles Waters is now the Treasurer of the Commonwealth of Pennsylvania?

Mr. TURNER. Mr. Speaker, that is a rather silly question. We all know that he is.

Mr. HERBERT B. COHEN. Mr. Speaker, is it not a fact that the said Charles Waters is a member of the same political party as the gentleman from Delaware?

Mr. TURNER. Mr. Speaker, that I understand to be correct. I have not examined his registration recently, but from all reports he is still supposed to be a Republican.

Mr. HERBERT B. COHEN. Mr. Speaker, has not the gentleman from Delaware always been able to secure whatever information he might desire from the present Treasurer of the Commonwealth of Pennsylvania without the necessity of introducing a resolution?

Mr. TURNER. Mr. Speaker, I would not say that that has always been true.

Mr. HERBERT B. COHEN. Mr. Speaker, has the gentleman from Delaware requested from the present State Treasurer the facts which he wishes to submit to this House by his resolution.

Mr. TURNER. I have not, Mr. Speaker.

Mr. HERBERT B. COHEN. Mr. Speaker, I object.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from York, Mr. Cohen.

The SPEAKER. Will the gentleman from York permit himself to be interrogated?

Mr. HERBERT B. COHEN. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, does the gentleman from York feel that a member of the Legislature does not have the right to request information from the head of a department whether he be of the same party or not?

Mr. HERBERT B. COHEN. Mr. Speaker, in answer to the interrogation submitted by the gentleman from Delaware, I would say that a member of the Legislature has the complete right to ask the membership of this House to ask any department or any function of the Commonwealth to submit any information to this House that the Legislature might deem advisable to have submitted. If on any occasion an individual member of this House desires information relative to any of the affairs of the Commonwealth, I feel sure that this Administration and I feel sure that the Administration which is now in charge of the Treasury of the Commonwealth of Pennsylvania will be only too glad to submit whatever information is available to the gentleman or to any member of this House without the necessity of introducing a resolution. If we should fall into the procedure of introducing a resolution every time information is required by a particular member of this House, I feel sure that the functions of the Commonwealth would be impinged upon to the extent that we would be devoting the entire time of the Legislative session to introducing resolutions requesting information, and I, therefore, persist in my objection.

STATEMENT BY MR. TURNER.

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, if I followed the gentleman from York in the maze of the answer which he gave — which, as usual, is very adroit and leads us off into a lot of other fields — I cannot see any reason why

he should object if he feels that a member of the Legislature has the right to go direct to a department and ask for information. I can see no difference between that procedure and the presentation of a resolution asking for the information. Because it certainly would take no more time for the department to comply with the resolution than it would to answer the individual request of the member. As far as the presentation of a resolution is concerned, I am sure that the members of the House have never and will not abuse that privilege. I feel that this is an important question and one that requires not an informal answer to a member of the House but one that is important and important today. If I should go to the Treasury Department, that department, as we know, is about to go out of office and in a few days all of their activities will have ceased and they may feel that they cannot grant the ordinary request coming from a member of the Legislature as an individual and it was for that reason that I offered this resolution and asked for its immediate adoption. I think, under the circumstances, the gentleman from York should withdraw his objection and allow immediate consideration. It can offer no greater difficulties to the Department than if I asked it individually, and if I did ask individually it might not be forthcoming for some time by reason of the change in the office. I, therefore, ask the gentleman from York if he will not withdraw his objection.

Mr. HERBERT B. COHEN. Mr. Speaker, by advice of counsel I must persist in my objection.

The SPEAKER. The Chair hears objection and consent is not granted.

The resolution will be filed with the Clerk under the rules.

USE OF HALL OF HOUSE GRANTED.

Mr. HERBERT B. COHEN offered a resolution and asked unanimous consent of the House for its immediate consideration.

The resolution was read by the Clerk as follows:

In the House of Representatives, April 28, 1937.

Resolved, That the use of the Hall of the House of Representatives be granted for Monday, May 3, 1937 at 12 o'clock noon for the purpose of administering the oath of office to Honorable F. Clair Ross, the State Treasurer elect of this Commonwealth.

The SPEAKER. Will the House give its unanimous consent to the immediate consideration of the resolution?

Mr. TURNER. Mr. Speaker, under all of the rules of the game I should object, but I think I have a little different approach than the gentleman from York. The consequence of his objection is something that injures the school districts of Pennsylvania. The consequence of my objection would not be personal to Mr. Cohen but would be something that perhaps would be inconvenient and embarrassing to the incoming State Treasurer. Therefore, I will not object to the immediate consideration.

The SPEAKER. The Chair hears no objection and consent is granted.

On the question,

Will the House adopt the resolution?

It was adopted.

SYMPATHY EXTENDED

Mr. ELPERN offered a resolution which was twice read, considerated and adopted as follows:

In the House of Representatives, April 28, 1937.

Two more soldiers of the law have died in line of duty. In the enforcement of the law Private John E. Fessler, of Troop E of the Pennsylvania State Police was shot near Danville, Montour County, and Private Joseph A. Hoffer of Troop A was shot at Filbert, Fayette County. These men have paid the supreme sacrifice in order that law and order might prevail amongst our people, therefore be it

Resolved, That the members of the House of Representatives commend the bravery of Privates John E. Fessler and Joseph A. Hoffer of the Pennsylvania State Police who sacrificed their lives in the performance of their duties, and extend to the members of their families their sincere sympathy in the great loss they have sustained, and be it further

Resolved, That copies of this resolution be transmitted to the families of the deceased by the Chief Clerk of this House.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 50.

An Act to amend article twenty-four of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE BILL No. 51.

An Act to amend article thirty-two of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and and amending revising and consolidating the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE BILL No. 52.

An Act to amend article fifteen of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE BILL No. 53.

An Act to amend article twenty-one of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the issuance of non-debt revenue bonds to finance sewer improvements.

HOUSE BILL No. 1043.

An Act to re-enact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled "An act to provide revenue for State purposes imposing taxes upon certain classes of personal property and on the value of certain equitable interests providing

for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation" as amended by imposing annual taxes for State purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes.

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

SENATE MESSAGE

AMENDED HOUSE BILL RECALLED FROM THE GOVERNOR NON-CONCURRED IN BY SENATE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1161.

An Act to amend section four hundred six of the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 343) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the re-settlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof of all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provision for the appointment of mercantile appraisers.

Said bill having been recalled from the Governor for the purpose of amendment. The vote had on final passage and third reading on said bill was reconsidered in the House of Representatives and the bill amended, in which amendments the Senate has non-concurred.

BILL AND MESSAGE LAID ON TABLE.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for conference bills numbered and entitled as follows:

SENATE BILL No. 158. (HOUSE BILL No. 2231).

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collection such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by providing for health rooms providing for enumeration of minors in certain cases requiring enumeration of illiterate children and alien residents providing for home and school visitors in lieu of or in addition to other attendance officers and for their compensation providing for the education of physically and mentally handicapped children and for the care of uneducable children authorizing school districts to provide care and treatment of defective ears of pupils and authorizing school district of the fourth class to provide medical inspection at their own expense.

Referred to the Committee on Education.

SENATE BILL No. 708. (HOUSE BILL No. 2232).

An Act relating to and regulating the manufacture keeping and storing of explosives requiring permits for magazine and prescribing permit fees and providing penalties.

Referred to the Committee on State Government.

SENATE BILL No. 788. (HOUSE BILL No. 2233).

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and tyenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies.

Referred to the Committee on Insurance.

SENATE BILL No. 907. (HOUSE BILL No. 2234).

An Act to repeal certain parts of acts relating to struck juries.

Referred to the Committee on Judiciary General.

BILL INTRODUCED AND REFERRED

By Messrs. DAVIES and COLEMAN.

HOUSE BILL No. 2235.

An Act to establish as a State highway a certain section of public road in the County of Lackawanna, and providing for its construction and maintenance at the expense of the Commonwealth.

Referred to the Committee on Highways.

RESOLUTION INTRODUCED AND REFERRED

By Mr. TURNER. Resolution No. 74 referred to the Committee on Appropriations.

By Mr. SHEA. RESOLUTION No. 75.

In the House of Representatives April 28, 1937

Whereas, During the centuries, medicine has been developed for the betterment of mankind. By the eradiction of disease, a development not made without sacrifice, at times resulting in death. Many unsung heroes have come and gone. Occasionally a Walter Reed appears and his attainments of heroism are made permanent by a colossal monument—The Walter Reed Hospital—many others pass on; and

Whereas, No other advanced country permits cults to practice—The Army—The Navy of all countries prohibit pseudo medicine, so that the maimed and wounded of the deck and battle field be given the advanced treatments and helpful influence of modern medical science; and

Whereas, The Commonwealth of Pennsylvania has attained an enviable social and medical status since Dr. Rush and others started an ever upward development of medicine within its domain. Such development included the commanding genius of all the great scientists who have made Pennsylvania famous—Benjamin Franklin, Joseph Leidy, The Grosses, Priestly, Da Costas, Mitchells, our famous democrat—MacClellan, our great medical institutions—Jefferson, University of Pennsylvania, Temple, Hahneman, Pittsburgh, etc; and

Whereas, One of Philadelphias great newspapers—The Record, recently exposed a fake charity racket, presumably for the benefit of a cult hospital and its members.

This cult is only a prototype of several other cults that recently have been bombarding our Assembly for the rights to unusual practice, for a chance at the budget of the Commonwealth and in the last analysis not for their betterment but for the lowering of medical standards; therefore be it

Resolved, That the General Assembly, no doubt in a nonpartisan way will uphold the medical standards of our Commonwealth by giving no comfort to such cults.

General medicine in every Assembly is practically put on trial. If she was guilty of neglect, if she was guilty of wanton cruelty, if her work was depressing instead of elevating, if her services to humanity were negligible, then she should be subject to such abuse, otherwise let her say who can and who cannot practice the healing arts.

Referred to the Committee on Public Health and Sanitation.

CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1574.

Mr. WESTRICK. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 1574.

The SPEAKER. The report will lie over for printing.

REPORT OF THE COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1754.

Mr. WESTRICK. Mr. Speaker, I desire to call up at this time the report of the Committe of Conference on House Bill No. 1574, Printer's No. 733.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 1574, entitled "An Act relating to milk and the products thereof; creating a Milk Control Commission; establishing its jurisdiction, powers and duties; regulating the production, transportation, manufacturing, processing, storage, distribution, delivery and sale of milk and certain products thereof; providing for the licensing of milk dealers and the payment of fees therefor; requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers; authorizing the holding of hearing and the issuance of subpoenas by the commission; conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act, and of rules, regulations and orders of the commission; authorizing the commission to adopt rules, regulations and orders, and to enter into interstate and Federal compacts; requiring persons who weigh, measure, sample or test milk to procure permits or certificates, to take examinations, to pay fees therefor, to furnish certain notices, records and statements, and to use certain methods of weighing, measuring, sampling and testing; authorizing the commission to examine the business papers and premises of milk dealers and producers; requiring the keeping of records, and the filing of reports by milk dealers and permitting, with limitations, the use of information obtained thereby; authorizing the commission to fix prices for milk and certain milk products, subject to the approval of the Governor, and conferring certain powers upon the Governor with respect thereto; providing for appeal to the courts from decisions of the commission, and for the burden of proof upon such appeals; prescribing penalties, fines and imprisonment for violations of this act and rules, regulations and orders of the commission; defining perjury; defining remedies; repealing legislation supplied and superseded by this act, and saving rights, duties and proceedings thereunder; and making appropriations," respectfully submit the following bill as our report:

C. HALE SIPE
JOHN S. RICE
C. GILBERT WOLFENDEN
(Committee on the part of the Senate)

J. HAROLD ARNOLD
DENNIS L. WESTRICK
FRANK E. SNYDER
(Committee on the part of the House of Representatives)

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and order and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

Table of Contents

ARTICLE I Purpose Short Title Definitions
Section 101 Legislative Purpose
Section 102 Short Title
Section 103 Definitions Construction
ARTICLE II Organization of the Commission
Section 201 Appointment and Terms of Members Quorum

Section 202 Qualifications and Salaries
Section 203 Secretary Administrative Code
ARTICLE III General Powers of the Commission
Section 301 Regulation of Milk Industry
Section 302 Specific Powers not Impairment of General Powers
Section 303 Official Seal Evidence
Section 304 Hearings Witness Fees
Section 305 Subpoenas Oaths
Section 306 Contempt
Section 307 Adoption of Rules Regulations and Orders
Section 308 Posting and Service of Rules Regulations and Orders
Section 309 Certification of Rules Regulations and Orders
Section 310 Entry and Inspection
Section 311 Interstate and Federal Compacts
ARTICLE IV Licenses of Milk Dealers
Section 401 Milk Dealers Required to be Licensed
Section 402 Milk Dealers Subject to Exemption
Section 403 Applications
Section 404 Grounds for Refusal Suspension or Revocation
Section 405 Hearings and Orders
Section 406 Cancellation
Section 407 Transfer
Section 408 License Fees Generally
Section 409 License Fees of Certain Milk Dealers Dealers
Section 410 Computation of License Fees
Section 411 Classification of Licenses
Section 412 Other Licenses
ARTICLE V Bonds of Milk Dealers
Section 501 Milk Dealers Required to File Bonds
Section 502 Computation of Amount of Certain Bonds
Section 503 Time of Filing
Section 504 Requisites of Bonds Substitution
Section 505 Financial Statement
Section 506 Increase or Decrease of Bond
Section 507 Duty of State Treasurer
Section 508 Interest or Dividends upon Securities
Section 509 Suit by Commission
Section 510 Effect of Order by Commission
Section 511 Procedure for Disbursing Proceeds
Section 512 Cooperatives
Section 513 Subdealers' Bonds
ARTICLE VI Weighing and Testing
Section 601 Weighing or Measuring Permits
Section 602 Certified Testers
Section 603 Certified Weighers and Sampless
Section 604 Refusal Suspension and Revocation of Permits and Certificates
Section 605 Transfer
Section 606 Samples Check Tests
Section 607 Violations
Section 608 Payment for Milk Statement
ARTICLE VII Records Reports and Information
Section 701 Records
Section 702 Reports
Section 703 Dissemination of Information Conferences
ARTICLE VIII Prices of Milk
Section 801 Requisites of Orders Fixing Price of Milk
Section 802 Wholesale and Retail Prices
Section 803 Prices to Producers
Section 804 Classification
Section 805 Price Increases
Section 806 Terms and Methods of Payment
Section 807 Violations
Section 808 Prices of Certain Milk
Section 809 Cooperatives
ARTICLE IX Appeals and Review
Section 901 Appeals from General Orders
Section 902 Appeals from Special Orders
Section 903 Supersedeas
Section 904 Pleading and Service
Section 905 Certification of Record
Section 906 Scope of Inquiry
Section 907 Costs
Section 908 Jurisdiction of Superior and Supreme Courts
ARTICLE X Penalties and Remedies
Section 1001 Summary Offenses
Section 1002 Misdemeanors
Section 1003 Actions to Enforce Compliance
Section 1004 Application for Injunction Remedies
Section 1005 Proceedings Before the Commission
Section 1006 Perjury
ARTICLE XI Moneys and Expenses of Commission
Section 1101 Milk Control Fund
Section 1102 Expenses
Section 1103 Refunds
Section 1104 Approval of Governor
Section 1105 Miscellaneous Fees
Section 1106 Appropriations
ARTICLE XII Saving Provisions
Section 1201 Severability
Section 1202 Interstate Commerce
Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly
ARTICLE XIII Repeals and Effective Date
Section 1301 Acts Specifically Repealed
Section 1302 Effective Date

Whereas The production sale and distribution of milk and certain milk products in this Commonwealth are attendant with serious conditions affecting milk producers milk dealers and consumers of milk the following legislative findings of fact with respect thereto are hereby made

1 Milk is the most necessary human food vital for promotion of the public health and for development of strength and vigor in the race It is a most fertile field for the growth of bacteria and therefore its production and distribution have been surrounded by more costly sanitary requirements than those of any other commodity in this the third greatest milk producing and consuming State of the nation

2 Milk consumers are not assured of a constant and sufficient supply of pure wholesome milk unless the high cost of maintaining sanitary conditions of production and standards of purity is returned to the producers of milk If this is not done large numbers dispose of their herds or engage in milk strikes and remaining producers supply unhealthful milk or milk lower quality because of financial inability to comply with sanitary requirements and to keep vigilant against contamination Public health is menaced when milk dealers do not or cannot pay a price to producers commensurate with the cost of sanitary production or when consumers are required to pay excessive prices for this necessity of life

3 Milk dealers must handle constant surpluses to meet the emergency requirements of normal variations in fluid consumption and to meet seasonal variations in production which amounts in excess of fluid requirements must find a market in fluid use or in manufacture and tend to demoralize the industry Only one per centum of the milk dealers of the Commonwealth handle over sixty per centum of the milk sold by producers to dealers and persons have often combined privately to establish practices or fix prices to the detriment of producers or consumers

4 Milk producers must make delivery of their highly perishable commodity immediately after it is produced and must generally accept any market at any price Under the utilization method of payment prevailing in the milk industry particularly in cities the value of this market is unknown until the milk dealer sells the fluid milk and uses or disposes of the surplus Furthermore only the dealers have facilities for accurately weighing and testing milk This knowledge of weights tests and uses is in the exclusive possession of the dealer The producers' lack of control over their market is aggravated by the trade custom of dealers in paying weeks after delivery keeping producers obligated to continue delivery in order to receive payment for previous sales and permitting dealers to operate on the producers' capital without giving security therefor Hence milk producers are subject to fraud and imposition and do not possess the freedom of contract necessary for the procuring of cost of production

Whereas public control of the milk industry in recent years is stabilizing the conditions therein and a relaxation of control will cause a return to the unhealthful uneco-

nomic deceptive and destructive practices of the past with respect to this paramount industry upon which the health and welfare of the Commonwealth largely depends and

Whereas It is necessary to preserve and promote the strength and vigor of the inhabitants of this Commonwealth to protect the public health and welfare and to prevent fraud and imposition upon consumers and producers by continuing to treat the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth of Pennsylvania as a business affecting the public health and affected with a public interest

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

ARTICLE I

Purpose Short Title Definitions

Section 101 Legislative Purpose In the exercise of the police power of the Commonwealth it is hereby declared that the production transportation manufacture processing storage distribution and sale of milk in the Commonwealth is a business affecting the public health and affected with a public interest and it is hereby declared that this act shall be and is hereby enacted for the purpose of regulating and controlling the milk industry in this Commonwealth for the protection of the public health and welfare and for the prevention of fraud

Section 102 Short Title This act shall be known and may be cited as the "Milk Control Law"

Section 103 Definitions Construction The following terms shall be construed in this act to have the following meanings except in those instances where the context clearly indicates otherwise

"Commission" means the State agency created by this act to be known as the "Milk Control Commission"

"Consumer" means any person other than a milk dealer who purchases milk for consumption or use

"Licensee" means a licensed milk dealer

"Market" includes any city borough incorporated town or township in the Commonwealth or any two or more such cities boroughs incorporated towns or townships or any portions thereof designated by the commission as a marketing area

"Milk" includes fluid milk and cream fresh sour or storage skimmed milk flavored milk or milk drink buttermilk ice cream mix and condensed or concentrated whole or skimmed milk except when contained in hermetically sealed cans

"Milk Dealer" means any person including any store or subdealer as hereinafter defined who purchases or handles milk within the Commonwealth for sale shipment storage processing or manufacture within or without the Commonwealth A producer who delivers milk to a milk dealer only shall not be deemed a milk dealer A cooperative agricultural association or corporation of producers of milk organized under the laws of this Commonwealth or of any other state and engaged in making collective sales of milk for producers under contract with it shall not be deemed a milk dealer but shall be deemed a producer Provided however That if such association or corporation distributes milk within this Commonwealth to stores as defined in this act or to consumers as defined in this act it shall be deemed to be a milk dealer as to that part of its business and shall be governed by the provisions of this act applicable thereto And provided further That such cooperative agricultural association or corporation shall be governed by the applicable provisions of this act as to the prices at which it sells markets or bargains to sell milk within this Commonwealth to milk dealers and others

"Person" includes an individual corporation association partnership limited partnership or other unincorporated enterprise owned by two or more individuals

"Producer" means a person producing milk

"Store" includes a grocery store hotel restaurant soda fountain dairy products store or any similar mercantile establishment which sells milk

"Subdealer" means any milk dealer handling milk within the Commonwealth who sells all such milk to consumers or stores in the same containers as those in which he puchased it from other milk dealers

Any reference in this act to quantity of milk shall be construed to include its whole milk equivalent

Article or section headings shall not be construed to affect, in any manner the scope or meaning of any article or section of this act

The singular shall be construed to include the plural

The masculine shall be construed to include the feminine and the neuter and conversely the neuter shall be construed to include the masculine and the feminine

ARTICLE II

Organization of the Commission

Section 201 Appointment and Terms of Members Quorum There is hereby created an independent administrative commission to be known as the Milk Control Commission The commission shall consist of three members nominated and appointed by the Governor by and with the advice and consent of two-thirds of all the members of the Senate for terms of six (6) years each and until their successors shall have been appointed and qualified except that the terms of the members first taking office shall expire May first one thousand nine hundred thirty-nine May first one thousand nine hundred forty-one and May first one thousand nine hundred forty-three respectively as designated by the Governor at the time of appointment and until their successors shall have been appointed and qualified

The Governor shall designate one of the members of the commission as chairman The chairman shall when present preside at all meetings and in his absence a member designated by the chairman shall preside

Two members of the commission shall constitute a quorum and any action or order of the commission shall require the approval of at least two members

The Governor may remove any commissioner for inefficiency neglect of duty or misconduct in office Provided That he is given a copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense upon not less than ten days' notice and that the Governor file with the Department of State a complete statement of all charges made against such commissioner together with a complete record of the proceedings and his findings thereon

Section 202 Qualifications and Salaries Each member of the commission at the time of his appointment and qualification shall be a citizen of the United States

No member of the commission during his period of service as such shall hold any other office under the laws of this Commonwealth or of the United States

The chairman of the commission shall receive a salary of six thousand five hundred dollars ($6,500) per annum The other members of the commission shall receive salaries at the rate of six thousand dollars ($6,000) per annum

Section 203 Secretary Administrative Code The commission may appoint a secretary to hold office at its pleasure The secretary if appointed shall have such powers and shall perform such duties not contrary to law as the commission shall prescribe and shall receive such compensation as the commission with the approval of the Governor shall determine The secretary shall have power and authority to designate from time to time one of the clerks appointed by the commission to perform the duties of the secretary during his absence and the clerk so appointed shall exercise for the time so designated the powers of the secretary of the commission

Except as otherwise specifically provided in this act the commission and its employes shall be subject to all the provisions of The Administrative Code of one thousand nine hundred twenty-nine approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws one hundred seventy-seven) its amendments and supplements which apply generally to independent administrative boards or commissions

ARTICLE III

No person employed in the work of the commission

shall for a period of two years after leaving the service of the commission be eligible to appear before the commission representing any person interested in any proceeding pending before the commission

General Powers of the Commission

Section 301 Regulation of Milk Industry The commission is hereby declared to be the instrumentality of the Commonwealth for the purpose of administering the provisions of this act and to execute the legislative intent herein expressed and it is hereby vested with power to supervise investigate and regulate the entire milk industry of this Commonwealth including the production transportation disposal manufacture processing storage distribution delivery and sale of milk and milk products in this Commonwealth and including the establishment of reasonable trade practices systems of production control and marketing area committees in connection therewith Provided however That nothing contained in this act shall be construed to alter amend or repeal any of the laws of this Commonwealth relating to the regulation of public utilities or to the public health or to the prevention of fraud and deception except as herein otherwise specifically provided

Section 302 Specific Powers not Impairment of General Powers The operation and effect of any provisions of this act conferring a general power upon the commission shall not be impaired or qualified by the granting to the commission by this act of a specific power or powers

Section 303 Official Seal Evidence The commission may for the authentication of its records process and proceedings adopt keep and use a common seal of which seal judicial notice shall be taken in all courts of this Commonwealth and any process writ notice or other document which the commission may be authorized by law to issue shall be deemed sufficient if signed by the chairman or secretary of the commission and authenticated by such seal All acts proceedings rules regulations orders papers findings minutes and records of the commission and all reports and documents filed with the commission may be proved in any court of this Commonwealth by a copy thereof certified to by the chairman or secretary of the commission with the seal of the commission attached

Section 304 Hearings Witness Fees The commission or any member thereof may hold such hearings at the Capitol or elsewhere as it deems necessary to carry out the provisions of this act Each witness required to attend before the commission or any member thereof under the provisions of this section shall be entitled to the fees and mileage customarily paid to witnesses in the courts of Dauphin County All hearings of the commission shall be governed by such rules regulations and orders as shall be adopted and prescribed by the commission

Section 305 Subpoenas Oaths In order to enable the commission to carry out the provisions of this act it shall have the power to issue subpoenas requiring the attendance and testimony of or the production of pertinent books and papers by milk dealers or their employes producers or their employes persons having business dealings with milk dealers or producers or other persons whom the commission believes to have information books or papers of importance to it in carrying out the purposes and intent of this act The commission also shall have the power to administer oaths and affirmations to question witnesses thereunder and to examine such books and papers The commission may issue commissions letters rogatory or other appropriate processes outside the Commonwealth

Section 306 Contempt Any person who refuses to obey a subpoena issued hereunder or to be sworn or affirmed or to testify or who is guilty of any contempt after summons to appear may be punished as for contempt of court For this purpose an application may be made by the commission to the court of common pleas within the territorial jurisdiction of which the offense was committed for which purpose such court is hereby given jurisdiction

Section 307 Adoption of Rules Regulations and Orders Subject to the approval of the Governor where such approval is hereinafter expressly required the commission may adopt and enforce all rules regulations and orders necessary or desirable to carry out the provisions of this act and not inconsistent with law

Section 308 Posting and Service of Rules Regulations and Orders Every general rule regulation or order of the commission shall be posted for public inspection in the main office of the commission at least six days before it shall become effective and shall be given such further publicity by advertisement or announcement in a newspaper or otherwise as the commission shall deem advisable At least three days before it shall become effective copies of such general rule regulation or order shall be mailed to all licensees affected thereby Provided however That such mailing shall not be construed as a condition upon which the validity of any such rule regulation or order depends A certified copy of an order applying only to the particular person or persons named therein shall be served on the person or persons affected

An order herein required to be served shall be (1) served in the manner now or hereafter established by law for the service of writs of summons except that such service need not be made by the sheriff or (2) mailed registered and charges prepaid (a) in the case of an individual to his lass known residence or place of business (b) in the case of an unincorporated association or a corporation formed under the laws of this Commonwealth to its principal office and (c) in the case of a corporation formed under the laws of any other state to the office of its duly authorized agent in Pennsylvania or if there be no duly authorized agent in Pennsylvania to its home office in the state of incorporation or in any other state

The posting in the main office of the commission of any rule regulation or order not herein required to be served and the giving of such publicity thereto as the commission deems advisable or the proper service of any rule regulation or order required to be served shall constitute due and sufficient notice to all persons affected by such rule regulation or order A rule regulation or order of the commission when duly posted and so publicized or when properly served as provided in this section shall have the force and effect of law The commission shall upon request mail to any person a copy of any general rule regulation or order of the commission

The mailing or service by mail herein required shall be by deposit in a United States Post Office or in any receptacle thereof

Section 309 Certification of Rules Regulations and Orders Certification by the chairman or secretary of the Commission to the effect that a general rule regulation or order was duly posted and publicized as provided in this act shall be prima facie evidence of such posting and publicity

Section 310 Entry and Inspection Pursuant to the purposes of this act any member of the commission or any employe designated for the purpose shall have access to and may enter and inspect at all reasonable hours all places and equipment where milk or any product thereof is being produced stored bottled processed manufactured sold weighed tested or otherwise handled Any member of the commission or any designated employe thereof also shall have power at all reasonable hours to inspect audit and copy all books papers records or documents in any place within the Commonwealth for the purpose of ascertaining facts to enable the commission to administer this act The information obtained regarding any person by any such inspection auditing or copying or by reports or statements required or authorized by this act shall be for the confidential use of the commission and the various administrative departments boards and commissions of the State government and shall not be disclosed by any person except as may be required in the enforcement of law or by order of court and any member or employe of the commission or other person disclosing such information except as herein required shall be subject to the penalties herein provided for a violation of this act Nothing contained in this act shall prevent the use of any information by the commission in the compiling and dissemination of general statistical data

Section 311 Interstate and Federal Compacts The commission is hereby vested with authority to confer with

legally constituted authorities of other states and of the United States with respect to uniform milk control within the states and as between states to conduct joint investigations to exchange information hold joint hearings and issue join complementary or concurrent orders and to enter into a compact or compacts for such uniform milk control subject to such Federal approval as may be authorized or required by law

ARTICLE IV

Licenses of Milk Dealers

Section 401 Milk Dealers Required to be Licensed Except as herein otherwise specifically provided a milk dealer as defined in this act shall not buy milk from producers or others within this Commonwealth for storage manufacture processing distribution or sale within or without this Commonwealth or sell or distribute milk within this Commonwealth unless such dealer be duly licensed as herein provided and it shall be unlawful for a milk dealer to buy milk from or sell to a milk dealer who is not either licensed or exempted as herein provided or in any way to deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of the provisions of this act

Section 402 Milk Dealers Subject to Exemption The commission may by official order exempt from the license requirements provided by this act milk dealers who purchase or handle milk in a total quantity not exceeding one thousand five hundred pounds in any month and milk dealers selling milk in any quantity only in markets of a population of one thousand or less for local consumption The commission may by official order exempt stores or any class thereof from the license requirements provided by this act and shall exempt stores selling milk all of which has been purchased from a licensed milk dealer However milk dealers exempted by this section from the license requirements of this act shall continue to be subject to all the other provisions of this act relating to milk dealers

Section 403 Applications An application for a license to operate as a milk dealer shall be completed and filed by the dealer with the commission within thirty days after this act takes effect or prior to his engaging in business and annually thereafter on or before April fifteenth by mail or otherwise upon a form prescribed by the commission Such application shall be accompanied by the fee required by this act and by a bond when so required by this act in order to be complete The license year shall commence May first shall end April thirtieth following The applicant shall state under oath or affirmation upon a form prescribed by the commission the following

(1) The nature of the business to be conducted

(2) The full name of the person applying for the license If the applicant is a copartnership or association the full name of each member shall be stated If the applicant is a corporation the names and addresses of all officers and directors shall be stated

(3) The city borough incorporated town or township and the street number if any at which the business is to be conducted

(4) The financial condition of the applicant including a comprehensive financial statement of his affairs

(5) Facts showing that the applicant has adequate technical personnel and adequate technical and physical facilities properly to conduct the business of receiving and handling milk that he has complied with all rules regulations and orders of the commission filed or served as required in this act the quantity source and outlet of milk handled within the Commonwealth during the calendar year preceding the period for which the license is desired and such other facts with respect to the applicant's business as may be required by the commission pursuant to this act

Section 404 Grounds for Refusal Suspension or Revocation The commission shall grant a license to an applicant complying with the provisions of this act and the rules regulations and orders issued by the commission pursuant thereto The commission may decline to grant a license to an applicant or may suspend revoke or refuse to transfer a license already granted to a milk dealer or may prohibit a milk dealer exempted from the license requirements of this act from continuing to operate as a milk dealer after determination by the commission that the dealer

(1) Has rejected without reasonable cause any milk purchased from a producer or has rejected without either reasonable cause or reasonable advance notice milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing except where the contract has been lawfully terminated Provided however That in the absence of an express or implied fixing of a longer period in the contract "reasonable advance notice" shall not be construed to mean notice of less than one week nor more than two weeks

(2) Has without reasonable cause failed to account and make payment for any milk purchased from a producer

(3) Has committed any act injurious to the public health or public welfare or to trade or commence in demoralization of the price structure of milk to such an extent as to interfere with an ample supply thereof for the inhabitants of the Commonwealth affected by this act It is hereby declared that such demoralization is injurious to the public health public welfare and to trade and commerce and that evidence thereof shall include any course of conduct on the part of the milk dealer in violation of the terms of this act or any valid rules regulations and orders of the commission

(4) Has made a general assignment for the benefit of creditors or has been adjudged a bankrupt or there has been entered against him a judgment upon which an execution remains wholly or partly unsatisfied

(5) Has been a party to a combination to fix prices contrary to law A cooperative agricultural association organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or marketing for its members or shareholders shall not be deemed or construed to be a conspiracy or combination in restraint of trade or an illegal monopoly nor shall the contracts agreements arrangements or combinations heretofore or hereafter made by such association or corporation or the members officers or directors thereof in making such collective sales and marketing and prescribing the terms and conditions thereof be deemed or construed to be conspiracies or to be injurious to public welfare trade or commerce

(6) Has continued in a course of dealing of such nature as to satisfy the commission of an intent of the milk dealer to deceive or defraud producers or consumers

(7) Has failed either to keep records or to furnish accurately the statements or information required by the commission to be supplied to it or to producers or consumers

(8) Has made any statement upon which the license was issued which statement is found to have been false or misleading in any material particular

(9) Is a partnership or corporation and any individual holding any position owning any substantial interest or having any power of control therein has previously been responsible in whole or in part for any act on account of which a license may be denied suspended or revoked pursuant to the provisions of this act

(10) Has violated any of the provisions of this act or any of the rules regulations or orders of the commission or any stipulation entered into between the said dealer and the commission in the course of any proceeding before the commission

(11) Has violated any provisions of acts repealed hereby or of rules regulations or orders issued thereunder

The issuance or renewal by the commission of a license hereunder shall not preclude the commission from suspending or revoking such license for a violation committed by the licensee prior to the license period unless the commission or its predecessor board had proceeded against the licensee for such violation and any valid order thereon has been complied with by the licensee

Section 405 Hearings and Orders Before refusing to grant or to reissue or before suspending revoking or refusing to transfer a license the commission shall afford the applicant or the licensee respectively an opportunity to be heard It shall direct a citation to such applicant or

licensee by registered mail sent to his last known address giving therein at least five days' notice of such hearing and a statement of the matters complained of After such hearing and upon entry of any order thereon the commission shall serve a certified copy of such order upon the applicant or licensee filing at its office the original and a statement in writing of the findings of fact in support thereof

Section 406 Cancellation Where the commission declines to grant a license to an applicant or revokes a license and the dealer appeals therefrom obtaining a supersedeas the reason assigned for declining to grant or for revoking the license shall not be a reason for declining to grant the same dealer a license for a subsequent license period However in the event that the appeal from the order of the commission is dismissed or otherwise terminated favorably to the commission any license issued for such subsequent period shall be automatically cancelled five days after the termination of the appeal unless the commission otherwise orders

Section 407 Transfer Licenses issued under this act may not be assigned Licenses may however be transferred from one person to another provided that the prior written approval of the commission to such transfer is obtained but a receiver an executor or administrator who succeeds to the business of a licensee may continue the business for a period of two weeks if otherwise authorized by law without securing the prior approval of the commission Any change in the membership of a partnership or limited partnership either by the withdrawal or the addition of a partner shall be construed to require a transfer of the license Applications for such transfers shall be filed with the commission at least one week before the transfer is to be made or in the case of a receiver or an executor or administrator within two weeks after he takes possession of the business of the licensee Whenever any license is transferred no license fee shall be required from the person to whom such transfer is made for the balance of the then current license year except the transfer fee of one dollar

Section 408 License Fees Generally The commission shall charge and collect license fees from milk dealers on a yearly basis as follows Where a milk dealer received produced or brought within the Commonwealth during the calendar year preceding the period for which the license is issued a daily average total quantity of milk

(1) Not exceeding twenty (20) pounds a license fee of one dollar ($1.00)

(2) Exceeding twenty (20) pounds but not exceeding one hundred (100) pounds a license fee of three dollars ($3.00)

(3) Exceeding one hundred (100) pounds but not exceeding five hundred (500) pounds a license fee of ten dollars ($10.00)

(4) Exceeding five hundred (500) pounds but not exceeding one thousand (1,000) pounds a license fee of fifteen dollars ($15.00)

(5) Exceeding one thousand (1,000) pounds but not exceeding two thousand (2,000) pounds a license fee of thirty dollars ($30.00)

(6) Exceeding two thousand (2,000) pounds but not exceeding three thousand (3,000) pounds a license fee of forty dollars ($40.00)

(7) Exceeding three thousand (3,000) pounds but not exceeding four thousand (4,000) pounds a license fee of fifty dollars ($50.00)

(8) Exceeding four thousand (4,000) pounds but not exceeding five thousand (5,000) pounds a license fee of seventy-five dollars ($60.00)

(9) Exceeding five thousand (5,000) pounds but not exceeding seven thousand five hundred (7,500) pounds a license fee of seventy-five dollars ($75.00)

(10) Exceeding seven thousand five hundred (7,500) pounds but not exceeding ten thousand (10,000) pounds a license fee of one hundred dollars ($100.00)

(11) Exceeding ten thousand (10,000) pounds but not exceeding fifteen thousand (15,000) pounds a license fee of one hundred fifty dollars ($150.00)

(12) Exceeding fifteen thousand (15,000) pounds but not exceeding twenty-five thousand (25,000) pounds a license fee of two hundred dollars ($200.00)

(13) Exceeding twenty-five thousand (25,000) pounds but not exceeding fifty thousand (50,000) pounds a license fee of three hundred dollars ($300.00)

(14) Exceeding fifty thousand (50,000) pounds but not exceeding one hundred thousand (100,000) pounds a license fee of five hundred dollars ($500.00)

(15) Exceeding one hundred thousand (100,000) pounds but not exceeding two hundred fifty thousand (250,000) pounds a license fee of one thousand dollars ($1,000.00)

(16) Exceeding two hundred fifty thousand (250,000) pounds but not exceeding five hundred thousand (500,000) pounds a license fee of one thousand five hundred dollars ($1,500.00)

(17) Exceeding five hundred thousand (500,000) pounds but not exceeding seven hundred fifty thousand (750,000) pounds a license fee of two thousand five hundred dollars ($2,500.00)

(18) Exceeding seven hundred fifty thousand (750,000) pounds but not exceeding one million (1,000,000) pounds a license fee of three thousand five hundred dollars ($3,500.00)

(19) Exceeding one million (1,000,000) pounds a license fee of five thousand dollars ($5,000.00)

The commission shall charge and collect license fees from subdealers on a yearly basis of fifteen dollars ($15.00) for each route owned or operated at the commencement of the licenses period

Except as otherwise expressly provided by this act the dealers who are not engaged in the milk business at the license fee fixed by this section shall be paid before any license fee or any renewal thereof is issued Where a license is applied for by a milk dealer and the commission declines to grant a license to the applicant the license fee shall be charged and retained by the commission only pro rata for so much of the license year as expired prior to the issuance of the order refusing the license

Section 409 License Fees of Certain Milk Dealers Milk commencement of the license period shall pay a proportionate amount of the annual fee as follows

(1) For a license issued on or after August first but prior to November first three-fourth of the annual fee

(2) For a license issued on or after November first but prior to February first of the succeeding year one-half of the annual fee

(3) For a license issued on or after February first but prior to May first one-fourth of the annual fee

Milk dealers not engaged in the milk business during any month preceding calendar year shall submit with their application a license fee in the sum of one dollar ($1.00) and in addition thereto at such time or times as the commision may fix but not more than four months after the granting of the license shall pay an additional sum based upon the daily average total quantity of milk received produced or brought within the Commonwealth by such dealer during any of such months in the proportionate amount above stated

Section 410 Computation of License Fees Milk sold and distributed out side of this Commonwealth in any state which charges milk dealers a license fee may be deducted in the determination of the amount of the license fee required by this act Provided That such quantity of milk is actually computed in determining the amount of such license fee in such other state In computing the license fee to be charged by the commission the fluid milk equivalent of milk other than fluid milk shall be ascertained and fixed in such manner as the commision shall prescribe Nothing herein is to be construed as requiring in the computation of the license fee the inclusion of milk which is received by the applicant milk dealer from another milk dealer subject to license hereunder which milk has been included in the computation of such other dealer's fee or milk which is produced by the applicant dealer and not sold by him to stores or consumers Applicant milk dealers other than sub-dealers receiving their entire supply from milk dealers who have paid a license fee thereon to this commission shall pay the license fee of ten dollars ($10.00)

Section 411 Classification of Licenses The commission may classify licenses and may issue licenses to any milk dealer to operate as a milk dealer in a particular municipality only or in a particular market or markets in the Commonwealth only but no milk dealer shall if granted a license under this act at all be prohibited from acting as a milk dealer in any municipality or in any market in which he was operating upon January second one thousand nine hundred and thirty-four

Section 412 Other Licenses The licenses required by this act shall be in addition to any other licenses which are now or may hereafter be required by law

ARTICLE V

Bonds of Milk Dealers

Section 501 Milk Dealers Required to File Bonds It shall be unlawful for a milk dealer to purchase milk from producers unless the milk dealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Except as otherwise herein provided the bond shall be in a sum equal to the value ofthe highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed one hundred thousand dollars ($100,000.00) The bond shall be upon a form prescribed by the commission conditioned for the payment by the milk dealer of all amounts due including amounts due under this act and the orders of the commission for milk sold by such producers to the milk dealer during the license year upon such terms and conditions as the commission may prescribe

In the case of a milk dealer who pays producers in full each week for milk purcased by him from such producers the bond shall be in a sum equal to fifty per centum of the value of the highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding calendar year which value shall be computed according to lawful prices and shall not in any event exceed fifty thousand dollars ($50,000)

Section 502 Computation of Amount of Certain Bonds Milk purchased by milk dealer from producers outside the Commonwealth and sold by such dealers as fluid milk within Commonwealth shall be included in computing the amount of such bond except where such dealer has filed a bond for the protection of such producers with the state wherein the milk is purchased or with such producers In such computation the amount due for such milk shall be determined according to any applicable official prices or any lawful contract price

A milk dealer purchasing or intending to purchase milk from producers but not so engaged during any month of the preceding calendar year shall file a bond in a reasonable sum to be fixed by the commission and within the time for filing his application such dealer shall request the commission to fix such sum

Section 503 Time of Filing The bond herein required shall be filed with the dealers application for a license and shall be filed within the time for filing such application

Section 504 Requisites of Bonds Substitution A corporate surety bond shall be executed to the Commonwealth by the milk dealer as principal and by a corporate surety company The commission shall have no power to reject any corporate surety bond which is so executed by a corporate surety company authorized to do business in this Commonwealth as surety An individual surety bond shall be executed to the Commonwealth by the milk dealer as principal and by one or more individuals as surety or sureties who shall have sole title to real estate the fair valuation of which free and clear or in excess of all encumbrances shall be at least equal to the amount of the bond A collateral bond shall be executed to the Commonwealth by the milk dealer as principal shall set forth therein the collateral posted with such bond and shall have attached thereto the collateral properly assigned and transfered to the Commonwealth of Pennsylvania The collateral posted with such bond shall be cash in an amount equal to the amount of the bond or such bond shall be secured by an actual deposit with the commission or with a bank bank and trust company or national bank within the Commonwealth of money to full amount of the bond or by securities to such amount consisting of interest-bearing obligations of the United States government of this Commonwealth or of any political subdivision of this Commonwealth or by any other security or securities approved bythe commission The security or securities deposited therewith shall constitute a trust fund for producers from whom the dealer purchases milk

The commission may likewise grant to any milk dealer the authority to substitute for any bond surety or any collateral another bond surety or other collateral provided that such other bond surety or collateral meets all the requirements of this act

Section 505 Financial Statement A milk dealer shall from time to time when required by the commission make and file with the commission a verified statement of his disbursements or of any other facts in connection with his business during a period to be prescribed by the commission which financial statement shall contain the names of the producers from whom milk was purchased the amount due to the producers and any other relevant facts required by the commision pertinent to the dealer or the dealer's surety or sureties

Section 506 Increase or Decrease of Bond If it shall appear from the dealer's financial statement or from facts otherwise ascertained by the commission that the bond afforded to producers selling milk to such milk dealers does not adequately protect such producers the commission may require such milk dealer to procure an additional surety or to give an additional bond or additional security for the collateral bond in a sum to be determined by the commission which shall not exceed more than fifty per centum of the value of the highest aggregate amount of milk purchased by the dealer from producers in any one month during the preceding or current year which value shall be computed according to the prices applicable and shall not in any event exceed fifty thousand dollars ($50,000) In the case of a milk dealer who pays producers in full each week for milk purchased by him from such producers any increase required hereunder shall not exceed more than twenty-five per centum of such value and in any event shall not exceed twenty-five thousand dollars ($25,000)

The commission may grant a reduction of the bond or the collateral or release an additional surety if it shall appear that owing to a decrease in the milk purchases of the milk dealer or to other causes a bond in a lesser amount or with fewer sureties will protect producers selling milk to such milk dealer

Section 507 Duty of State Treasurer All bonds together with any moneys or securities given as collateral therefor received by the commission from milk dealers pursuant to the provisions of this section shall be transmitted by the commission to the State Treasurer for safe-keeping subject to withdrawal in whole or in part at any time by the commission

Section 508 Interest or Dividends upon Securities The milk dealer shall be entitled to all moneys received by the State Treasurer as interest or dividends upon any security or securities deposited by such milk dealer with the commission and transmitted by the commission to the State Treasurer for safe-keeping in accordance with the provisions of this act Provided however That the milk dealer not shall be entitled to interest or dividends if there is on file with the commission a valid unpaid claim of a producer against the milk dealer based on milk sold by such producer to the milk dealer

Section 509 Suit by Commission The commission shall have the power in its discretion to sue on the bond on behalf of producers Suit may be brought in the name of the Commonwealth upon relation of the commission or of the Attorney General in such manner as debts are now by law recoverable

Section 510 Effect of Order by Commission If by valid formal order refusing suspending or revoking a license after hearing with due notice to all those liable on the bond the commission has found a milk dealer to be indebted thereunder such order shall be conclusive evi-

dence of the amount due under such bond in a suit thereon by the commission unless an appeal therefrom is pending and a supersedeas granted

Section 511 Procedure for Disbursing Proceeds The commission may prescribe the procedure for the payment out of the proceeds of any bond or collateral required by this article of the amounts found due to producers based on sales of milk by them to a milk dealer who has posted a bond or collateral Provided however That if the proceeds of a bond or of collateral which has been posted by a milk dealer shall be insufficient to pay in full the amounts due to producers who have sold milk to such milk dealer the moneys available shall be divided pro rata among such producers

Section 512 Cooperatives A cooperative agricultural association or corporation organized under the laws of this Commonwealth or a similar association organized under the laws of this or any other state shall be deemed a producer within the provisions of this article and shall be entitled to its benefits Such an association or corporation if operated for the benefit of producers under contract with it and not conducted for profit shall not be required to file a bond under the provisions of this article

Section 513 Subdealers' Bonds It shall be unlawful for a subdealer to buy milk from a milk dealer who purchases milk from producers unless the subdealer shall file with the commission a corporate surety individual surety or collateral bond approved by the commission Such bond shall be executed to the Commonwealth in a sum equal to three hundred dollars ($300.00) for each route owned or operated by the subdealer and shall be conditioned for the payment by the subdealer of all amounts due under this act and the orders of the commission for milk purchased from milk dealer or dealers during the license year subject however to the further condition that if at time of default such milk dealer or dealers are indebted to producers the proceeds thereof shall be held on the account of such dealer or dealers for th benefi of such producers Such bond shall be filed annually with the subdealer's application for a license and shall in all applicable particulars not herein specifically mentioned be subject to terms and conditions such as provided in the other sections of this article for the bonds of other milk dealers and for suits thereon except where the protection of such milk dealers selling to the subdealer or of producers selling to such milk dealers requires the substitution of such dealers and producers in applying such terms and conditions to the bonds of subdealers

ARTICLS VI

Weighing and Testing

Section 601 Weighing or Measuring Permits It shall be unlawful for any milk dealer to buy or receive milk from producers at any plant station creamery factory or other place within the Commonwealth where such milk is weighed or measured or to sell or deliver milk to stores or consumers unless the milk dealer holds a permit for each place of weighing or measuring such milk issued by the commission as herein provided

The weighing or measuring permit shall be issued by the commission for each such place upon application therefor by the milk dealer on a form prescribed by the commission furnishing information including that pertaining to the apparatus and methods used and persons engaged in weighing or measuring the milk The application shall be accompanied by a fee of five dollars ($5.00) and shall be filed before commencing to weigh or measure milk and annually thereafter on or before December first

Each weighing or measuring permit shall be issued hereunder for the term of one calendar year and shall be posted and kept in plain view of persons delivering milk at the place for which it is issued

Section 602 Certified Testers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the butterfat test thereof is conducted by a tester certified by the commission

The certified tester shall keep an accurate record of all tests made and copies of such record shall be kept for a period of two (2) years by him and by the milk dealer

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk testing issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to the apparatus and methods used in testing be issued a certificate and be designated therein as a certified tester

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a tester's certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in milk testing reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a tester's certificate as herein prescribed

The application for a tester's certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to test milk and annually thereafter on or before December first

The tester's certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the plant in which the certified tester is employed

Section 603 Certified Weighers and Samplers It shall be unlawful for any milk dealer to buy or receive milk from producers or to sell or deliver milk to stores or consumers on the basis of or with reference to the amount of butterfat contained in such milk unless the samples taken for testing purposes shall be made by a certified tester or certified weigher and sampler and according to the method prescribed in this act

Any person who upon the effective date of this act is the holder of a certificate of proficiency for milk weighing and sampling issued after examination conducted by the Pennsylvania Department of Agriculture shall upon application to the commission on a form prescribed by the commission furnishing information including that pertaining to good character and to apparatus and methods used in weighing and sampling be issued a certificate and be designated therein as a certified weigher and sampler

Any person who is not the holder of such certificate of proficiency upon the effective date of this act shall prior to applying for a weighing and sampling certificate apply to the commission for a certificate of proficiency Such application shall be accompanied by a fee of three dollars ($3.00) The applicant shall be required to pass an examination in weighing and sampling milk reasonably prescribed and conducted by the commission and upon approval of the application shall be issued a certificate of proficiency Thereupon and annually thereafter without such examination the person so certified may apply for a certificate as a certified weigher and sampler The application for such weighing and sampling certificate accompanied by a fee of three dollars ($3.00) shall be filed upon a form prescribed by the commission before commencing to sample milk and annually thereafter on or before December first

The weighing and sampling certificate issued hereunder shall be for the term of one calendar year and shall be posted and kept in plain view in the room in which the certified weigher and sampler is employed

Section 604 Refusal Suspension and Revocation of Permits and Certificates The commission may decline to grant or may suspend or revoke a weighing or measuring permit a tester's certificate or a weighing and sampling certificate where the applicant therefor or holder thereof has violated any provision of this act for the weighing measuring testing or sampling of milk or has violated any rules regulations or orders of the commission respecting the weighing measuring testing or sampling of milk or has engaged in any practice with respect thereto which causes milk producers to be underpaid for their milk or which causes stores or consumers to overpay for such milk or

which otherwise defrauds or tends to defraud milk producers stores or milk consumers

The procedure before the commission and of the commission with respect to the refusal suspension or revocation provided for herein and the procedure governing appeals from such action of the commission shall be as that prescribed in this act with respect to milk dealers' licenses issued hereunder

Licenses permits and certificates heretofore issued by the Pennsylvania Department of Agriculture under acts repealed hereby and which are in force upon the effective date of this act shall be deemed permits and certificates issued by the commission hereunder until the expiration dates thereof and the holders shall be subject to all applicable provisions of this act

Section 605 Transfer The permits and certificates herein provided for may not be assigned or transferred

Section 606 Samples Check Tests Milk dealers buying or receiving milk from producers on the basis of or with reference to the amount or percentage of butterfat contained in such milk as determined by the method commonly known as the "Babcock Test" shall make such test at least once every sixteen (16) days The milk from each producer shall be represented by a composite sample taken from the entire delivery of each of the several lots of milk bought or received from said person and shall cover a period of not more than sixteen (16) days The composite sample to which a suitable preservative has been added shall be made up of aliquot parts taken from each of the several lots of milk from each producer concerned and composite samples of all producers concerned shall cover the same period of time

Any person taking a sample or samples of milk either from the aliquot part of each lot of milk sampled or from the composite lot of milk sampled shall thoroughly stir or mix the contents of each and every container immediately before such sample or samples are taken in such manner that the milk is thoroughly mixed in each container before the sample is taken No weigh tank or container from which the aliquot part is taken for composite samples shall have any partition division or strainer which will prevent such thorough stirring or mixing Each composite sample shall be held in an airtight bottle such bottle being plainly showing the name or number of the producer whose milk the composite sample represents and the rack or container where the samples are held shall be plainly labeled showing the date of the first and last day of the period covered by the said composite samples

The commission may require that the composite samples be tested on the premises where they are taken After such samples have been tested their residues shall be held intact and in condition suitable to test on the premises where they are tested for a further period of not less than ten (10) days after the rendering of a statement to the producer for milk delivered during such period in order to make possible a check test

Every milk dealer affected by the provisions of this act shall within two (2) days after the day on which the test herein provided for has been made notify the producer or his agent of the result of such test stating the period of time during which said composite samples were taken Notice under this section shall be given by posting of the results of said tests continuously for ten (10) days in a conspicuous place in the plant or receiving station or in writing delivered to the producer or his agent Where a daily test is made on milk and the average of these several tests is used as a basis of settlement there shall also be a composite sample taken covering the period of the first half of the month and a composite sample taken covering the period of the last half of the month and such samples shall be held intact on the premises for a period of not less than ten (10) days after the rendering of a statement to the producers for milk delivered during each such period in order to make possible a check test

The commission shall make check tests and other reasonable tests whenever in its judgment such tests are advisable for the public welfare and may also require additional samples or additional composite samples from time to time

Section 607 Violations It shall be unlawful for any milk dealer or other person engaged or employed in the business of buying or receiving milk from producers or selling or delivering milk to stores or consumers on the basis of or with reference to the amount or percentage of butterfat contained therein to take collect or use for testing purposes an unfair or inaccurate sample or to underread overread or erroneously manipulate the "Babcock Test" used for determining the amount or percentage of butterfat in such milk or to falsify the record thereof or to make the "Babcock" reading except when the fat has a temperature of one hundred thirty-five degrees (135°) to one hundred forty-five degrees (145°) Fahrenheit or to use for such test quantities other than seventeen and six-tenths (17.6) cubic centimeters in the case of milk and nine (9) grams or eighteen (18) grams in the case of cream In all tests of cream the cream shall be weighed and not measured into the test bottle

It shall also be unlawful for such milk dealer or other person so engaged or employed to ascertain the "Babcock Test" of the milk by use of any glassware except standard "Babcock Test" glassware and weights which have been previously inspected and approved by the Department of Internal Affairs If the amount or percentage of butterfat is determined by any method other than the "Babcock Test" no utensil or instrument shall be used in such determination until it has been inspected and approved by the commission

Section 608 Payment for Milk Statement Milk dealers shall determine weight measure and butterfat content of milk as provided in this act or in rules regulations or orders of the commission pertaining thereto and consistent with this act Payment for milk shall be made either upon the basis of weight measure or butterfat content or any combination thereof as the rules regulations or orders of the commission may require

Milk dealers buying or receiving milk from producers shall furnish to each producer or his agent a written statement showing the amount of milk delivered daily during the period for which payment is made and unless the commission otherwise provides the average butterfat test of the milk delivered for such period Such statement shall set forth such information as may be required by the commission shall be furnished periodically at the time of payment prescribed by the commission and in no event less often than monthly Provided however That a written statement of weights may be given daily to the producer or his agent in lieu of such periodic statement of the amount of milk delivered unless the commission otherwise provides

It shall be unlawful to use as the basis of payment for milk any amount or percentage of butterfat therein which has been ascertained from a sample containing milk that has been so treated as to cause it to test lower or higher than the milk from which it was taken

It shall be unlawful for any person including any milk dealer to knowingly fraudulently or negligently weigh measure sample or test milk or cause milk to be weighed measured sampled or tested in such manner as to cause stores or milk consumers or to make any false or misleading statement with respect to the weight measurement sampling or testing of milk

ARTICLE VII

Records Reports and Information

Section 701 Records Milk dealers subject to license by the commission shall keep within the Commonwealth the following records

(1) A record of the quantity of all milk received or produced detailed as to location and as to names and addresses of producers or milk dealers from whom received with butterfat test weights prices paid and deductions or charges made

(2) A record of the quantity of all milk sold detailed as to grade use location market outlet and size and style of container with prices and amounts received therefor and the butterfat test thereof

(3) A record of the quantities of all milk transported shipped or hauled including the distances and the amounts paid for the movement of such milk in all cases where

the dealer pays on his own account or on the account of producers for the movement thereof

(4) A record of the quantity of each milk product manufactured the quantity of milk used in the manufacture of each product and the quantity and value of milk products sold

(5) A record of wastage or loss of milk or butterfat

(6) A record of the spread or handling expense and profit or loss represented by the difference between the price paid and the price received for all milk and milk products

(7) A record of all other transactions affecting the assets liabilities or net worth of the dealer

(8) Such other records and information as the commission may deem necessary for the proper enforcement of this act

The records herein required shall be kept in the possession of the milk dealer for a period not less than two years unless the commission otherwise provides

Section 702 Reports Each milk dealer shall from time to time as required by rule regulation or order of the commission make and file a verified report on forms prescribed by the commission of all matters on account of which a record is required to be kept together with such other information or facts as may be pertinent and material within the scope of the purposes and intent of this act Such report shall cover a period specified in the order and shall be filed within a time fixed by the commission

Section 703 Dissemination of Information Conferences Licensees under this act and associations or corporations thereof producers of milk and cooperative agricultural associations or corporations engaged in collectively processing.preparing for market handling or marketing milk may acquire exchange interpret and disseminate past present and future market statistical economic and educational information pertaining to milk by direct exchange between such persons or such associations or corporations or by and through a common agent created or selected by them which agent may be the commission if it consents to be such Any such licensees producers and associations or corporations may confer and discuss the cost of production marketing market conditions and prices for the sale of milk

ARTICLE VIII

Prices of Milk

Section 801 Requisites of Orders Fixing Price of Milk The commission shall ascertain after a hearing in which all interested parties shall be given reasonable opportunity to be heard the logical and reasonable milk marketing areas within the Commonwealth shall describe the territorial extent thereof shall designate such areas by name or number and shall ascertain and maintain such prices for milk in the respective milk marketing areas as will be most beneficial to the public interest best protect the milk industry of the Commonwealth and insure a sufficient quantity of pure and wholesome milk to inhabitants of the Commonwealth having special regard to the health and welfare of children residing therein

The commission shall base all prices upon all conditions affecting the milk industry in each milk marketing area including the amount necessary to yield a reasonable return to the producer and to the milk dealer

The commission shall file at its office with each order issued a general statement in writing of the findings of fact in support of and the reasons for such order

The commission may upon its own motion or upon application in writing from time to time alter revise amend an official order defining milk marketing areas or fixning prices to be charged or paid for milk Before making revising or amending any order defining milk marketing areas or fixing prices to be charged or paid for milk the commission shall hold a hearing ofter giving reasonable notice thereof to interested persons to whom the commission has notice and in the case of any order affecting the public after giving reasonable notice thereof to the public in such newspaper or newspapers as in the judgment of the commission shall afford sufficient notice and publicity Provided however That upon application in writing from a person aggrieved by an order of the commission hereunder filed within fifteen (15) days after the issuance of the order complained of or upon its own motion the commission may within twenty (20) days after the effective date of such order issue an order revising or amending such order without a further hearing if such revision or amendment is based on the record of the hearing held prior to the issuance of such order

Every order made pursuant to this article and any revision or amendment thereof in which the commission fixes or changes the price of milk to producers or to consumers or both shall be subject to the approval of the Governor

Section 802 Wholesale and Retail Prices The commission shall fix by official order (except as hereinafter provided in this section) the minimum wholesale and retail prices may fix by official order the maximum wholesale and retail prices to be charged for milk sold within any milk marketing area of the Commonwealth wheresoever produced including milk sold by

(1) Milk dealers to other milk dealers

(2) Milk dealers to consumers

(3) Milk dealers to stores either for consumption on the premises or resale to consumers

(4) Stores to consumers except for consumption on the premise where sold

Nothing herein contained shall be construed to empower the commission to fix the price at which milk may be sold by any milk dealer or producer to consumers for consumption on the premises of such milk dealer or producer

The fixing of minimum wholesale or retail prices for skimmed milk condensed or concentrated whole or skimmed milk bulk cream handled between milk dealers other than stores and ice cream mix shall be discretionary with the commission

Section 803 Prices to Producers The commission shall fix by official order the minimum prices to be paid by milk dealers to producers for milk Provided however That the fixing of prices to be paid by milk dealers to producers for milk to be used solely in manufacturing shall be discretionary with the commission

Section 804 Classification When pursuant to any statute or regulations or orders adpoted thereunder or any ordinance or reasonable trade practice various grades of milk are specified orders of the commission fixing minimum or maximum prices may be applicable to each grade Orders of the commision fixing minimum or maximum prices may vary in different markets and shall designate the markets to which applicable Such orders may likewise classify milk and milk dealers in any reasonable manner which the commission deems advisable and may vary acording to the classes to which they are applicable The orders of the commission with respect to the minimum prices to be paid to producers and others shall apply to the area in which the milk is produced or to the area in which the milk so produced is sold and may vary in different areas according to varying classes grades and conditions Each such order may classify milk by forms classes grade or uses as the commission may deem advisable and may specify the minimum prices therefor Other reasonable methods of classification may be prescribed by the commission

Section 805 Price Increases It is hereby declared to be the legislative intent that the benefits of any increase of prices received by milk dealers by virture of the minimum price provisions of this article shall be given to producers except in any case where the commission deems a deviation from this policy necessary in order lawfully to maintain proper milk markets and outlets for producers and consumers The commission shall whenever it deems such action necessary issue orders rules or regulations to effectuate this intent

Section 806 Terms and Method of Payment The commission may likewise fix by official order the terms upon which milk dealers shall pay producers and others for milk may prescribe the method of computing payment

therefor and may prescribe a form of written statement to be sent to producers with each payment

Section 807 Violations After the commission shall have fixed prices to be charged or paid for milk whether by class grade use or otherwise it shall be unlawful for a milk dealer or producer to sell buy or offer to sell or buy milk at any price below the minimum price or above the maximum price applicable to the particular transaction

No method or device shall be lawful whereby milk is bought or sold or offered to be bought or sold at a price less than the minimum price applicable to the particular transaction whether by any discount premium rebate free service advertising allowance or extension of credit or by a combined price for such milk together with another commodity or a service which is less or is represented to be less than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately or otherwise

It shall be unlawful for any milk dealer to sell any milk for which he has paid or agreed to pay a price lower than that fixed by the commission for milk of that class or grade

It shall be unlawful for a milk dealer to sell or buy or offer to sell or buy milk at a price computed upon or erroneous weight butterfats test grade or classification or at aprice from which have been made deductions not authorized by law or in excess of any deductions so authorized whether such illegal deductions be in the form of excessive transportation charges or otherwise

Section 808 Prices of Certain Milk It is hereby declared to be the legislative intent that the instant (whenever that may be) that the handling by a milk dealer of milk produced outside of the Commonwealth becomes a subject of regulation by the Commonwealth in the exercise of its police powers the restrictions set forth in this act respecting such milk so produced shall apply and the powers conferred on the commission by this act and particularly by this article shall attach but such restrictions shall not apply to condensed or concentrated whole milk contained in hermetically sealed cans

It is also hereby declared to be the legislative intent that the prices prescribed by the commission for milk produced in this Commonwealth and sold in this Commonwealth for shipment into and sale in another state shall not be destructive of the price structure of producers in such other state

Section 809 Co-operatives It is hereby declared to be the legislative intent that no provision of this act shall prevent and no provision contained herein shall be deemed or construed to prevent any co-operative agricultural association or corporation organized under the laws of this Commonwealth or a similar association or corporation organized under the laws of this or any other state and engaged in making collective sales or in the marketing of milk for the producers thereof from blending the net proceeds of its sales in all its markets or of its sales within any particular in various classes and whether in fluid form or as manufactured products both within and without the Commonwealth and paying its producers such blended price with such deductionsanddifferen tials as may be authorized under contract between such association or corporation and its producers or from making collective sales of the milk of its members and other producers represented by it or from making such sales at a blended price based upon sales thereof in the various classes and whether in fluid form or as manufactured products both within and without the Commonwealth which price is to be paid either directly to the producers or to the cooperative agricultural association or corporation Nothing herein contained shall prevent any milk dealer from contracting for his milk with such cooperative agricultural association or corporation upon such basis but all such contracts shall be upon the basis of the prices fixed by the commission with the result that the net price received for milk by such cooperative association or corporation shall be commensurate with such prices No milk dealers or agents thereof shall receive from any producer or from such cooperative association or corporation directly any discounts rebates free service or compensation through rentals extension of credit or otherwise for the purpose or with the effect of reducing the net cost to the dealer for milk purchased by or through such cooperative association or corporation

No provision of this act shall be deemed or constructed to affect the contracts of such cooperative argircultural association or corporation with its producers except as hereinafter specificaly provided nor to affect or abridge the rights and powers of such an association or any of its operations Provided however that the powers of subpoena entry and inspection vested in the commission under this act shall apply for the purpose of examining and auditing books and records of any such cooperative agricultural association or corporation at reasonable intervals for the purpose of administering this act This section shall not however be construed to exempt such association or corporation from the jurisdiction of the commission over the prices at which it may sell milk to milk dealers stores or consumers

Any cooperative agricultural association or corporation organized after the effective date of this act or within ninety (90) days prior to the effective date hereof or which if organized over ninety (90) days prior to the effective date of this act was not marketing milg for producers upon the effective date of this act or ninety (90) consecutive days prior thereto shall not be entitled to avail itself of the benefits of this section if it pays or distributes to its producers a price which is more than one and one-half per centum (1½%) lower than the prices prescribed by the commission unless such association or corporation shall furnish reasonable proof to the commission that such one and one-half per centup (1½%) is insufficient to pay such lawful expenses and charges for its operations and maintenance as may be authorized under the contracts between the association or corporation and its producers

Every cooperative agricultural association or corporation operating under the provisions of this section shall file with the commission a copy of its certificate of incorporation and by-laws and a copy of each form of contract employed in its relations with producers with sixty (60) days after the effective date of this act

ARTICLE IX

Appeals and Review

Section 901 Appeals from General Orders Any person aggrieved by an order of the Commission fixing revising or amending the price at or the terms upon which milk may be bought or sold or by any other general action rule regulation or order of the commission may within twenty (20) days after the effective date of such action rule regulation or order file an appeal therefrom in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court Refusal by the commission of any application for revision or amendment filed as provided in section eight hundred one shall constitute an appealable action within the meaning of this section

Section 902 Appeals from Special Orders Any person aggrieved by an order of the commission in which the commission refuses to issue reissue or transfer or revokes or suspend a license to operate as a milk dealer or by any other order of the commission applying only to a particular person or persons named therein and not otherwise specifically provided for may within twenty (20) days after the service of such order file an appeal therefrom in the court of common pleas of the county in which he resides or has his principal place of business or in the case of a non-resident who has no place of business within the Commonwealth in the Court of Common Pleas of Dauphin County No such appeal shall be permitted to act as a supersedeas except on special order of the court

Section 903 Supersedeas A special order of court permitting an appeal to act as a supersedeas may be made only after reasonable notice to the commission and shall provide that the appellant file a bond with sufficient sureties in such sum as shall be determined by the court

to be necessary for the protection of producers and others during the pendency of the appeal

Section 904 Pleading and Service The appeal provided by this article from action of the commission shall be by petition against the commission officially as defendant alleging therein in brief detail the action and decision complained of and praying for a reversal thereof Such petition shall specify the petitioner's objections to the action and decision of the commission and shall state facts in support of such objections to constitute a prima facie case and any objection not so specified and supported by facts shall not be considered by the court Every such petition reciting facts shall be supported by oath or affirmation and the petition shall include as part thereof under oath or affirmation an averment that the appeal is not filed merely for purposes of delay

Upon service of a summons upon the commission returnable at least ten (10) days from the date of service the commission may on or before the return day file a motion to dismiss the appeal raising questions of law or attacking the form or sufficiency of the petition If such motion is not sustained the commission shall be given leave to file an answer within not less than ten (10) days after the order of the court overruling the motion

On or before the return day of such summons served upon the commission or within the time allowed in an order of the court denying a motion to dismiss an appeal the commission shall file an answer which shall deny or admit the allegations of fact in the petition and which may also allege by way of defense the grounds for its action or decision

Upon the filing of an answer by the commission the case shall be at issue without further pleadings and upon application of either party the case shall be advanced and heard without further delay

Section 905 Certification of Record The commission shall on the return day of such summons or within a reasonable time thereafter certify to the court the record of the proceedings to which the petition refers Such record shall include the testimony taken therein the findings of fact of the commission a copy of all orders made by the commission pertaining to the proceedings and a copy of the order action or decision of the commission which the petition calls upon the court to reverse

Section 906 Scope of Inquiry Mere technical irregularities in the proceduce of the commission shall not be the basis of the decision of the court

In an appeal from an order or decision of the commission applying only to the particular person or persons named therein the case shall be heard upon the record certified to the court by the commission Additional testimony shall not be taken before the court but the court may in proper cases remit the record to the commission for the taking of further testimony

In an appeal from any general order of hte commission the case shall be heard by the court and testimony may be taken Provided however That nothing herein shall be construed as relieving the appellant from submitting all essential facts in the first instance to the commission at its hearing held prior to the issuance of such order All or any relevant part of the record certified to the court shall be admitted in evidence by order of the court or upon motion of either party Wherever the petition and answer raise questions of fact the petitioner or appellant shall proceed with evidence in support of the facts alleged in his petition The commission shall then present evidence in support of the answer which evidence may consist of or include the record or any part thereof Any part of the record certified to the court which is not based on technical rules of evidence customary in actions at law shall not be disregarded by the court merely because of the violation of such rules

Upon any appeal the court shall determine whether or not the order appealed from is reasonable and in conformity with law The appellant shall have the burden of proving that an order of the commission is unreasonable or illegal If the court shall determine that the order is unreasonable or illegal it shall remit the case to the commission with directions to reform the findings or order or to revoke the order in accordance with the court's opinion

Section 907 Costs The court shall have full power to assess the costs upon either party or to divide them between the parties

Section 908 Jurisdiction of Superior and Supreme Courts From the decision of a court of common pleas upon an appeal from an order of the commission applying only to the particular person or persons named therein an appeal may be taken by either party to the Superior Court of Pennsylvania in the manner provided by law From the decision of a court of common pleas upon an appeal from a general rule regulation or order of the commission an appeal may be taken by either party to the Supreme Court of Pennsylvania in the manner provided by law

ARTICLE X

Penalties and Remedies

Section 1001 Summary Offenses Except as otherwies specially provided in this act any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall for each offense upon conviction thereof in a summary proceeding be sentenced to pay the costs of prosecution and a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00) and in default thereof to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days

Section 1002 Misdemeanors For a third or subsequent offense any person violating any provision of this act or any rule regulation or order of the commission lawfully made shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) or to undergo imprisonment not exceeding one (1) year or both in the discretion of the court

Section 1003 Actions to Enforce Compliance The Commission or any person marketing committee or association composed of persons affected by the orders rules or regulations of the commissions may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of this act or to enforce compliance with any rule regulation or order of the commission made pursuant to the provisions of this act

Section 1004 Application for Injunction Remedies In addition to any other remedy at law or in equity or under this act the commission may apply to the Court of Common Pleas of Dauphin County for relief by injunction or to the court of common pleas in the county wherein the defendant resides or has his principal place of business to enforce compliance with or restrain violations of any provision of this act or any rule regulation or order of the commission made pursuant thereto The said Court of Common Pleas of Dauphin County is hereby clothed with jurisdiction to hear and determine all such actions by the commission regardless of where they may arise in the Commonwealth The commission shall not be required to file any bond in any action under this act

The penalties and remedies prescribed in this act shall be deemed concurrent or contemporaneous and the existtence or exercise of any one remedy herein shall not prevent the commission from exercising any other remedy hereunder

Section 1005 Proceedings Before the Commission Appropriate proceedings against any milk dealer violating this act or the rules regulations or orders of the commission may be instituted before the commission by any producer to whom the lawful price of milk has not been paid or to whom such price has not been fully paid and such proceedings may also be instituted upon the commisssion's own motion

Section 1006 Perjury Any person who shall wilfully and corruptly make a false oath or affirmation before the commission at any investigation or hearing or in any report or statement authorized or required by this act shall be guilty of perjury and on conviction be subject to the penalties prescribed by law for wilfully and corruptly making false oath or affirmation

ARTICLE XI

Moneys and Expenses of Commission

Section 1101 Milk Control Fund All moneys collected or received by the commission arising from license fees penalties permits or any other source shall be paid by the commission into the State Treasury through the Department of Revenue and shall by the State Treasurer be placed in a separate fund to be known as the "Milk Control Fund" Fines imposed under this act shall be payable to and collected by the commission and similarly placed in the Milk Control Fund

Section 1102 Expenses As much of the money from time to time in the Milk Control Fund as may be necessary is hereby specifically appropriated to the Milk Control Commission to be used to pay its expenses including the following

(1) Salaries of the commission of its employes and of any deputy attorney general special deputy attorney general assistant deputy attorney general or other counsel as may be assigned by the Department of Justice to the commission for the handling of any legal work pertaining to its business

(2) Rental and other expenses for offices rooms garage space and other accommodations outside of the Capitol building either in or outside of the capital city occupied by the commission

(3) Premiums for workmen's compensation insurance covering the officers and employes of the commission

(4) Premiums for surety bonds for such officers or employes of the commission as may be required by law to furnish such bonds

(5) Purchase and operating costs of motor vehicles required by the commission for full-time use including premiums for liability insurance covering such motor vehicles and the members of the commission and employes operating them also the amount payable to the Department of Property and Supplies for the use of automobiles supplied by it for temporary use by the commission

(6) Furniture stationery materials supplies and all other overhead expenses of the commission

(7) All other expenses of every kind and description necessary for the performance by the commission of its work

All such purchases and leases shall be made and all such contracts of insurance and surety bonds shall be placed through the Department of Property and Supplies as agent

Section 1103 Refunds As much of the money from time to time in the Milk Control Fund as may be necessary is hereby appropriated to the Board of Finance and Revenue for the payment of approval claims for refund made to the Board of Finance and Revenue for moneys heretofore or hereafter paid into the Milk Control Fund to which the Commonwealth is not rightfully entitled

Section 1104 Approval of Governor Estimates of the amounts to be expended under this act by the Milk Control Commission either or through the Department of Property and Supplies as purchasing agent or by the Board of Finance and Revenue in the payment of claims for refund shall be submitted to the Governor from time to time for his approval or disapproval as in the case of other appropriations made to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition for the expenditure of any moneys out of this appropriation by the Milk Control Commission or by the Department of Property and Supplies as its agent or by the Board of Finance and Revenue in excess of the estimates approved by the Governor Subject to this provision the Auditor General shall from time to time draw warrants upon the State Treasury for the amounts specified in such requisitions not exceeding however the amount in the Milk Control Fund at the time making of any such requisition

Section 1105 Miscellaneous Fees The commission shall charge and collect the following fees for the following services

For copies of papers testimony and records the fee shall be twenty cents (0.20) per page

For certifying a copy of any paper or testimony two dollars ($2.00)

For certifying a copy of a record for proceedings upon appeal five dollars ($5.00) in appeals from special orders and ten dollars ($10.00) in appeals from general orders

Section 1106 Appropriations The unexpended balance existing on the effective date of this act in the Milk Control Fund under the provisions of the act approved the thirtieth day of April one thousand nine hundred thirty-five (P. L. 96) is hereby transferred to the Milk Control Fund created by this act and is hereby appropriated to the Milk Control Commission for the same purposes for which the moneys in such fund are hereinbefore appropriated by this act

In addition to any other appropriation made by this act the sum of three hundred thousand dollars ($300,000.00) or as much thereof as may be necessary is hereby specifically appropriated out of the General Fund to the Milk Control Commission for its use in administering the provisions of this act during the period beginning with the first day of June one thousand nine hundred thirty-seven and ending on the thirty-first day of May one thousand nine hundred thirty-nine

The unexpended balance existing on the effective date of this act in any appropriation made out of the General Fund to the Milk Control Board of the Commonwealth of Pennsylvania is hereby transfered and appropriated to the Milk Control Commission for the fiscal period ending May thirty-first one thousand nine hundred thirty-seven for the same purposes as expressed in the act making such appropriation and any such unexpended balance also is hereby appropriated to the Milk Control Commission for the payment of any bills or encumbrances incurred by the Milk Control Board of the Commonwealth of Pennsylvania prior to and remaining unpaid on the effective date of this act

ARTICLE XII

Saving Provisions

Section 1201 Severability It is hereby declared to be the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part sentence or clause hereof the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein

It is hereby declared as the intent of the Legislature that every other part sentence or clause of this act would have been enacted had such unconstitutional provision not been included herein

Section 1202 Interstate Commerce No provision of this act shall apply or be construed to apply to foreign or interstate commerce except in so far as the same may be effective in accordance with the Constitution of the United States and the laws of the United States enacted pursuant thereto

Section 1203 Effect upon Proceedings Duties and Rights under Other Acts of Assembly All rules regulations orders suits hearings investigations prosecutions and all other proceedings or actions of any kind whatsoever of the Milk Control Board of the Commonwealth of Pennsylvania as created or continued under Acts of Assembly prior to the effective date of this act and repealed hereby in existence or pending prior to or upon the effectiv date of this act and all penalties obligations appeals or violations of milk dealers and others under said rules regulations orders and prior Acts of Assembly incurred pending or accrued prior to or upon the effective date of this act shall be saved and continued in every manner and for all purposes after the effective date of this act and shall be continued under the provisions hereof All employes papers and possessions of such predecessor board shall become the employes papers and possessions of and subject to the commission created by this act

The repeal by this act of any other act shall not impair repeal or effect any act done bond posted offense commited liability penalty or judgment incurred or rule regulation or order issued prior to the time this act takes effect but the same may be enforced prosecuted or in-

flicted under the provisions of this act to the same extent as if such other act had not been repealed or had not expired

All licenses permits certificates rules regulations and orders issued or made under any act repealed by this act and in full force and effect upon the effective date of this act shall remain in full force and effect for the term issued or until revoked suspended or superseded under the provisions of this act or rules regulations or orders of the commission made hereunder

ARTICLE XIII

Repeals and Effective Date

Section 1301 Acts Specifically Repealed The following acts are hereby specifically repealed except in so far as necessary to sustain or maintain the validity prosecution or enforcement of an act done bond posted offense committed liability penalty or judgment incurred or rule regulation or order issued thereunder and saved or continued by this act

The act approved the fifteenth day of April one thousand nine hundred seven (Pamphlet Laws sixty-three) entitled "An act regulating the sale of milk skim-milk and cream establishing the standard of measurement and providing for the enforcement thereof

The act approved the sixth day of May one thousand nine hundred twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties"

The act approved the thirty-first day of May one thousand nine hundred thirty-three (Pamphlet Laws one thousand one hundred twenty-six) entitled "An act requiring certain persons associations copartnerships and corporations to keep full accounts and records with respect to the sales and transactions relating to dairy products and to submit the same to inspection by the Secretary of Agriculture and prescribing the effect of failure to comply with the orders of the Secretary of Agriculture providing penalties and prescribing remedies and by further regulating the issuance and revocation of permits as provided by the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled "An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' as amended"

The act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled "An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation"

The act approved the thirtieth day of April one thousand nine hundred thirty-five (Pamphlet Laws ninety-six) entitled "An act to re-enact and amend the title and the act approved the second day of January one thousand nine hundred thirty-four (one thousand nine hundred thirty-three one thousand nine hundred thirty-four Pamphlet Laws one hundred seventy-four) entitled 'An act relating to milk and the products thereof declaring an emergency with respect to their production and marketing creating a Milk Control Board establishing its jurisdiction powers and duties regulating the production transportation manufacture processing storage distribution delivery and sale of milk and the products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring licensees to furnish bonds for the protection of producers authorizing the examination of the business papers and affairs of and requiring the filing of reports by licensees other milk dealers and producers and permitting with limitations the dissemination of information obtained therefrom authorizing the issuance of subpoenas by the board or its agents and conferring jurisdiction upon courts to punish contempts or to prohibit violations of orders of the board providing for appeals to the courts from decisions of the Milk Control Board imposing penalties and making an appropriation' by extending the provisions of the act for a further period of time prohibiting the sale of milk in certain cases enlarging and modifying the definition of milk to include ice cream mix powered whole milk and powdered skimmed milk changing adding to and increasing license fees and further prescribing the method of computing such fees requiring all licensees to file bonds or collateral without any exceptions providing for a supersedeas in certain cases of appeal conferring certain powers upon the Governor conferring upon the board certain additional powers over cooperative agricultural associations or corporations also over milk prices and authority to establish marketing area enforcement committees providing new and changing existing notices and penalties and making an appropriation"

The act approved the ninth day of July one thousand nine hundred thirty-five (Pamphlet Laws six hundred fourteen) entitled "An act to amend section one as amended sections two and three sections four and five as amended and sections six eight nine eleven and twelve of and to add section fourteen A to the act approved the sixth day of May one thousand nine hundred and twenty-five (Pamphlet Laws five hundred forty-one) entitled 'An act providing for the protection of the public health and the prevention of fraud and deception by regulating the weighing testing buying and selling of milk and cream providing for the examination and appointment of certified testers and the issuing of licenses and making of tests and providing penalties' further regulating the issuing of permits prohibiting the taking of unfair and inaccurate samples requiring licensed testers to keep certain records prescribing fees for examinations providing for tests for official inspections and records further regulating the weighing and testing of milk and cream providing for notices to parties affected by tests providing for sales of butterfat test and empowering the Secretary of Agriculture to adopt rules and regulations"

Section 1302 Effective Date This act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Finnerty,	McArdle,	Shepard,
Alexander,	Fiss,	McCullough,	Shoemaker
Allen,	Fitch,	McDermott,	Shugarts,
Allmond,	Flanagan,	McElroy,	Siegel,
Arnold,	Flannery,	McFall,	Simon,
Atkins,	Flinchbaugh,	McGee,	Skale,
Aukerman,	Ganser,	McShane,	Sloan,
Baine,	Gerard,	Melchiorre	Smith, James A.,
Baker, F. T.,	Gorski,	Mellott,	Smith, John A.,
Baker, J. J.,	Haberlen,	Mihm,	Snyder,
Balthaser	Hagerty,	Moomaw,	Sollenberger,
Bierly,	Hamilton, F. P.,	Mooney,	Spengler,
Blank,	Harkins,	Moran,	Stackpole,
Bohn,	Harmuth	Moul,	Stewart,

Boles,	Hays,	Munley,	Stockham,
Boltz,	Hering,	Murrin,	Terry,
Boose,	Hess,	Nagel,	Thomas,
Boyer,	Hetrick,	O'Brien,	Thompson,
Bradley,	Hindman,	O'Connor,	Toole,
Brancato,	Hirsch,	O'Keefe,	Tronzo,
Brigerman,	Holland,	Ominsky,	Trout,
Broad,	Holmes,	O'Neill,	Tumelty,
Brown,	Holstrom,	Ostroff,	Valibus,
Brownfield,	Hontz,	Patterson, C. S.,	VanAllsburg,
Burrows,	Horting,	Patterson, J. W.,	VanSickle,
Cadwalader,	Huntley,	Peale,	Vogt,
Caesar,	Imbrie,	Perry,	Wagner,
Caputo,	Jirolanio,	Pershing,	Wall,
Chervenak,	Kane,	Piole,	Walsh,
Coakley,	Keenan,	Powers,	Wampole,
Cohen, H. B.,	Kelso,	Preston,	Weidemann,
Cohen, R. E.,	Kilroy,	Readinger,	Weiss, D. H.,
Coleman,	Kline,	Reese,	Weiss, S. A.,
Coolahan,	Kroll,	Reising,	Welliver,
Corrigan,	LaRue,	Richter,	Welsh,
Costanzo,	Leisey,	Robinson,	Westrick,
Davies,	Levy,	Rothenberger,	Whalen,
Decker,	Lewis,	Royer,	Whitenight,
DeNote,	Long,	Ruffennach,	Wilson,
Dickinson,	Longaker,	Rush,	Winner,
Donohoe,	Lopresti,	Sarraf,	Wood,
Dougherty,	Lovett,	Schrock,	Wright,
Downey,	Lyons,	Schrope,	Yanoshat,
Dubbs,	Mallen,	Schumacher,	Yeakel,
Dyson,	Marino,	Serrill,	Yourishin,
Eckels,	Matthews, H. T.,	Shaw,	Zappala,
Elpern,	Matthews, J. F.,	Shea,	Furman,
Falkenstein,			

NAYS— 6

Habbyshaw,	Strode,	Webster,	Woodside,
Sproul,	Turner,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, That the Clerk inform the Senate accordingly.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 555.

Mr. DUBBS. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 555.

The SPEAKER. The report will lie over for printing.

RESOLUTION

RECALLING HOUSE BILL No. 1273 FROM THE GOVERNOR.

Mr. TURNER offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, April 28, 1937.

Resolved (if the Senate concur), that House Bill No. 1273, Printer's No. 428, entitled "An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled 'An act to provide for the consolidation of boroughs and the government and regulation thereof' making further regulations for the election of justices of the peace in such consolidated boroughs", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 1574.

The Clerk of the Senate being introduced, informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 1574.

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1574.

An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees thereof requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compact requiring persons who weigh measure sample or test milk to procure permits or certicates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violation of this act

and rules regulations and orders of the commission defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations.

Whereupon,

The SPEAKER, in the presence of the House signed the same.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, April 28, 1937.

Resolved (if the Senate concur), that House Bill No. 1273, Printer's No. 428, entitled "An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regulations for the election of justices of the peace in such consolidated boroughs", be recalled from the Governor for the purpose of amendment.

ANNOUNCEMENTS

The meeting of the Ways and Means Committee scheduled for Monday night, May 3, is cancelled.

A public hearing on Tuesday, May 4, at 10:00 a. m. on House Bill 121, known as the Fuel-Oil Tax in the House Caucus Room before the Committee on Ways and Means.

A public hearing on Tuesday, May 4, at 4:00 p. m. on House Bill No. 1758, known as the State-wide Civil Service Bill, in the House Caucus Room before the Committee on State Government.

A public hearing on Tuesday, May 4, at 4:00 p. m. on House Bill No. 1800, known as the Stationary Engineers' Licensing Act in Room 101 before the Committee on State Boards.

ADJOURNMENT

Mr. HONTZ. Mr. Speaker, I move that this House do now adjourn until Monday, May 3, 1937, at 9:00 p. m.

The motion was agreed to, and (at 5:39 p. m.) the House adjourned until Monday, May 3, 1937, at 9:00 p. m.

E. S. T.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., MONDAY, MAY 3, 1937. No. 51.

SENATE

MONDAY, May 3, 1937.

The Senate met at 9 o'clock p. m.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D., offered the following prayer:

Our Lord and our God, maker of Heaven and earth and sea, and all that in them is: Thou hast not forgotten us; for Thou hast kept us, and brought us to this hour and place.

In thankfulness, we would be Thy servants, as we take up our unfinished tasks; and conscious of our limitation we seek the wisdom from above.

Endue us with a spirit of service—with a passion of human interest. Thou art our friend, our helping friend, and may we become familiar, and comfortable, and at home in Thy presence. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was aproved.

PETITIONS AND REMONSTRANCES

URGING AN INCREMENT SALARY SCHEDULE LAW

Mr. REED presented petitions from various citizens of Pennsylvania urging the setting up of an increment schedule Law for the teachers of Public Schools.

Referred to the Committee on Education.

The Chair cleared its table and laid before the Senate the following communications:

OPPOSING PASSAGE OF THE BEAUTY CULTURE BILL No. 1018

Petitions from Cleo Lamer, Fernand Perez, Betty Perez, and Conrad R. Nicocia, all of Pittsburgh, Pa., opposing the passage of the Beauty Culture Bill No. 1018,

Which was referred to the Committee on Public Health.

FAVORING ENACTMENT OF THE McGINNIS BILL (SENATE BILL NO. 341) AND OPPOSING THE McGINNIS BILL (SENATE BILL NO. 343).

Communications from various citizens of the Commonwealth favoring the enactment of the McGinnis Bill (Senate Bill No. 341), which is to amend the present hard liquor laws and opposing the McGinnis Bill (Senate Bill No. 343) which is to amend the fermented liquor law.

Which was referred to the Committee on State Boards.

OPPOSING THE PASSAGE OF THE BILLS NOW PENDING IN LEGISLATURE WHICH WOULD REDUCE THE LEGAL RATE OF INTEREST FROM SIX TO FIVE PER CENT.

Communication from the Atlantic Building and Loan Association urging the defeat of the Bills now pending in the Legislature which would reduce the legal rate of interest from six to five percent.

Which was referred to the Committee on Finance.

SUPPORTING CHANGES REGULATING THEATRICAL EMPLOYMENT AGENCIES

Communication from the Philadelphia Entertainment Contractors' Association supporting those who advocate and sponsor the vital changes in the present law, regulating Theatrical Employment Agencies.

Which was referred to the Committee on Law and Order.

URGING APPROVAL AND BACKING OF HOUSE BILL NO. 1758 AND OPPOSING THE THOMPSON BILL

Telegram from Mrs. Cole B. Price, Chairman of American Citizenship Department urging the enactment of House Bill No. 1758 and opposing the Thompson Merit System Bill.

Which was referred to the Committee on State Government.

URGING THE ENDORSEMENT OF A MERIT SYSTEM BILL

Communication from Mrs. William S. McClellan, President of the Young Women's Christian Association of York, Pa., urging the passage of a merit system bill that will meet the approval of the Federation for the Merit System.

Which was referred to the Committee on State Government.

URGING SUPPORT ON SENATE BILL No. 485

Communication from F. K. Benner of Turtle Creek, Pa., urging the passage of Senate Bill No. 485 re-enacting and amending the Act of 1887 providing for Co-operatives.

Which was referred to the Committee on State Government.

OPPOSING HOUSE BILLS NO. 639, NO. 657, NO. 1189 AND NO. 1200; ENDORSING HOUSE BILL NO. 896, SENATE BILL NO. 402

Resolution from Todd Twp. Supervisors, Fulton Co., Pa., opposing House Bills No. 639, No. 657, No. 1189 and No. 1200 and endorsing House Bill No. 896, Senate Bill No. 402.

Which was referred to the Committee on Highways.

COMMUNICATION FROM THE SECRETARY OF THE COMMONWEALTH OF VIRGINIA

Commonwealth of Virginia, Office of
Secretary of the Commonwealth, Richmond,
April 17, 1937.

Clerk of the State Senate,
Harrisburg, Penna.,

Dear Sir:

In accordance with provisions of Chapter 218 of the Acts of the General Assembly of Virginia, 1936, approved March 23, 1936, directing the Secretary of the Commonwealth to communicate the text of this act of the Governor, to the Senate and to the House of Delegates of each of the other States and to memorialize each legislature, which has not already done so, to enact a law similar to this measure. I am enclosing a copy of the aforesaid act establishing an unpaid commission on inter-state cooperation and prescribing the duties of the said commission. The Legislature of your State is hereby memorialized to enact similar legislation, if it has not previously done so.

Respectfully yours,

Peter Saunders, Secretary
of the Commonwealth.

Which was referred to the Committee on Federal Relations.

QUESTION OF PERSONAL PRIVILEGE

Mr. JASPAN. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Philadelphia, Mr. Jaspan will state his question of personal privilege.

Mr. JASPAN. Mr. President, Pennsylvania is faced with a glorious opportunity to enter the foreground of progressive states in the country. There has never been a time as now when the pulse of our great Commonwealth has throbbed so impetuously for liberal legislation. Our distinguished President has blazed the path for the nation and has brought light into the darkened lives of our down-trodden citizens. The people of Pennsylvania have the right to expect the present Administration in Harrisburg to emulate the splendid achievements of Franklin D. Roosevelt.

A few months ago I stated, on the floor of this Chamber, that the Democratic Party in this State was on trial before the bar of Public Opinion. And I re-assert tonight that the Party in power is still on trial. Ten million people are eagerly awaiting the redemption of our campaign promises. They are growing restive at our failure to produce tangible and re-assuring evidence of our good faith. They refuse to be comforted or deceived by high-sounding phrases and remote promises which have been for years the forte of astute politicians. Our citizens demand ACTION, not at some indeterminate future date, but NOW. And the present Administration will fail in its duty if this imperative need for immediate action is compromised.

The Democratic Party has unequivocally pledged itself to the relief of our utility consumers. Our good Governor has repeatedly re-affirmed this pledge. And, you may recall, a far-reaching public utility law was promised to the people of this State for March 15th. Seven weeks have already elapsed, but the bill has not yet reached the Senate. And my observations prompt me to aver that, from present indications, it will be a long time before any substantial relief for our rate-payers will become a reality. I feel that I must warn my fellow-members of the Democratic Party that if we fail in this responsibility, we shall justly invite the accusation of having sold out to the utilities.

I am not unmindful of the dispatch with which our old seven-man Public Service Commission was supplanted with a new five-man Public Utility Commission. Let us remember, however, that, from the viewpoint of many citizens, the appointment of the new Commission is thus far conclusive of nothing save a change in the political complexion of our State regulatory body. And, may I state that if this Legislature had manifested the same zeal in bringing relief to our rate-payers as it had demonstrated in ousting the old Commission, I am sure that, regardless of whatever else is accomplished during this Session, we would have carved an enviable niche for ourselves in the legislative hall of fame.

Our difficulty appears to be that we have become engulfed in a maelstrom of investigations and legislation affecting one community in our Commonwealth. While it is not my purpose to question the desirability of making Philadelphia a City of Brotherly Love in fact as well as in name, is it not time that we, the chosen representatives of our citizens, recovered our equilibrium and restored our sense of values.

Is it fair to neglect matters concerning the welfare and happiness of ten million men, women and children in Pennsylvania while we seek the Utopian perfection of a community of two million? Are we faithful to our trust when we confine our efforts to the saving of a certain sum of money for the taxpayers of one community and ignore the millions of dollars which are being mulcted each year from our electric utility consumers? And, if I may use a hackneyed expression, are we not penny wise and pound foolish? Have we become calloused to the urgent need of our people for relief from the million dollar weekly gouging by the electric companies? Have we ceased to be concerned with the excessive dividends which the utilities are paying to their holding companies, which, if continued much longer, will so impair the financial structures of our operating companies that increased rates to the consumers will result instead of reductions?

Let us pause to reflect and recover our balance. Let us not be so blinded by any spirit of vindictiveness against persons or communities as to obscure our vision of our greater responsibility. Let us all work together in the interests of the great mass of our people.

I trust that my remarks will not be construed as aspersive of my distinguished colleagues or of any legislation which has been enacted into law during this session. But I cannot escape the conviction that we have been derelict in a most important duty: effective action to remedy our deplorable electric utility situation. And I

attribute such dereliction principally to powerful outside influences.

Harrisburg has become a veritable bee-hive of utility lobbyists. They are here in greater numbers than at any previous session of the legislature. And many of them are openly boasting that they have everything under control. They claim sufficient votes in this Chamber to defeat any legislation inimical to their interests. Are we to believe that some leading members of the Democratic Party have already bowed to the pressure of these lobbyists? Time will tell.

At the proper time I shall submit evidence of the devious practices of the utilities and their lobbyists in delaying and obstructing effective legislation for the welfare of the consumers, how they first seek to emasculate a bill by amendments, then insist on public hearings, then further amendments and some more hearings, until an opportunity is presented to press for early adjournment of the legislature in the hope of killing a bill in committee or allowing an insufficient time before adjournment to correct any emasculatory amendments. However, for the present, I wish to serve notice on these utilities and their lobbyists that I shall fight against any early adjournment of this legislature until the Democratic Party has initiated effective action for the relief of our utility rate-payers.

My immediate concern is a set of resolutions which I have introduced in this chamber on January 18, almost four months ago. One of these resolutions was designed to effect a reduction of 50% in the rates of our residential and rural consumers of electricity. The other resolution was intended to stop the payment of excessive dividends by the electric utilities to their holding companies. At the time I presented these resolutions, I asked for their immediate adoption, but one of my Senatorial colleagues from Philadelphia, for reasons best known to himself, objected, and they were referred to the Commitee on Public Utilities. During the past few months, I repeatedly urged the Chairman of the Committee on Public Utilities to call a meeting of his Committee, of which I happen to be a member, for the purpose of considering the merits of these resolutions. My efforts were of no avail and I recently served notice on him, by registered letter, of my contemplated action on this floor.

These resolutions are of vital importance to the welfare of the consumers in this State.

MOTION TO DISCHARGE COMMITTEE FROM CONSIDERATION OF RESOLUTIONS NOS. 6 AND 7

Mr, JASPAN. Mr. President, I therefore move that the Committee on Public Utilities be discharged from consideration of these resolutions Nos. 6 and 7 and that they be ordered to the floor of the Senate for immediate adoption.

Mr. CAVALCANTE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED. Mr. President, and members of the Senate, I am amazed at the action taken at this time by my friend, the Senator from Philadelphia, Mr. Jaspan. Just last week we talked this matter over together, at which time I told him that I had talked with one of the members of the Pennsylvania Public Utility Commission, and that House Bill No. 851, which provides the procedure of this whole field, would likely be brought into the Senate this week, at which time I told the Senator from Philadelphia, a meeting of the Committee on Public Utilities would be called and all bills and all resolutions would be then considered. There is not a member in this Senate, Mr. President, who is more determined to have no bills and no resolutions remain in any committee than is the Senator from Washington County. I have fought that procedure ever since I have been here, and I must take it as a personal affront when a member gets up and says by inference that I proposed to kill a bill or resolution in committee of this Senate, and I serve notice on the Senator from Philadelphia, and on every other member that is in the Senate that I shall never be a party to a resolution or bill being killed in committee without full consideration being given to it.

This administration, Mr. President, is trying to work out this Public Utility Situation as a whole matter, and not by piece-meal, and I have consistently told the Senator from Philadelphia, that all bills and resolutions that have to do with piece-meal regulations will be held until we see how many of these questions are to be taken up with House Bill No. 851, which I understand will reach the Senate this week. However, it seems that the Senator from Philadelphia had a prepared speech, he wanted to deliver to the Senate, and even after my talk with him and with the other members of this Senate, he moved tonight to discharge that committee. If this Senate believes that my committee has been trying to hold back this resolution or any other bills or resolutions in committee, then let them move to discharge the committee, but, Mr. President, I say to the members of this Senate that there is no determination or effort on my part to stifle or blot out the consideration of any bill or resolution, and I say now to the Senator from Philadelphia, that he should not be too hasty, and that the resolution should be carefully considered by the members of this Senate before they vote on it, that is now on your desk, Mr. President.

Mr. CAVALCANTE. Mr. President, may I interrogate the Senator from Washington, Mr. Reed?

Mr. SHAPIRO. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Philadelphia, Mr. Shapiro, will state his point of order.

Mr. SHAPIRO. Mr. President, the motion before the Senate has not been seconded.

Mr. CAVALCANTE. Mr. President, I second the motion.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. CAVALCANTE. Mr. President, I would like to ask the Senator from Washington if it is his understanding that in his conversation with the Senator from Philadelphia, Mr. Jaspan, that he agreed to have a meeting of the Committee on Public Utilities this week and that the committee would give this resolution consideration.

Mr. REED. Mr. President, my answer to the Senator from Fayette, Mr. Cavalcante, is this: I went over to see Mr. Buchanan, of the Pennsylvania Utility Commission, and he told me that House Bill No. 851, which regulates the whole field of procedure of the Public Utilities Commission would likely be in the Senate this week, and I told the Senator from Philadelphia, Mr. Jaspan, that when this bill came into the Senate I would call a meeting of the Committee on Public Utilities and then consider every bill and every resolution in that committee.

Mr. CAVALCANTE. Mr. President, does the Senator from Washington refer to House Bill No. 851?

Mr. REED. Mr. President, yes.

Mr. CAVALCANTE. Mr. President, I seconded the motion of the Senator from Philadelphia, Mr. Jaspan to discharge the committee, and in view of the statement of the Senator from Washington, Mr. Reed, who is chairman of that committee I would like to ask the Senator from Philadelphia, Mr. Jaspan, if he will allow the motion to lie on the table for this week.

Mr. JASPAN. Mr. President, I have discussed this matter with my friend the Senator from Washington County, Mr. Reed, and he said that he has called at least four meetings and probably more than four, of the Committee on Public Utilities, and on each occasion I asked him to take up the question of this resolution and on each occasion he would pat me on the back and get on around the shoulder, and say "the next time, the next time, Senator," or, "well, sooner or later we're going to have bill No 850 and 851 brought up before the Senate. I said "what are the people going to do in the mean time?" They want relief; they seek relief. There's no telling what will happen to Bill No. 851. It may be so weak that we will not recognize it, and in the meanwhile the people are suffering. They want relief.

Mr. CAVALCANTE. Mr. President, I seconded the motion of the Senator from Philadelphia, Mr. Jaspan, because I feel that he is sincere in his efforts, and I have also heard the statement of the Senator from Washington, Mr. Reed, who is chairman of that committee, and I feel he also is in earnest, therefore,

MOTION TO LAY ON THE TABLE

I move that this motion to discharge the committee be laid on the table for the present.

Mr. FREY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr MALLERY. Mr. President, I have the highest regard for every member of this Senate, but I want to emphasize the fact that I have an especially high regard for the chairman of the Public Utility Committee, Mr. Reed. There is not a Senator in this body who has always been as fair, I think, as the chairman of that committee, and as a member of this body who voted for the new Public Utility Commission, and as a member of the minority party in this body, it would seem to me that the majority or a member at least of the majority party in this State and in this body should give that commission, which has been confirmed only a few weeks ago an opportunity to act; therefore, I want to serve notice that I will oppose this resolution.

And the question recurring,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. JASPAN and Mr. RICE

and were as follows, viz:

YEAS—39

Bean,	Gelder,	Mallery,	Rodgers,
Buchman,	Gilson,	McCreesh,	Rupp,
Cavalcante,	Homsher,	McGinnis,	Ruth,
Chapman,	Huffman,	Mundy,	Salus,
Dando,	Jacobs,	Owlett,	Scarlett,
Deibrick,	Kahle,	Pierson,	Sones,
DiSilvestro,	Kilgallen,	Pytko,	Stiefel,
Ealy,	Kunkel,	Rankin,	Wolfenden,
Eroe,	Lanius,	Reed,	Woodward,
Frey,	Law,	Rice,	

NAYS—2

Jaspan, Shapiro,

So the question was determined in the affirmative.

COMMUNICATIONS FROM THE GOVERNOR

The Chair cleared his table and laid before the Senate communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows:

APPROVAL OF SENATE BILL No. 916

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed Senate Bill No. 916, Printer's No. 256, entitled "An act increasing the number of courts of common pleas in the County of Philadelphia establishing therein a distinct and separate court of common pleas designated court of common pleas number seven and providing for the election and appointment of judges for said court."

GEORGE H. EARLE.

APPROVAL OF SENATE BILLS Nos. 586, 587, 588, 589, 590, 4, 100, 238, 305, 573, 626, 673, 674

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 586, Printer's No. 277, entitled "An Act providing for the appointment and filling of vacancies in the offices of members of the board of revision of taxes in counties of the first class."

Senate Bill No. 587, Printer's No. 206, entitled "An Act to further amend section five and to partly repeal sections one two three and four of the act approved the twenty-third day of June one thousand nine hundred and eleven (Pamphlet Laws 1123) entitled 'An act establishing in each county a board of viewers prescribing their duties providing for their appointment as viewers road juries juries of view and commissioners to view land and providing for the charges upon the respective counties in the matter of salaries costs and expenses thereof' by providing for the appointment of boards of view from the board of revision of taxes and abolishing the board of viewers in counties of the first class."

Senate Bill No. 588, Printer's No. 207, entitled "An Aca to amend the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (Pamphlet Laws 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' by abolishing the department of receiver of taxes and transferring its powers and duties to the department of city treasurer and abolishing the office of receiver of taxes."

Senate Bill No. 589, Printer's No. 285, entitled "An Act fixing the number of qualifications terms manner of appointment organization and salaries of members of the board of revision of taxes in counties of the first class providing for the appointment and compensation of a chief appraiser assistant appraisers and other employes of the board terminating the terms of the present members of the board of revision of taxes abolishing the present assessors and repealing general local and special laws."

Senate Bill No. 590, Printer's No. 276, entitled "An Act relating to tax assessments in counties of the first class conferring powers and imposing duties on the board of

revision of taxes and its agents and employes and repealing general local and special laws."

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

Senate Bill No. 4, Printer's No. 158, entitled "An Act prohibiting the employment of miners as herein defined in the bituminous coal mines unless certificated by a miners' examining board providing for the appointment of such boards and defining their powers and duties providing penalties and making an appropriation."

Senate Bill No. 100, Printer's No. 51, entitled "An Act to amend sections forty and forty-seven of the act approved the eleventh day of March one thousand nine hundred and nine (Pamphlet Laws nineteen) entitled 'An act relating to warehouse receipts' providing how warehouse receipts may be negotiated"

Senate Bill No. 288, Printer's No. 145, entitled "An Act to amend the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' by changing the manner of creation of townships of the first class.

Senate Bill No. 305, Printer's No. 260, entitled "An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled 'An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' by authorizing counties of the second class to assist political subdivisions in the county in negotiations and contests with public service companies."

Senate Bill No. 573, Printers No. 150, entitled "An Act to amend section seven of the act approved the fifth day of January one thousand nine hundred and thirty-three (Pamphlet Laws 223 1933-34) entitled 'An act providing compensation to certain persons who served in the military or naval forces of the United States during the World War the war between the United States and Spain the China Relief Expedition or in the Philippines or Guam providing the method of making payment to representatives of persons who because of death or incapacity cannot personally receive compensation imposing certain duties on the Adjutant General making an appropriation and repealing inconsistent legislation and providing penalties' as amended extending the time during which application may be filed for veterans' compensation."

Senate Bill No. 626, Printer's No. 192, entitled "An Act to amend section one of the act approved the fourteenth day of April one thousand nine hundred and thirty-one (Pamphlet Laws 38) entitled as amended 'An act regulating the removal or dismissal of policemen and firemen in cities of the second class A and the removal of policemen in cities of the second class' further regulating the suspension and dismissal of policemen and firemen in cities of the second class A."

Senate Bill No. 673, Printer's No. 155, entitled "An Act authorizing the Secretary of Highways to abandon portions of State highway routes within the limits of State parks or Federal Resettlement projects under certain conditions."

Senate Bill No. 674, Printer's No. 156, entitled "An Act to amend the title and section one of the act approved the twelfth day of July one thousand nine hundred thirty-five (Pamphlet Laws eight hundred and five) entitled 'An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes and providnig a method of procedure by further providing for the acquisition and possession of occupied property and structures."

GEORGE H. EARLE.

RELATIVE TO THE McGINNIS LABOR RELATIONS MEASURE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

NEWSPAPER INFORMATION
FOR RELEASE WHEN MESSAGE IS READ

To the Honorable, the General Assembly of the Commonwealth of Pennsylvania:

Your honorable body now has under consideration the labor relations measure known as the McGinnis bill, sponsored by Senator McGinnis of Allegheny County.

I have given this bill the most careful study, since the Administration and the bajority of both Houses stand firmly committed to the principles of unionization and collective bargaining.

Representatives of industrial interests have protested to me that this bill is too drastic.

I have not found that to be the case. I have found, however, that several features of the bill, none of them materially affecting its fundamental purpose, differ from those of the Wagner Labor Relations Act.

As drafted, the McGinnis bill includes not only the essential provisions of the Wagner Act but also the extensions of that Act resulting from Labor Board rulings and court decisions, together with several other additional provisions.

After examining the bill, Attorney General Charles J. Margiotti has advised me that the safer procedure, in order to assure the constitutionality of this bill, would be to make the amendments necessary to bring the bill strictly in line with the Wagner Act as originally written. He has pointed out that the McGinnis bill will be obliged to run two gauntlets—of both the State and Federal Constitutions—whereas the Wagner Act was required to conform only to the Federal Constitution.

If your honorable body wishes to pass this bill in its present form I shall be happy to sign it and leave legal questions for the courts. However, since the necessary amendments do not in any essential respect change the fundamental character of the bill, but merely eliminate certain additional provisions which might render the whole bill unconstitutional, it has been deemed advisable to insert those amendments.

The bill as amended gives complete and absolute guarantees to labor. The Attorney General has assured me that it will stand the test of constitutionality. It has the support of industry. It has the support of Labor. It has the support of the Department of Labor and Industry and of my Administration.

I therefore urge you, in the interest of industrial stability and economic justice, to advance this bill as amended and provide for its final passage as expeditiously as possible.

GEORGE H. EARLE.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as

follows, and referred to the Committee on Executive Nominations:

MEMBERS OF THE MILK CONTROL BOARD

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Milk Control Commission:

Howard G. Eisaman, of East Springfield, Erie County, to serve until May 1, 1943, and until his successor shall have been appointed and qualified.

John J. Snyder, of R. D. 4, Easton, Northampton County, to serve until May 1, 1941, and until his successor shall have been appointed and qualified.

Robert E. Pattison, Jr., of West Chester, Chester County, to serve until May 1, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

COMMISSION TO INVESTIGATE THE OPERATION OF THE OIL INDUSTRY

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Commission To Make A Careful, Thorough And Impartial Investigation Into The Operation Of The Oil Industry In This Commonwealth, to serve until their appointments are lawfully determined or annulled.

Ralph H. Smith, of Pittsburgh, Allegheny County.

William H. Godfrey, of Germantown, Philadelphia County.

John E. McComb, of Rouseville, Venango County.

GEORGE H. EARLE.

MEMBER OF THE STATE VETERANS' COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Guy R. Lengel, of Port Carbon, Schuylkill County, for appointment as a member of the State Veterans' Commission, vice Charles A. Gebert, of Tamaqua, whose term expired, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Daniel L. Redmond, of Berwyn, Chester County, for appointment as Justice of the Peace in the Township of Easttown, Chester County, vice Albert M. McQuiston, resigned, until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred W. Whitney, of Pittsfield, Warren County, for appointment as Justice of the Peace in the Township of Pittsfield, Warren County, (to fill a vacancy) until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

NORTHAMPTON COUNTY

Miss Elizabeth S. Hare, Easton, May 3, 1937.

BLAIR COUNTY

Miss Lee Anna Laubacher, Altoona, May 4, 1937.

UNION COUNTY

Mrs. Margaret R. Strunk, Lewisburg, May 4, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Janet R. Brenner, Plaza Bldg., Pittsburgh.
John S. Likovich, Rankin.
Lloyd D. McLaughlin, Unity, Plum Twp.
William H. Oakley, Koppers Bldg., Pittsburgh.
Clarence L. O'Donnell, 805 Brookline Blvd., Pittsburgh.
M. C. Sandulak, Keystone Bldg., Pittsburgh.
Albert D. Yost, Dormont.

BEAVER COUNTY

John N. Pierce, Midland.

CLEARFIELD COUNTY

Chester L. Cowder, Clearfield.

CUMBERLAND COUNTY

William Emenheiser, Enola, E. Pennsboro Twp.

DAUPHIN COUNTY

H. S. Berkstresser, Royalton.

ELK COUNTY

Alfred Straub, St. Marys.

FRANKLIN COUNTY

Miss Jessie M. McCleary, Chambersburg.

LACKAWANNA COUNTY

Karl P. Conrad, Scranton.

LAWRENCE COUNTY

P. W. Griffin, Bessemer.

LEHIGH COUNTY

Miss Vera Verzino, Allentown.

LUZERNE COUNTY

Mrs. Emily P. Williams, Kingston.

MERCER COUNTY

Mrs. Florence Nottingham, Sharon.

MONTGOMERY COUNTY

Mrs. Nellie S. Dayton, Conshohocken.

PHILADELPHIA COUNTY

Joseph V. Martinelli, 6415 Girard Ave., Phila.
Joseph Santangelo, 2113 S. 65th St., Phila.
R. H. Wannemacher, 3628 N. Broad St., Phila.
George A. Weber, 1449 E. Montgomery Ave., Phila.

GEORGE H. EARLE.

HOUSE ADOPTS REPORT OF COMMITTEE OF CONFERENCE ON SENATE BILL No. 555.

The Clerk of the House of Representatives being introduced presented communications from the House of Representatives informing the Senate that the House has adopted the report of the Committee of Conference on the subject of the differences existing between the two Houses in relation to House Bill No. 555, entitled:

An Act to amend sections two, four, five, eight, thirteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three, (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

The PRESIDENT. The Chair understands that the Conference report has been printed and is on the desks of the Senators.

Mr. SHAPIRO. Mr. President, I move the adoption of the report of the Committee on Conference on House Bill No. 555.

Mr. SONES. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. BUCKMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Bucks will state his question of Parliamentary inquiry.

Mr. BUCKMAN. Mr. President, I would like to know what bill this is, what is the printer's number, and whether or not it is on the calendar?

The PRESIDENT. The Chair understands that the report is on the desks of the Senators.

Mr. BUCKMAN. Mr. President, may I ask if it is printed on the calendar, as required by the Rules of the Senate?

The PRESIDENT. I know of no requirement for conference reports to be printed on the calendar.

Mr. BUCKMAN. Mr. President, I ask for the printer's number of this report, so that we may find it in our files.

The PRESIDENT. Printer's number 783.

Mr. BUCKMAN. Mr. President, House or Senate?

The PRESIDENT. House file.

Mr. BUCKMAN. Mr. President, I ask that this bill go over in its order so that we may have an opportunity to read it, and the Senators who have had no notice of its coming up. It is a bill of 14 pages, and I think it was only fair that we know what is being voted on in the Senate.

Mr. SHAPIRO. Mr. President, I should be very glad to withdraw my motion for the time being to give the Senator from Bucks an opportunity to acquaint himself on the bill. I should like to say however that this bill was before the Senate and the House and was voted on by the Senate, and additional amendments put in and passed by the Senate. There were two amendments: one of the amendments restricted the dealing with credit unions, and one of the amendments gave the right to fraternal organizations to engage in the credit union business. The amendments dealt with the discounting and returning of interest to those who anticipated the due date of the note. When the bill came into the House, they insisted that the discount be eliminated. The conference compromised the measure and the conference report covers the two phases, the fraternal prohibition, that the fraternal organizations may engage in credit unions, and the discounting anticipation, whether to return the interest or the original anticipated payment, and it is taken out, so that the only change is to take out of the fraternal organization the right to engage in credit unions.

The PRESIDENT. The Chair suggests that the proper parliamentary procedure would be for the report to lie on the desk.

Mr. SHAPIRO. Mr. President, I move that the report lie on the desk of the Senators for the time being.

Mr. SONES. Mr. President, I second the motion.

The motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE

Mr. SIPE. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Armstrong, Mr. Sipe will state his question of personal privilege.

Mr. SIPE. Mr. President, I wish to say that I hold in my hand a resolution which my colleague, the Senator from Philadelphia, Mr. Stiefel, and myself are introducing and will ask for its immediate adoption.

On April 13th, I believe it was, I said in some remarks on the floor of this body that we have a shameful situation here in the good old Keystone State, in the fact that while the teachers in the Public Schools in Pennsylvania and the pupils in those schools know considerably about the beginning in Massachusetts, they know practically nothing about the beginning in this Commonwealth. This is no fault of the teachers in the public schools, no fault of the pupils in the public schools, but the fault of the text books, elementary American History that came into our schools, that while telling considerably about the first settlements in Massachusetts, New York, Connecticut, New Jersey, Virginia, and others of the thirteen original states, utterly ignore the beginnings of Pennsylvania. As a result of this, very little do the boys and girls know of the beginning of the State of Pennsylvania, and relatively much more do they know about the beginning of Massachusetts. A traveler from Mars coming here would

almost suspect that it was the money of Massachusetts or the money of New York that is keeping the bells ringing and the switches swinging in the public schools of the Keystone State. Due to the lack of vision of the public school heads of Pennsylvania, where I find this lack of vision, I am willing and anxious that this body give that vision. "It is more blessed to give than to receive," and so, Mr. President, my colleague from Philadelphia, Mr. Stiefel, and I are introducing this resolution directing the Superintendent of Public Instruction of Pennsylvania to protest to the various publishing companies text books of American history who offer to sell them to the public schools of this Commonwealth, and protest against such works that tell the pupils about the first settlements in other states and ignore the first setlements in our own Commonwealth.

RESOLUTION RELATIVE TO TEXT BOOKS ON AMERICAN HISTORY USED IN PUBLIC SCHOOLS

Mr. STIEFEL offered the following resolution, which was twice read:

Whereas, The texts on American History used in the public schools of this Commonwealth, with but few exceptions, ignore the Colony of New Sweden which made the first settlements in Pennsylvania and erected the first State House in Pennsylvania, at the same time devoting much space to the first settlements in Massachusetts, New York, Virginia and others of the thirteen original states, and

Whereas, Due to the fact that the said texts on American History used in the public schools of this Commonwealth ignore the Colony of New Sweden, the teachers and pupils in the public schools of this Commonwealth know more about the beginnings in Massachusetts, New York, Virginia and others of the thirteen original states than they do about the beginnings in Pennsylvania, and

Whereas, This situation is very much deplored by the Senate of Pennsylvania and by millions of citizens and taxpayers of this Commonwealth who resent the fact that the boys and girls in the public schools of Pennsylvania are taught the beginnings in Massachusetts, New York, Virginia, and others of the thirteen original states to almost the entire exclusion of the beginnings in this Commonwealth, and

Whereas, The Colony of New Sweden had a number of excellencies which, in the language of Shakespeare, "plead like angels trumpet-tongued against the deep damnation" of ignoring the high spots of its glorious history in any text on American History used in the public schools of this Commonwealth, among such excellencies being (1) the establishing and carrying out of a just Indian Policy, (2) the absence of slavery therein, (3) the planting of the precious principle of religious liberty in a place where, in the providence of Almighty God, it was destined to enjoy an uninterrupted growth from the time of its planting, thus hastening the dawn of the day when it became the most cherished and sacred principle in the structure of our American Commonwealth, therefore be it

Resolved, That the Superintendent of Public Instruction be directed to protest in writing to the Macmillan Company, New York City; Ginn and Company, New York City; Rand McNally and Company, New York City; Iroquois Publishing Company, Syracuse, New York; John C. Winston Company, Philadelphia, Pa., and other publishers of United States History Texts used in the public schools of this Commonwealth, against the offering for sale and the sale of any American History Text for use in the public schools of this Commonwealth which ignores the ships Kalmar Nyckel (Key of Kalmar) and Fogel Grip that brought the first settlers to Pennsylvania; which ignores the establishment at Tinicum of the first permanent seat of government in Pennsylvania; which ignores the first State House in Pennsylvania; which ignores the able and admirable Governor of New Sweden, John Printz, who established the first permanent seat of government in Pennsylvania and which ignores the fact that the Colony of New Sweden planted the precious principle of religious liberty in Pennsylvania soil, and be it further

Resolved, That the Superintendent of Public Instruction shall cause this resolution to be published in the next issue of the Pennsylvania School Journal, and be it further

Resolved, That a copy of this resolution be transmitted to the Superintendent of Public Instruction by the Chief Clerk of the Senate.

Mr. STIEFEL. Mr. President, I ask unanimous consent that Rule 39, which requires resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, a few moments ago, in response to my legislative inquiry, the Chair said that he knew of no rule requiring reports of a Committee of Conference to be noted on the calendar. I now read Rule 21: "That the vote on concurring in bills amended by the House or on adopting reports of committees of conference, shall not be taken until said bills and reports have been placed on the files of the Senators, and particularly referred to on their calendars."

My point of order is, therefore, that House Bill No. 555 cannot be considered by the Senate until it is printed on the calendar.

The PRESIDENT. The matter has been disposed of by motion of the Senate, and the point of order is overruled, with the understanding that the point may be brought up on another conference report of this Senate.

RESOLUTION

TIME OF NEXT MEETING

Mr. DANDO. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DANDO offered the following resolution which was twice read considered and agreed to:

In the Senate, May 3, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 10th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 10th, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

QUESTION OF PERSONAL PRIVILEGE

Mr. GILSON. Mr. President, I rise to a question of personal privilege.

The PRESIDENT. The Senator from Erie, Mr. Gilson, will state his question of personal privilege.

Mr. GILSON. Mr. President, in my brief experience as a Senator, I have risen once before on a question of personal privilege. The atmosphere has somewhat cleared on this resolution offered by the Senator from Philadelphia, Mr. Jaspan. My question is simply this: That I will consider it a duty to my constituents and to the public of the State of Pennsylvania to insist that when House Bill No. 851, a Public Utility Commission regulatory act comes before the Senate, that both the Committee on Public Utilities and the Senate shall have due time for proper consideration of that bill, and if it is not done, I will join with the Senator from Philadelphia, Mr. Jaspan, and any other member of the Senate to oppose an adjournment of this legislature until the Senate of Pennsylvania has an opportunity to act on that bill, consistent with the trust placed in them by the public of the State of Pennsylvania. That is my question of personal privilege.

REPORTS FROM COMMITTEES

Mr. BUCKMAN, from the Committee on Highways, reported as amended, Senate Bill No. 967 (House Bill No. 923), entitled:

An Act to amend section three of the act appproved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty), entitled. "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts," as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals, requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work.

Mr. DENT, from the Committee on Highways, rereported as amended, Senate Bill No. 725 (House Bill No. 1284), entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction, operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission, authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike, providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act, providing for the collection of tolls for the payment of such bonds and for the cost of maintenance, operation and repair of the turnpike, making such bonds exempt from taxation, constituting such bonds, legal investments in certain instances, prescribing conditions upon which such turnpike shall become free, providing for condemnation, granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the Commission and authorizing the issuance of turnpike revenue refunding bonds.

BILLS INTRODUCED

Mr. EROE read in his place and presented to the Chair Senate Bill No. 1132, entitled:

An Act to amend sections one thousand four hundred two, two thousand five hundred fifty-six, and two thousand five hundred fifty-nine and to repeal section two thousand five hundred fifty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," as amended, clarifying the conditions of the bond of the city treasurer; providing for the determination of certain expenses in connection with the collection of taxes for the city, county, school and poor district; providing for delinquent tax collectors for the collection of taxes and repealing a certain inconsistent section.

Which was committed to the Committee on Municipal Government.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 1133, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act, approved the twentieth day of April, one thousand eight hundred and seventy-four (P. L. 65), entitled "An act to regulate the manner of increasing the indebtedness of municipalities, to provide for the redemption of the same, and to impose penalties for the illegal increase thereof," and the amendments and supplements thereto, and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections, and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective, to cure such defective publication of sale notices and validate the sale thereof.

Which was committed to the Committee on Municipal Government.

Mr. RUTH read in his place and presented to the Chair Senate Bill No. 1134, entitled:

An Act to repeal the act approved the seventh day of August, one thousand nine hundred thirty-six (P. L. 102), entitled "An act transferring money from the State School Fund to the General Fund, and requiring the State Council of Education to liquidate such investments in the State School Fund as may be necessary to effectuate such transfer."

Which was committed to the Committee on Education.

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 1135, entitled:

An Act to amend sections two, three and four, section five as amended, and sections six, seven, eight, nine, thirteen fourteen and sixteen, and to repeal sections ten, eleven and twelve of the act, approved the ssventeenth day of June one thousand nine hundred and thirteen (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," by providing for the collection of the taxes therein imposed by the county Commissioners, boards of revision of taxes, and boards for the assessment and revision of taxes; further regulating returns; the inspection of books and records, and the attendance of witnesses; providing that such taxes shall be a lien on the real estate of the taxable and recoverable in assumpsit; and providing penalties.

Which was committed to the Committee on Finance.

Mr. McCREESH read in his place and presented to the Chair Senate Bill No. 1136, entitled:

An Act to provide for the regulation of the building, erection and maintenance of structures in along across over under projecting into or being in streams lakes and other bodies of water wholly or partly within or forming part of the boundary of this Commonwealth, providing for permits, fees and charges conferring powers and imposing duties upon the Water and Power Resources Board.

Which was comitted to the Committee on Forests and Waters.

Mr. KAHLE read in his place and presented to the Chair Senate Bill No. 1137, entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania, by adding section eighteen.

Which was committed to the Committee on Constitutional Changes.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 1138, entitled:

An Act prohibiting the sale, transfer, purchase, ownership, possession and use of tear and noxious gas, and tear gas guns; providing certain exemptions; and providing penalties.

Which was committed to the Committee on Labor and Industry.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1139, entitled:

An Act to authorize cities of the first class of this Commonwealth to provide for the payment of deficits arising from nonreceipt of revenue during the year 1937 in three equal annual installments and to authorize the making of contracts, the drawing of warrants and the approval thereof without appropriation for the payment of such deficits, except as provided by this act; and to levy and fix the tax rate and to make appropriations and prepare and formulate the financial programs of such cities upon the basis of the discharge of such deficits in the manner provided by this act; and repealing any inconsistent legislation.

Which was committed to the Committee on City Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1140, entitled:

An Act permitting the replevy of fixtures which are severable without material physical injury to the freehold to which they are attached or upon which they are placed.

Which was committed to the Committee on Municipal Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1141, entitled:

An Act making an appropriation to the Saint Luke's and Children's Homeopathic Hospital, Philadelphia, Pennsylvania.

Which was committed to the Committee on Appropriations.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 1142, entitled:

An Act to amend section sixteen of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237), entitled "An act affecting marital relations; prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages; and amending, revising, and consolidating the law relating thereto;" providing the libellants domiciled a year in this Commonwealth may secure divorces.

Which was committed to the Committee on Law and Order.

Mr. HUFFMAN read in his place and presented to the Chair Senate Bill No. 1143, entitled:

An Act making an appropriation to the Department of Forests and Waters for acquisition of lands in connection with George W. Childs State Forest Park.

Which was committed to the Committee on Appropriations.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 1144, entitled:

An Act to further amend section one of the act approved the thirteenth day of June one thousand nine hundred seven (Pamphlet Laws six hundred forty) entitled "An act to provide revenue by levying a tax upon the shares of stock of companies incorporated under the provisions of section twenty-nine of an act entitled 'An act to provide for the incorporation and regulation of certain corporations' approved April twenty-ninth one thousand eight hundred and seventy-four and the supplements thereto; for the insurance of owners of real estate mortgages and others interested in real estate, from loss by reason of defective titles, liens and encumbrances; and of companies entitled to the benefits of, and of companies having any of the powers of, companies entitled to the benefits of an act entitled 'An act conferring upon certain fidelity, insurance, safety deposit, trust and savings companies the powers and privileges of companies incorporated under the provisions of section twenty-nine of an act, entitled "An act to provide for the incorporation and regulation of certain corporations" approved April twenty-ninth Anno Domini one thousand eight hundred and seventy-four and of the supplement thereto; approved June twenty-seventh one thousand eight hundred and ninety-five, commonly known as title insurance or trust companies" by providing that certain companies shall not be subject to the tax.

Which was committed to the Committee on Finance.

Mr. RANKIN read in his place and presented to the Chair Senate Bill No. 1145, entitled:

An Act to amend section three hundred forty-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," as amended, increasing the amount of the contracts for which advertising is required in counties of the second class.

Which was committed to the Committee on County Government.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 49, on third reading, entitled:

An Act to amend clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (Pamphlet Laws one thousand four hundred thirty-three) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the

law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 58, as follows:

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in certain civil and criminal actions and certain actions in equity

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" as amended by the act approved the seventeenth day of July one thousand nine hundred and seventeen (Pamphlet Laws one thousand fifteen) is hereby further amended to read as follows

Section 11 [The said court hereby created shall have jurisdiction in all criminal actions and suits for penalties except that it shall not have jurisdiction in the trial of indictments for arson burglary murder voluntary manslaughter treason or misprison of treason or for violation or conspiracy to violate the election or registration laws of this Commonwealth or for embezzlement by any public officer or any offense involving breach of official duties by any public officer Provided however That nothing herein contained and no exception to the jurisdiction of the said court herein set forth shall be construed to deprive the said court of exclusive jurisdiction in those cases hereinafter in this section set forth]

The jurisdiction of the said Municipal Court shall be exclusive

(a) In all proceedings brought against any husband or father wherein it is charged that he has without reasonable cause separated himself from his wife or children or from both or has neglected to maintain his wife or children and in all proceedings where any child of full age has neglected or shall neglect to maintain his or her parents not able to work or of sufficient ability to maintain themselves and in all proceedings for the custody of children

(b) In all proceedings concerning dependent delinquent or neglected children as defined by existing laws relating thereto which are hereby made applicable to proceedings in the Municipal Court

(c) In all proceedings concerning or trials of charges brought against all persons whether adults or minors accused of disorderly street-walking

(d) In all proceedings concerning or trials of charges brought against all minors between the ages of sixteen and twenty-one years who shall disobey their parent's command or be found idle in the streets and against all disorderly children

(e) All children not under the age of sixten years deserting their homes without good and sufficient cause or keeping company with dissolute or vicious persons against the lawful commands of their fathers mothers or guardians or other person standing in the place of a parent shall be deemed disorderly children

(f) In all proceedings wherein it is charged that a mother has deserted her child or children or has neglected to maintain her child or children or wherein it is alleged that a grandfather or a grandmother has neglected to maintain his or her grandchild or grandchildren or wherein it is alleged that any child is suffering from epilepsy nervous or mental defects as defined by existing laws relating thereto and which are hereby made applicable to proceedings in the Municipal Court

The judges of the said Municipal Court shall be ex-officio justices of the peace When defendants are bound over for trial in any case indictments may be presented against them before the grand jury in accordance with existing laws which indictments may be tried either in existing courts or in the Municipal Court as the case may be Provided however That if it shall be decided by the courts that provisions herein for exclusive jurisdiction in Municipal Court or for abolishing preliminary hearings in certain cases are unconstitutional the intent of the Legislature is hereby expressed that said provisions only shall be void and that all other provisions of this act shall be valid and enforceable

All cases of desertion and non-support instituted in the court of quarter sessions pursuant to the authority of existing law which are pending and undisposed of in said court at the time this act takes effect together with all orders decrees judgments or sentences are hereby transferred to the Municipal Court The said Municipal Court is hereby authorized to hear determine and dispose of the cases hereby transferred and shall have full power and authority to enforce any and all orders decrees judgments or sentences heretofore entered or imposed in said cases by the said court of quarter sessions with the same power and effect as if such cases had been originally instituted in the said Municipal Court

Section 2 That section ten of said act and the amendments thereto are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

The yeas and nays were taken agreebaly to the provisions of the Constitution, and were as follows, viz:

YEAS—29

Cavalcante,	Jacobs,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
Dent,	Kahle,	Mundy,	Shapiro,
DiSilvestro,	Kilgallen,	Pytko,	Sipe,
Eroe,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stefel,
Henney,	Law,	Rice,	Thompson,
Huffman,			

NAYS—15

Bean,	Ealy,	Homsher,	Scarlett,
Buckman,	Gelder,	Owlett,	Wolfegden,
Chapman,	Haluska,	Pierson,	Woodward,
Deitrick,	Hevburn.	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 239 (House Bill No. 60), on third reading, entitled:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thouand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or provate corporation

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL OVER IN ORDER

Mr. REED. Mr. President, Mr. Jaspan has requested that I ask unanimous consent that Senate Bill No. 771, on final passage, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification; providing for the organization, consolidation and dissolution of such corporations, prescribing the qualification for membership therein; conferring certain rights, powers, duties and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act; conferring powers and imposing duties on certain State departments, commissions and officers; fixing fees; conferring the right of eminent domain; prohibiting the use of certain terms in the corporate names of other corporations; exempting such corporations from excise taxes; imposing on them a license fee; and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 867 (House Bill No. 1754), as follows:

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of non-profit corporations organized to provide hospital care and service for subscribers and conferring powers on the Insurance Department with respect thereto and further defining the scope of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section four of the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporatoins may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissioners and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" is hereby amended to read as follows

Section 4 Scope of Act This act does not relate to does not affect and does not apply to

(1) Cooperative associations whether for profit or not for profit

(2) Beneficial benevolent fraternal and fraternal benefit societies having a lodge system and a representative form of government or transacting any type of insurance whatsoever

(3) Any corporation whatsoever organized for any purpose or purposes involving pecuniary profit to its members or shareholders

(4) Any corporation which by the laws of this Commonwealth is subject to the supervision of the Department of Banking the Insuance Department the Pennsylvania Public Utility Commission or the Water and Power Resources Board Provided however That corporations subject by law to the limited supervision of the Insurance Department) may be incorporated under and in accordance with the provisions of this act for the purpose of establishing maintaining and operating a nonprofit hospital service plan whereby hospital care and service may be provided to subscribers of such plan by any hospital with which such corporations have a contract for such care and service

Section 2 That the said act is hereby amended by adding at the end of article two section two hundred eighteen as follows

Section 218 Corporations to Provide Hospital Care and Service Whenever articles of incorporation for the incorporation of any corporation having for its purpose the tablishing maintaining and operating of a nonprofit hospital service plan whereby hospital care and service may be provided to subscribers to such plan by any hospital with which it has a conrtact for such care and service are filed with the prothonotary he shall forthwith transmit the articles to the Insurance Department Thereupon the department shall make a thorough investigation of the proposed corporation and the plan under which it proposes to operate and wihtin sixty days shall certify upon the articles whether or not the proposed corporation meets with the approval of the department The court shall not approve such application unless and until the articles are returned by the department and unless the department shall have endorsed its approval thereon

Section 3 The provisions of this act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 868 (House Bill No. 1779), as follows:

An Act to amend Section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds Associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 354 Prohibiting the use of policies contracts etc unless approved Penalty It shall be unlawful for any insurance company association or exchange doing business in this Commonwealth to issue sell or dispose of any policy contract or certificate covering life health accident personal liability fire marine title and all forms of casualty insurance or contracts pertaining to pure endowments or annuities or any other contracts of insurance or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner and copies filed in the Insurance Department except riders and endorsements relating to the manner of distribution of benefits under any such policy and used at the request of the individual policyholder and except any forms which in the opinion of the Insurance Commissioner do not require his approval

Such approval granted by the Insurance Commissioner shall become void upon any subsequent notice from the Insurance Commissioner or upon any subsequent withdrawal of license or refusal of the Insurance Commissioner to re-license any such company association or exchange or upon the subsequent passage of an act which would no longer make such contracts or related forms a fit subject for approval except that this provision shall not affect contracts issued prior thereto

Any person corporation insurance company exchange order or society that shall either as principal or agent issue or cause to be issued any policy or contract of insurance within the Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

The amendments to this section shall not be construed as extending the provisions of this section to domestic mutual fire insurance companies not heretofore subject to the provisions hereof

Upon satisfactory evidence of the violation of this section by any such person corporation insurance company exchange order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation insurance company exchange order or society (2) refuse for a period of not to exceed one year thereafter to issue a new license to such person corporation insurance company exchange order or society (3) impose a fine of not more than one thousand dollars ($1,000.00) for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation insurance company exchange order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. STIEFEL. Mr. President. I ask unanimous consent to amend Sec. 1 (354) page 3, line 9, by inserting before the word "under" the following: S "and to the reservation of rights and benefits"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 394 (House Bill No. 655), entitled:

An Act to amend section thirty of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred thirty-seven) entitled "An act effecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for service on respondents who are lunatics or persons non compos mentis or confined in institutions for mental treatment

And said bill having been read at length the third time, and agreed to, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 401 (House Bill No. 890), entitled:

An Act to amend section two thousand five hundred eighty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" correcting a defect in said section by supplying omitted matter.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pierson,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Thompson,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 485, as follows:

An Act to re-enact and amend the act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws 365) entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers or other persons" by extending and changing the provisions thereof imposing an annual fee on such associations and subjecting them to State taxes imposed on nonprofit corporations.

Section 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the entire act approved the seventh day of June one thousand eight hundred and eighty-seven (Pamphlet Laws 365) entitled "An act to encourage and authorize the formation of co-operative associations productive and distributive by farmers mechanics laborers or other persons" section eight of which was amended by section one of the act approved the eleventh day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 511) are hereby re-enacted and amended to read as follows

An Act to encourage and authorize the formation of co-operative associations productive consumptive and distributive [by farmers mechanics laborers or other persons]

Section 1 Be it enacted et cetera That A The following terms whenever used or referred to in this act shall have the following meanings unless a different meaning clearly appears from the context

(a) "Corporation" shall mean any corporation not formed under this act but organized or admitted to do business under the laws of the Commonwealth of Pennsylvania

(b) "Person" shall mean and include natural persons firms associations corporations business trusts partnerships and bodies politic

(c) "Member" shall mean and include each person as defined in this act who is the holder of one share or more of the common stock in such association

(d) "Cooperative" shall mean a qualification as applied to organizations or efforts including but not exclusively democracy of control the limitation of the value of the wage or earnings of capital as such to be a fixed maximum annual amount not exceeding six per centum and the conduct of affairs in connection therewith on the basis of cost and not for profit as in this act defined through the return of any and all excess by means of reserves and patronage refunds

(e) "Net proceeds" shall mean the total current income of an association minus the cost of goods sold and the amount paid as dividends on prefered stock and the sum of its expense of operation

(f) "Dividend" shall mean that current expenses of doing business which is paid to the holders of common stock for the use of capital represented by such stock but not exceeding the limit thereon as provided in this act as and when declared by the board of directors

(g) "Patronage refunds" shall mean the several sums belonging to the patrons whether members or not in proportion to their patronage when all the items of cost and expenses and deductions have lawfully been made and approved by the board of directors

(h) "Subscription" shall mean any agreement or undertaking accepted by the association for membership in the association

B Co-operative associations productive consumptive and distributive may be incorporated under this act upon compliance with its requirements by any five or more [farmers machanics laborers or other] persons who shall have associated themselves together by written articles of association such as are hereinafter described [for the purpose of carrying on any agricultural horticultural mining quarrying building mechanical manufacturing or commercial or for the purpose of manufacturing cultivating raising trading or dealing in all kinds of goods wares merchandise chattels grain vegetables roots fruits and other produce or animals for sale food or other purposes or for the purpose of buying selling holding leasing

or improving lands tenements or buildings and that such] to operate on a co-operative basis as defined in this act and in such case have any lawful purpose or purposes with respect to the needs or desires of members and others for providing or furnishing any necessities conveniences and services or any or all of them desired by them and which natural persons are permitted by law to obtain Such persons so associating may adopt any corporate name indicating their co-operative character and which has not been previously adopted by any other coporation formed under [this act] the laws of this Commonwealth Provided That the two last words of such name shall be "co-operative association" and that it shall not be lawful to use in such name either the words "society" or "company" [and that any violation of this proviso by any corporation formed under this act shall render each member thereof personally liable for all its debts]

Section 2 That before any association formed under this act shall commence its business its articles of association shall be filed and recorded in the office of the Secretary of [State of this State and two copies of said articles shall be made which the said Secretary of State shall certify by his official signature and the seal of this State as being correct copies of said articles so filed and recorded one of said certified copies shall be filed and recorded in the office of the recorder of deeds of the county in which the principal office of the association shall be located and the said recorder of deeds shall certify by his official signature and the seal of his office that the said certified copy of said articles has been filed and recorded in his office and the other certified copy of said articles] the Commonwealth and a duly certified copy thereof shall be delivered to and held by the association named therein and the said articles or [copies] a copy thereof duly certified by [either of the aforesaid officers] the Secretary of the Commonwealth may be used as evidence in all courts and places of the incorporation of as well as for or against such association and the said Secretary of [State and the said recorder of deeds shall each] the Commonwealth shall be paid for said filing recording and certifying at the rate of ten cents for each one hundred words contained in said articles and after such articles of association shall have been made and filed [and recorded] as herein required the persons signing the legally authorized to assess property for taxes may inspect its books and accounts during the official business who shall from time to time own and possess any share or shares [in the stock capital] of the common stock of such association and their several successors and assigns shall be deemed and taken to be a body cooperate and politic by the name and for the purposes mentioned in such articles of association

Section 3 That the articles of association shall be signed by the persons originally associating themselves together and shall be acknowledged by at least five of them before a notary public and shall state distinctly

First The name by which such association shall be known

Second The place in this state where its principal office is to be located

Third The purpose or object for which is is formed

Fourth Whether the amount of its capital stock [capital] is fixed and if so what amount or whether such capital stock is to be of an amount varying from time to time as the business may require

Fifth The [amount] par value of each share of [permanent] common stock and [ordinary] preferred stock of such capital and how such capital and how such shares may be paid for

Sixth The amount of capital that will be actually paid in before commencing business

Seventh The terms on which persons may become members

Eighth [On what days in January April July and October regular or quarterly meetings of the members are to be held

[Ninth] Such other matters not repugnant to this act as may be deemed proper and necessary

[Tenth] Ninth The term of its existence [not to exceed thirty years and] if such period is to be limited

[Eleventh] Tenth The name of the first associates their respective residences and the number and class of shares held by each of them

Section 4 That the [stock] capital stock of any such association shall consist of the amounts standing to the credit of members or other persons on account of the shares allotted to them certificates for which shall be issued from time to time as such shares may become fully paid up and there may be two classes of shares one of which classes shall be styled and known as [permanent] "common stock" which shall [not] be withdrawable [but] and may be transferred only subject to the by-laws of such association and each member thereof shall take and hold at least one share of said [permanent] common stock and the other class of shares [may] shall be styled and known ["ordinary] "preferred stock" which may be repaid transferred or withdrawn in accordance with the by-laws of such association and the shares of either class may be of amounts not less than five nor more than twenty-five dollars each and may be paid for in one sum or by [periodical installments or by occasional subscriptions or by the interest thereon or by profit dividends] installments or by patronage refunds as the by-laws may provide

Section 5 That [it shall be the duty of any such association to exhibit in some conspicuous place in its principal office not later than three o'clock post meridian on the first business day of every month and to continue the same in such place until the next exhibit shall be thus made a statement showing correctly and distinctly the amount of such invested stock capital and what proportion such stock capital bears to such loans or deposits such statement to be made up to the close of the next preceding month and to be signed by the president and treasurer or by any two of the directors and to be attested by the secretary and auditors of such association and if any of such officers as aforesaid wilfully make or knowingly consent to any false statement in such exhibit he shall by so doing be deemed to have committed a misdemeanor and shall upon conviction thereof be punished as provided in section thirteen of this act Provided Any member or other person having an interest in the funds of such association or any person legally authorized to assess property for taxes may inspect its books and accounts during the official business hours but no such member person or assessor unless he be an officer of such association or be specially authorized by a resolution thereof shall have the right to inspect the same and such other persons [partnership or corporations] share or other account of any member or person without his written consent] it shall be unlawful for any association organized under this act to pay any commission for the sale of its stock or securities No dealer shall be authorized to sell such stock or securities or solicit sales therefor No person other than the officers and duly authorized employes or members shall receive payments in the name of the association on stock subscriptions and then only as an incident to their activities and not a principal activity

Such association shall be subject in any and all respects to the jurisdiction and control of the Securities Commission and the Public Utility Commission of this Commonwealth or similar bodies hereafter created with like powers and duties to said commissions in the same manner and to the same extent that non-profit corporations may be subject thereto

Section 6 That the amount of common stock [capital] of such association to be taken held or claimed at any one time by any person [or persons jointly or by partnerships or by corporations] shall not exceed [one thousand dollars except consent therefor be voted by the members at any regular quarterly meeting thereof] such amount as may be established by the by-laws nor shall any member upon any subject at any meeting be entitled to more than one vote which shall be given in person and not by proxy and any common stock [capital] held by persons jointly [or by partnerships or by corporations] shall be voted upon as if held by one person only [respectively] and subject to the by-laws of such association

Section 7 That it shall be lawful if the by-laws so

provide for any minor to take and hold shares in or to make [loans or] deposits of money to or with any such association and for such association to pay to any minor any moneys that may be due to him in respect of any such shares [loans] or deposits standing in his name and his receipt therefor shall be in all respects valid in law but such minor shall not be eligible to hold any office in such association though he may subject to its by-laws vote at any meeting of its members

Section 8 That any such association may buy from sell to render services to and trade or deal with any of its members or other persons [partnerships or corporations] Any association may upon resolution adopted by its board of directors enter into all necessary and proper contracts and agreements and make all necessary and proper stipulations agreements and contracts and arrangements with any other cooperative corporation or association formed in this or in any other state for the cooperartive and more economical carrying on of its business or any part or parts thereof Any two or more associations may by agreement between them unite in employing and using or may separately employ and use the same personnel methods means and agencies for carrying on and conducting their respective business

Section 9 That [the members shall be severally and jointly liable for all debts for labor or other services of any kind performed for such association and for any other debts lawfully incurred under the provisions of this act each of the members shall be liable to the amount of his unpaid stock capital and no more but no suit shall be brought or any execution issued against any member individually until a judgment be first obtained for such labor services or any other lawful debts against such association and execution thereon be returned unsatisfied in whole or in part and in case any member shall be compelled to pay any such judgment or any part thereof beyond his pro rata liability therefor he shall have the right to call upon all the members to pay their pro rata share of the same or up to their pro rata liability therefor and may sue them jointly or severally or any number of them and recover in such action the ratable amount due from the member or members so sued And it is hereby provided That stock capital to the extent of twenty-five dollars belonging to any member in such association who is a householder and has a family shall not be subject to attachment or execution or liable in garnishment for his individual debts] no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his subscription to the capital stock Nothing herein shall be construed to relieve any member from paying any debt due by him to the association

Any association organized under this act shall have the prior lien upon the common stock of any member regardles of whether the certificates therefor are in the possession of the association or the member to whom issued to the amount of any just claim against such member Before cancelling any stock on account of past due indebtednes of any member to the association thirty days time shall be given after the association has mailed a notice in writing to such member at his last known address of the intention of the association to enforce such lien against such common stock

An association may provide by by-laws that no holder of common stock may transfer the same without the prior consent and approval of the association and may stipulate in said by-law how and under what circumstances such transfers may be made

If the location or address of any member of an association shall be unknown to the association for a period of seven consecutive years the association may thereafter mail a notice to his or her last known address that at the end of thirty days such stock will be cancelled and the value thereof set over to the educational fund and post a copy thereof at its principal office In such event if such member shall not within the period of such notice furnish the association his address and resume patronage his stock shall automatically be cancelled and the value thereof added by such association to its educational fund

An association may provide by by-laws for the trial of any member for the violation of any provision of its by-laws after full hearing before the board of directors as in such by-law provided In the event that the board of dircetors shall determine that a violation has been proved such board may forthwith cancel all rights of such member and fix the value of such member's stock at its par or book value whichever is lower such payment to be made at the convenience of the association not exceeding one year from the date of such finding Upon the making of such payment such holder of stock shall cease to have any right therein and such certificate shall be wholly void and of no effect

Section 10 That [any such association may carry on its business or any part thereof at any one or more places within this State and may take hold lease and convey such personal and mixed estate as may be necessary for the purpose of its organization and may sue and be sued in its corporate name and may submit any matter in dispute to arbitration and shall have a common seal which shall not be altered or imitated and shall bear the corporation name of together with such device or motto as may be adopted by such association and such seal shall be impressed upon the articles of association and any such association may for all and every and any of the purposes of its organization and for every and any other purpose incidental thereto or in this act mentioned or referred to lay out and use its capital or other moneys and property for the time being or any part thereof with power to do authorize and exercise all acts and powers whatsoever in the opinion of the directors of such association requisite or expedient to be done or exercised in relation thereto] each association shall have the capacity to act possessed by natural persons but shall have authority to perform only such acts as are necessary convenient or expedient to accomplish the purposes for which it is formed Subject to any limitations or restrictions imposed by this act or the articles of incorporation or any amendment thereto each association shall have the following general rights privileges and powers

(a) To continue as an association under its corporate name for the period limited in its articles of incorporation or if the period is not so limited then perpetually

(b) To sue and be sued in its corporate name

(c) To have a corporate seal and to alter the same at pleasure

(d) To acquire own hold use lease mortgage pledge sell convey or otherwise dispose of property real or personal tangible or intangible

(e) To borrow money and to issue sell or pledge its obligations and evidences of indebtedness and to mortgage its property to secure the payment thereof

(f) To carry out its purposes in this State and elsewhere to have one or more offices out of this State and to acquire own hold and use and to lease mortgage, pledge sell convey or otherwise dispose of property real or personal tangible or intangible out of this State

(g) To acquire own and vote and to sell assign transfer mortgage pledge or otherwise dispose of the capital stock bonds securities or evidences of indebtedness of any other association or corporation domestic or foreign in so far as the same shall be consistent with the purposes of the association

(h) To appoint such officers and agents as the affairs of the association may require and to define their duties and fix their compensations

(i) To make by-laws for the government and regulation of its affairs

(j) To cease its activities and to dissolve and surrender its corporate franchise and

(k) To do all acts and things necessary convenient or expedient to carry out the purposes for which it is formed

Section 11 That any such association may by a majority vote of its [members at any meeting specially convened therefor authorize the directors thereof to] board of directors invest in the name of such association such an amount of its [stock] capital [or] and reserve fund and on such terms as [such meetings] the board of directors shall determine in the capital stock capital if] of any other [duly] incorporated cooperative associations or other cor-

porations any of whose purposes or activities are of mutual interest to such associations in this State or in any other State or Country and any such association may by a like vote permit an investment in its [stock] capital stock by any other cooperative association [duly] incorporated in this State or in any other State or Country Provided That the [original laws] articles of association or by-laws of such [associations] association permit or authorize such investments

Section 12 That the first meeting of any such association [may] shall be called within thirty days after the receipt of the certified copy of the articles of association from the Secretary of the Commonwealth by a notice signed by any two of the associates who signed its articles of association setting forth the time place and objects of such meeting such notice to be mailed to the address of each [associate] subscriber to stock in the association at least [four clear] six days prior to such meeting and a majority of [such associates] the members present at such meeting shall be competent to make all such by-laws as they may deem necessary for the proper management of the business property and affairs of such association so that such by-laws are not repugnant to or inconsistent with the provisions of this act or of any law of this State and of the United States to elect [the first president and secretary both of whom shall be directors ex officio treasurer and either six eight or ten directors and two auditors] a board of not less than five directors all of whom shall be members of such association [and] or duly accredited representatives of members of such association in the event that such members be other than natural persons One-half or as nearly as may be of the number of the directors so elected shall be elected for the term of one year the remainder for a term of two years They shall hold their offices until their successors shall have been elected [in accordance with section fifteen of this act and to transact any other business necessary for the organization of such association and appropriate to such meeting and the secretary of such meeting shall make full and correct minutes of its proceedings upon the books of such association and the same being signed by its chairman shall be deemed and taken to be prima facie evidence of the action of such meeting] and qualified At the expiration of the terms of any of the directors their successors shall be elected by the members at the next annual meeting for a term of two years

Section 13 That every such association shall hold regular [quarterly] annual meetings of its members [in the months of January April July and October] at such place and time as the directors shall determine and publish for the purpose of considering and determining upon any matter [not requiring special notice] relating to the business of such association and at each [quarterly] annual meeting the directors shall present a full and complete report signed by the president of such association's transactions during the last preceeding [quarter] year accompanied by such information and suggestions in relation to the affairs of such association and to the future management thereof as may be for the best interests of the association and they shall also present at each [quarterly] annual meeting an account of all cash receipts and payments and of the losses and gains of such association for the last preceeding [quarter] year and also a general statement or balance sheet of such association's funds and effects liabilities and assets as at the close of the last business day of said [quarter] year and such account and general statement shall be signed by the president and treasurer and be attested by [the secretaries and auditors of such association and a copy of such report account and general statement shall be kept posted up for three months at least in a conspicuous place in the principal office and other places of business of such association and any director president treasurer secretary auditor or other officer who shall include or knowingly consent to any false statement in such report account or general statement or in any other statement required to be made by this act or by any vote of the members at any meeting thereof shall be deemed guilty of a misdemeanor and upon conviction thereof be punished by a fine of not more than one thousand dollars or by imprisonment in the State Prison for not more than one year or both such fine and imprisonment in the discretion of the court] a competent auditor appointed by the board

Section 14 That [after the first election of the directors officers and auditors as provided in section twelve of this act the president secretary treasurer and one-half of the directors and auditors shall be elected at the quarterly meeting in January and the other half of the directors and auditors shall be elected at the quarterly meeting in July and shall hold the several offices for one year or until their successors are elected and the directors shall decide by lot or otherwise as they may deem best who shall constitute the first half of the directors and auditors to retire at the first election that may be made at a quarterly meeting aforesaid The] the by-laws of such association shall provide how nominations shall be made and votes be taken for [president secretary treasurer] directors [and auditors and] also their eligibility [and] qualifications [for their several duties] responsibilities and remuneration and for their removal from office for good and sufficient cause Provided That [each of the official] no acts of the board of directors shall be [by a majority vote of all the directors elect and shall be recorded with the yeas and nays thereon in the minute book of such association] official except majority action at a meeting where a majority of the directors elect are present

The officers of every association shall include a president vice-president secretary and treasurer who shall be appointed annually by the board of directors The president and vice-president shall be appointed from among the directors The secretary and treasurer may be non-members The office of secretary and treasurer may be combined and one individual appointed thereto Vacancies in said offices shall be filled for the unexpired term by the board of directors in the manner provided for the original appointment of officers Such officers shall hold their offices until their successors are appointed and qualified and shall have entered upon the discharge of their duties The board of directors shall require the treasurer and may require such other officers agents and employes charged by the association with responsibility for the custody of funds or property to give bond with sufficient surety for the faithful performance of their duties as such the premium on such bond to be paid by the association

Section 15 That [the profits shall be ascertained and declared on all business carried on in each department or branch or by or for or on account of any such association for each quarter year ending with the months of March June September and December and the profits realized shall be applied as follows

First In reduction of the value of the fixed stock and plant of such association at the annual rate of ten per centum or more on fixtures machinery tools et cetera and of two and one-half per centum or more on warehouses stores or other buildings as the directors shall determine and order

Second In the reduction of the preliminary expenses if any incurred in the formation of such assocaition and remaining unwritten off in its books at such rate being not less than five per centum per annum as the directors shall determine and order

Third In the providing for or payment of interest at the annual rate of six per centum on permanent stock and five per centum on ordinary stock and the reserve fund Provided however That such interest shall be created to each member but shall not be paid until his stock is fully paid up

Fourth In forming by applying such sum or percentage of the net or remaining profits after providing for the preceding charges as the directors shall determine and order a reserve fund to which also all fines and forfeitures shall be carried applicable as folows First to the equalization of dividend second to meet any other contingency affecting the business of such association and third to any other purpose as may be voted by the members on the recommendation of the directors

Fifth In forming and maintaining a propaganda and social fund to which shall be credited such sum being not less than two and one-half per centum of the net profits as the directors shall determine and order

Sixth And the remainder of the net profits shall be divided as follows On the wages and salaries of employe the same rate and on the purchases by non-members one-half of the rate that may be allotted on the purchases by members such wages or salaries to be the amount earned and such purchases to be the amount actually paid for in cash during the period to which such division relates Provided That no profit dividends shall be allowed on the purchases of such articles as the directors may have given previous notice of their intention to exclude from participation in profits And provided further That all such profit dividends shall be created to such members non-members and employes respectively to accumulate and be applied in or toward the payment of shares of permanent stock or ordinary stock as the directors may from time to time determine and order the issue of paid-up certificates therefor until the amount of stock capital held by such members individually reaches the limit allowed by this act after which the profit dividends may be paid to such members as shall be provided for in the by-laws of such association] the directors of any such association shall after making provision for the payment of dividends on preferred stock apportion the net proceeds of the business at least once annually by first setting aside not less than ten per centum of the net proceeds for a reserve fund until the reserve fund shall equal at least thirty per centum of the paid up capital stock Provided That any reserve for depreciation if reasonable in amount or for any other purpose which may properly constitute an expense is to be figured before computation of net proceeds The directors may then declare a dividend upon the paid-up common stock at a rate per annum not to exceed six per centum The directors may then set aside not to exceed five per centum of the remaining net proceeds as an educational fund for such purposes as provided in the by-laws but a larger sum may be ordered by a two-thirds majority of a duly called members' meeting The directors may then grant a bonus to employes who are in the employ of the association at the time of the apportionment of proceeds which bonus shall be based in amount upon the amount of compensation received by said employes during the year at a rate not to exceed the rate of patronage distribution hereinafter described The directors shall distribute all remaining net proceeds uniformly to patrons of the association in cash or stock of the association or both in proportion to the volume of business conducted by such patrons with the association Provided That any such distribution to a non-member may be entirely in the form of common or preferred stock or credits for the purchase thereof until the amount of such credit equals the par value of one share of the association's common or preferred stock as the case may be distribution thereafter to such patron if he has received a common stock distribution being made in the same manner as distribution to members generally Provided further That such a distribution to a non-member if it is less in amount than the par value of one share shall be credited to the non-member's stock account during the first five years but may revert to the educational fund if after five years an amount less than the par value of one share has accumulated

Any bonus to employes mentioned in this section may in the discretion of the directors be wholly or partly in the form of stock of the association

Section 16 That every such association shall have a regular business office to which all communications and notices shall be addressed and service of any legal process on any such association shall be made by leaving at such office a true copy of such process with any director officer clerk or agent of such association and in case such office shall be kept closed against such service then service of such process may be made on such association by giving a true copy thereof to any of its directors or officers if found in the county wherein such office is located and if on a return of such a process it appears that such office is kept closed or that such directors or officers could not be found within the said county then such process may be served on such association by serving a true copy thereof on any of its directors or officers wherever found in this State and failing in that and on a return made to such effect the court may order such publication as it may deem requisite to be made in the premises for at least one month in at least one newspaper published at or as near as may be to the place where the principal office of such association is located and proof of such publication shall be held to be due service on such association

Section 17 That [every person appointed to any position in any association requiring the receipt payment management or use of money belonging to such association shall before entering upon the discharge of his duties become bound with two or more good and sufficient sureties in such sum and form as the directors shall require and approve and the directors may also require from any other employes of such association bonds with good and sufficient sureties for the faithful discharge of their duties] it is a fundamental principle of every such association that regardless of what price or charge may be originally collected from any patron for any commodity or service the actual charge to such patron is the net cost of such commodity or service and any excess above such net cost is the property of the parton By accepting membership in an association organized or re-organized under this act each member and his successors have conferred upon the board of directors the right to return such excess fully in stock and cash or either or to return to each patron his pro rata balance of such excess after first deducting the reserves educational funds and other deductions made by the board of directors under authority conferred upon such boards by this act It is hereby declared that no profit accrues or shall accrue to the benefit of the association as such but that all surplus and unexpended reserves are at all times the property of the patrons in proportion to their patronage subject nevertheless to right of the board of directors to set aside such reserves and make such deductions as are by this act authorized

Section 18 That [any such association may charge any of its members employes or other persons doing business with it by way of fine for any breach or non-observance of its by-laws or any of its business rules and regulations such reasonable sum not more than five dollars for each offense as the directors may determine and order and all such fines shall be due and payable forthwith and if not paid the same may be deducted from any moneys due credited or accruing to the parties so offending] such associations shall pay annually on or before May first to the Department of Revenue a fee of ten dollars for each one hundred members or fraction thereof and shall be subject to all State taxes that are now or may hereafter be imposed upon non-profit corporations but shall be exempt from all State taxes of whatever kind or nature that are not also imposed upon non-profit corporations

Such association shall be required to file with the Secretary of Revenue only the tax reports that are required of non-profit corporations

Section 19 That if any director officer clerk agent or other person in the employment of any such association shall embezzle or fraudulently dispose of or convert to his own use or shall take or secrete with intent to embezzle and convert to his own use any money or other property of such association or of any of its dealers or customers which shall have come into his possession or shall be under his charge by virtue of such office or employment or otherwise he shall be deemed by so doing to have committed the crime of embezzlement and shall upon conviction thereof be punished as the law directs

Any person or persons or any corporation whose officers or employes maliciously and knowingly spread false reports about the finances or management of any association organized under the terms of this act shall be guilty of a misdemeanor and be subject to a fine of not less than one hundred dollars and not more than one thousand dollars for each such offense and shall be liable to the association aggrieved in a civil suit in the penal sum of five hundred dollars for each such offense

Section 20 That any such association may alter or amend its articles of association and may alter or rescind any by-laws or make any additional by-laws not contrary

to law with the consent of a majority of its members present at a regular meeting or at a special meeting convened for such purpose but the notice calling such meeting shall set forth fully and clearly the subject matter to be affected by the proposed alteration amendment rescission or addition and any alteration or amendment of the articles of association shall be filed recorded and certified in the same manner as the original articles of association

Section 21 That the articles of association and by-laws and any amendments thereto or alterations therein respectively of any such association shall be recorded in a book to be kept for that purpose and such book shall be open during business hours at the principal office of such association for the inspection of its members and other persons having an interest in its funds or dealing with such association and such articles of association by-laws and amendments thereto and alterations therein respectively so recorded shall be binding on such association its directors officers members and employes on all other persons having an interest in the funds of or dealing with such association and all persons claiming on account of any or either of them or under such articles of association by-laws or amendments thereto or alterations therein respectively to the same extent as if each and every such person had subscribed his name and affixed his seal thereto and there were in such articles of association by-laws or amendments thereto or alterations therein respectively contained a covenant on the part of himself his heirs executors administrators and assigns to conform to such articles of association by-laws and amendments thereto or alterations therein respectively subject to the provisions of this act all of whom shall be deemed and taken to have full notice thereof by such record as aforesaid and the entry of such articles of association by-laws and amendments thereto or alterations therein respectively in the books of such association or a true copy of the same examined with the original and proved to be a true copy shall be received as evidenced thereof in all courts and places

Section 22 That any cooperative association now in existence in this State whether incorporated or unincorporated shall be entitled to all the benefits of this act by complying with its provisions and may by a vote of the majority of the members of such cooperative association to be taken according to its existing articles of association or by-laws determine to avail itself of the provisions of this act and to take and assume corporate name and powers thereunder and may by a like vote transfer to such association so formed under this act all its property real personal and mixed and thereupon such association to which said property is so transferred shall take the same in the same manner to the same extent and with the like effect as the same was previously owned and held by the association so transferring the same and may in its corporate name sue for and collect all dues and demands subscriptions and other benefits belonging to such original incorporated or unincorporated association Provided however That such association so taking such property as aforesaid shall take the same subject to all liens and trusts both legal and equitable to which the same was subject before such transfer and shall also be liable for all debts and obligations of such previous association and shall pay the same to the full extent of the value of such property at the same time of so taking the same

Any association incorporated and existing under the provisions of the act to which this act is an amendment shall be entitled to all the benefits of such amendments by amending its articles of association in conformity therewith and filing and recording such amendments as provided by law

Section 23 That any such association desiring for any reason to be dissolved prior to the expiration of the term of years specified in its articles of association may by a resolution passed at a special meeting therefor by a majority vote of all the members of such association authorize its directors or a special committee of members to prepare or have prepared a full and true exhibit of the affairs property and condition of such association including an itemized statement of all its assets and liabilities and also to report whether in the opinion of such directors or committee it would be best to continue or close up any or all of the business of such association and in the latter case to recommend such methods and means as in their judgment would be best adapted for closing up such business such exhibit report and recommendation to be printed and a copy thereof to be mailed postage prepaid to the last recorded address of every member of such association together with a notice from the president of such directors or chairman of such committee as the case may be convening a special meeting of the members to be held at such time being not less than ten or more than fifteen days from the date of mailing such notice as such directors or committee shall determine and order for the purpose of considering and acting on such exhibit report and recommendation as to such special meeting shall deem best Provided That all votes taken on such recommendation at such special meeting shall be by ballot and that it shall require three-fourths of all the ballots cast to carry any motion for the winding up and dissolution of such association Provided also That such president or chairman as aforesaid shall mail to every member of such association along with the notice for the last-mentioned special meeting a printed form of ballot for the use of such members as may be unable to attend at such special meeting on which shall be printed two questions as near as may be in the following words Are you in favor of the winding up and dissolution of the association? Answer yes or no Are you in favor of the plan as recommended for those purposes? Answer yes or no And such answers shall be signed by the members so answering and such ballots may be addressed and mailed postage prepaid or be peronally delivered to such president or chairman as aforesaid at the principal office of such association and all such ballots so receiver prior to or at the time appointed for such special meeting shall be opened and counted by the scrutineers or tellers appointed by such special meeting along with the ballots cast on the same or like questions by the members present at such special meeting And provided further That in the event of a resolution being passed as aforesaid by such special meeting for the winding up and dissolution of such association a copy of such resolution duly certified by the official signatures of the president and secretary and sealed with the common seal of such association shall be given to and shall contain full instructions and authority for the parties to be named therein to assume and discharge the duties entrusted to them by such resolution and upon the completion of such duties by said parties they shall make a certificate signed and sworn to by them before a notary public upon such certified copy of the aforesaid resolution that they have truly and faithfully discharged all the duties entrusted to them thereby and that they have realized all the assets and settled all the liabilities of such association in accordance with the instructions and authority given to them by such resolution and such certificate and certified copy of such resolution shall be filed by such parties in the offices of the Secretary of State of this State and of the recorder of deeds of the county wherein the principal office of such association was located and such certificate and certified copy of resolutions shall be recorded by the said secretary and the recorder of deeds in like manner as the articles of association of such association were recorded dissiluation proceedings voluntary and involuntary of or for any such association shall be in accordance with the provisions of the laws governing business corporations in this Commonwealth Provided however That all voting therein required shall be on the basis of one vote for each member regardless of the amount of common stock held by any member and a majority vote of the members shall have the same force and effect as if it were a majority vote of the common stock

Section 24 All acts or parts of acts inconsistent herewith be and the same are hereby repealed

Section 25 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decisions shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 2 The provisions of this act shall become effective thirty days after its final enactment

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. WOODWARD. Mr. President, this bill is in the interest of the consumers' co-operative associations. It was a movement started in 1844 in this country and it is, in my opinion, going to grow. It ought to be encouraged because it is pure democracy. A group of people get together and for their mutual interest and self-preservation a group of co-operatives. It is not what would be a capitalistic system for profit, but it is working under a capitalistic system for use and not for profit that is a non-profits corporation. The only objection is that it puts the chain store out of business and the corner grocer out of business. We may not feel sorry for the chain store but we would for the corner grocery, and the only answer is if the corner grocer is efficient he will not be put out of business but if inefficient he will be put out of business, and despite that, the fundamental principle is so sound that I am not only supporting the bill, but I would be inclined to speak for it.

There are four kinds of co-operatives; the Communistic one is a selling co-operative instituted by 26 leaders back in 1844, and no matter how many shares you own, you have only one vote. The store sells for cash and at the end of the year there are dividends. The other objection, which is perhaps more vital, is that we are granting priviliges, special privileges to these co-operatives. We have all been brought up, I think, on the slogan "equal justice to all, special privileges to none," and that is a very sound theory, but these people are people who have never had any special privileges. They are the unorganized common people and the other people are beginning with the patriarch Noah and his family had there. They saved lives in a flood and they were the first examples of our flood relief, and then in our country whenever we had high tariff laws enacted, that was a further case of special privileges, special building and loan association privileges, and now an organized labor special privilege. I am in favor of that doctrine, although it may be imperfect. We have many special privileges and I am saying that while the doctrine may be imperfect, it is about the turn of the common people to have special privilege, and let them have it. It is a nonprofit co-operative which is a very original method of getting what we hear so much about, Facism, Communism and all the other isms.

Mr. RUPP. Mr. President, I have enjoyed the remarks of the Senator from Philadelphia and his comments in giving this bill his approval, but I feel that in view of the remarks that I heard last week that there is ample room for improvement in the minor details and in some of the more important ones.

I, therefore, ask unanimous consent to amend title, page 1, line 9, by striking out the word "them" and inserting in lieu thereof the following: "consumptive cooperative associations"; amend title, page 1, lines 9 and 10, by striking out the word 'non-profit" and inserting in lieu thereof the following: "business"; amend section 5, page 9, lines 7, 8 and 9 by striking out "S6 in the same manner and to the same extent that non-profit corporations may be subject thereto"; amend section 18, page 25, line 15, by inserting after the word 'and" the following: "S and in addition thereto consumptive cooperative associations"; amend section 18, page 25, line 16, by striking out the word "non-profit" and inserting in lieu thereof the following: "business"; amend section 18, page 25, lines 17, 18 and 19, by striking out the words 'but shall be exempt from all SC [other] State taxes of whatever kind or nature SC that are not also imposed upon non-profit corporations"; amend section 18, page 25, line 20, by inserting after the word "Such" the following: "consumptive cooperative"; amend section 18, page 25, lines 24 and 25, by striking out the word "non-profit" and inserting in lieu thereof the following: "business".

The PRESIDENT. Is there objection?

Mr. KUNKEL. Mr. President, I object.

Mr. RUPP. Mr. President, I do not know whether the Senator from Dauphin, Mr. KUNKEL, has any retail stores in his district, but in Lehigh County we have a great many of them, and I want to say to you members of the Senate that I am very jealous of their interests. Retailers form the backbone of our community. I might answer some of the arguments of the Senator from Philadelphia, Dr. Woodward, about the group of people who will benefit by grouping themselves together for their own self-preservation. What greater group has the right to self-preservation than our retailers who are the greatest taxpayers in our local communities? He speaks of co-operatives being non-profit corporations. If you will read the bill, you will find it provides that they make a profit of 6%. I am sure the majority of our retailer dealers would be satisfied if they were able to make a profit of 6% at the end of each year. He speaks of these people covered by this bill as unorganized common people. Mr. President, I think this is an insult when you see who these groups of people are; I think in the first class are farmers, in the second class are mechanics and in the third class are laborers. Mr. President, I think this is an insult to the intelligence of the members of the Senate to say that they are people who are unorganized. Now, this bill goes far beyond what the sponsor says it does. It enlarges the field tremendously by adding the provisions of the old act which is worded so that any group of consumers can organize themselves into any conceivable business in competition with our retailers. The objection that I raised against this bill last week was this: that it did not bring these co-operative groups under the jurisdiction of our Public Utilities Commission, a democratic arm of this administration. Certainly, members of the majority party here can place their confidence in that Commission, knowing that they regulate carefully and save such co-operatives, therefore, there is no reason why the sponsor of this bill should be suspicious of the control of the Public Utilities Commission.

The second objection I raised against this bill was the fact that these corporatives are exempt for state taxation. Is there any reason why a cooperative should come into the City of Harrisburg for instance, set up a co-operative group consumers store, and compete with the retailers who are paying the tax, and the co-operative go scot free? Retailers do not object to competition of co-operatives, providing that they co-operate on a just and equitable basis, but the sponsor of this bill cannot maintain that this bill in the face of the unjust and unequal

basis as it sets forth. After I made those objections, the Members of the Senate unanimously supported my motion to return this bill to the Committee from which it came for the purpose of correcting those two objections. Tonight we have the facetious result of that Committee's studies. They attempt to correct the title of the act by striking out these words exempting them from state taxation and subjecting them to state taxes imposed on non-profit corporations. We all know that non-profit corporations are not subject to state tax, therefore, the title remains as it was before.

On page 8, of the bill, they made the same facetious attempt where to put control of our Utility Commission. There they say: "Such association shall be exempt in any and all respects from the jurisdiction and control of the Securities Commission and the Public Service Commission of this Commonwealth or similiar bodies hereafter created with like powers and duties to said commissions"; with like powers and duties to the said commission in the same manner and to the same extent that the non-profit corporations may be subject thereto," when everybody in this chamber knows that a non-profit corporation was not subject to public utilities commission.

Mr. President, this is merely a subterfuge, a joker that has been placed in this bill with the idea that it will slip through this Senate, and I, for one, protest against the action by this Committee; and I ask the Members of this Senate that this bill be defeated on the floor of the Senate tonight.

Mr. REED. Mr. President, I agree with the Senator from Philadelphia, Dr. Woodward, that this is a good bill, and I have listened very carefully to the remarks of the Senator from Lehigh, Mr. Rupp, in his defense of the retail merchants. Unless someone takes care of the chain stores, the retail merchants will soon be a thing of the past. The farmer knows this; he knows that between him, dealing with the chain stores there is one other alternative, and that is to organize the farmers in his particular locality; and the miner realizes it too, and I understand in England the miners and laborers have co-operative associations like the ones contemplated in Senator Kunkel's bill.

This bill provides a method whereby a group of farmers can get together as a family group and operate in competition with the highly organized chain store system, and I believe that is the only way the farmer, the laborer and the miner will have to organize in order to take care of themselves in the future. I am strongly in favor of this bill, and I sincerely hope that it passes.

Mr. KUNKEL. Mr. President, the remarks of the Senator from Lehigh, Mr. Rupp, on this bill indicate that he is wholly uninformed as to what co-operatives are. He maintains that they are a profit-making organization, and in that respect he is entirely wrong. Co-operatives do not make a profit. The members of co-operatives who advance capital receive a return of 6%. The net earnings of co-operatives are turned back to their patrons. There are no net profits in co-operatives, therefore, we have put them in the class of non-profit corporations, and in so doing we have not resorted to subterfuge, as the Senator from Lehigh charges.

May I call the attention of the Senate to the fact that in the non-profit corporation law of this State there is nothing in there exempting non-profit corporations from taxation. The Commonwealth of Pennsylvania could tax non-profit corporations if it saw fit, but it has not seen fit to do so, or it would have so provided in the non-profit corporation law. The Capital Stock Act, which provides for a state tax, specifically exempts agricultural co-operatives; it does not exempt non-profit corporations; it could, but it does not. The Net Income or Net Earnings tax act does not exempt nonprofit corporations ;the Stock Transfer tax act does not exempt non-profit corporations; and it is my opinion that co-operatives would be subject to that tax and also, possibly, to the Corporation Loan Tax Act. So I deny that there is an attempt here to deceive the members of this Senate or to take advantage of any subterfuge by the insertion of these amendments. I maintain these amendments are inserted here in good faith, that they place the co-operatives in a class where they belong, in the non-profit corporation class.

Mr. WOODWARD. Mr. President, I would like to add to the education of the Senator from Lehigh, Mr. Rupp, that the farmers' co-operatives in this country since 1929 have had even more special privileges than described in this bill. In Great Britain there are seven million members of co-operatives. They own tea plantations in Ceylon, they buy wheat from Canada, and they operate steamship lines, but that does not say they have wrecked the private interests in Great Britain.

The second form of co-operatives is the credit union which you have all heard about and admired in Great Britain. After the Midlands Corporation and the Lloyds, it stands fourth in the amount of business that it does.

I hope the Senator from Lehigh will vote for this bill.

Mr. RUPP. Mr. President, I do not want to prolong this argument, but I should like to inform the Senator from Dauphin, Mr. Kunkel, that when he speaks of co-operatives having existed prior to this Act, he is not speaking of the same co-operatives that he is setting up here—he now speaks of 'consumptive' (I don't know that it is tuberculosis consumptives), but these consumers can start haberdasheries, butcher shops, or any other conceivable form of retail business, and come right into the center of Harrisburg and set up a store in direct competition with other retail stores in that neighborhood. We are not speaking of the same co-operatives that existed prior to this Act, and which he said were known as non-profit co-operatives. These are different co-operatives that he has intended to set up, and he is not talking in the same language that he set down in writing in this bill.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Dauphin, Mr. Kunkel.

The PRESIDENT. Will the Senator from Dauphin, Mr. Kunkel, permit himself to be interrogated?

Mr. KUNKEL. Mr. President, I will.

Mr. LAW. Mr. President, will the Senator from Dauphin, inform me as to whether he is making it possible under this setup for a group who happen to be consumers as well as investors to organize a power company and operate at a profit equal or greater than the Public Utilities Commission would otherwise allow them without being subject to the regulation of the Public Utilities Commission.

Mr. KUNKEL. Mr. President, I cannot imagine that situation arising. There's a companion bill here before the Senate covering that situation, and it seems to me if that idea were in the minds of any group that they

would proceed properly under the Rural Electrification Act.

Mr. WOLFENDEN. Mr. President, I would like to interrogate the Senator from Dauphin, Mr. Kunkel.

The PRESIDENT. Will the Senator from Dauphin permit himself to be interrogated?

Mr. KUNKEL. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator from Dauphin if it would be possible under that Act for persons other than members of your co-operatives to patronize these co-operatives.

Mr. KUNKEL. Mr. President, certainly.

Mr. WOLFENDEN. Mr. President, the analogies drawn by the Senator from Dauphin, Mr. Kunkel, do not hold, because with your system of farmers' co-operatives, with those who are the members of these co-operatives,—Everybody knows that where there is a kindred interest, that the farmers have worked out, they are well managed for the interest of that group; but here you are launching an experiment, you are doing something that the Senator from Philadelphia, Dr. Woodward, has said worked out well in Europe. If I understand the Senator from Philadelphia correctly, he said that under the existing laws certain co-operatives, at least one of which he is a member, is now being satisfactorily operated. Now it is proposed to us, that we launch into this new field which has been successful in Europe, and give them special privileges over an organized existing business. Now, I know nothing about the conditions in the cities of Harrisburg and Philadelphia, but I do know something about the conditions in the rural sections, in the small communities, and I know that as our Governor has so well said in supporting the Chain Store Tax that the retail merchants in the small communities, have been the back bone of these communities. If under the existing laws co-operatives can be operated at a profit, and we have evidence of this from the Senator from Philadelphia, why do we have to use pinchers on the one hand and on the other hand the chain stores crowding the small merchant? Slowly but surely the state is encouraging co-operatives to squeeze the little fellow out of existence. This little fellow, you may think does not handle a large amount of goods and merchandise to go to the people of Pennsylvania. I am telling you, and I know whereof I speak, that most of the merchandise is still handled by the little man. His aggregate volume is far in excess of the aggregate volume of the so-called big dealers. What we are doing is placing more difficulties in his way. I suppose there is no member in this Senate who has more experience with the so-called little fellow who handles merchandise, than I have, and I tell you that this bill will do more harm to the little fellow in Pennsylvania than any other action we may take. The Chain Store Tax will be nullified; you could raise that maximum tax to $1,000. This bill will strike right at the heart of the little fellow's business, the tax you are taking from him together with what I have seen of these so-called co-operatives groups. Where you have a group of miners, you have a kindred interest and it will work sometimes under the existing laws; and we have a group of farmers, they will get together for a mutual interest and they will work, where you suggest the launching of a European method, and that is what this is, that is where you are going to abolish the American system of distribution that we have. it seems a very competitive system of merchandising. You may now buy where you see fit and from whom you see fit, and I feel that we have an obligation to protect that system, particularly that little fellow who is so defenseless.

Mr. KUNKEL. Mr. President, I wish to interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. KUNKEL. Mr. President, from the remarks of the Senator from Indiana, I take it that the free competitive system is a good system in his opinion.

Mr. WOLFENDEN. Mr. President, I most certainly think it is.

Mr. KUNKEL. Mr. President, then why does the Senator fear that the retailers are afraid of further competition?

Mr. WOLFENDEN. Mr. President, because they are not put on the same competitive basis. We are giving the cooperatives special privileges, sir, that we do not give the small independent dealer.

Mr. KUNKEL. Mr. President, may I further interrogate the Senator from Indiana, Mr. Wolfenden.

The PRESIDENT. Will the Senator from Indiana, Mr. Wolfenden, permit himself to be further interrogated?

Mr. WOLFENDEN. Mr. President, I will.

Mr. KUNKEL. Mr. President, this bill re-enacts and amends a bill fifty years old. I would like to ask the Senator from Indiana, why the retailers did not complain about unfair competitive conditions that existed against them under a law fifty years old.

Mr. WOLFENDEN. Mr. President, I have told the Senator from Philadelphia, that under existing laws while no cooperatives can be operated at a profit, I am protesting against giving them special privileges, exemptions from taxation, and so fourth, that are in this bill. I say you are unfair to the group of small business men who cannot defend themselves.

Mr. HALUSKA. Mr. President, Senate Bill No. 485 was sent back to the committee several weeks ago for the reason that it was not in proper form and for the purpose of further amendments, and as the bill appears as it does now on the calendar, it is not my desire to kill the bill, for I believe that it can be amended, therefore, Mr. President,

MOTION TO RECOMMIT

I move that Senate Bill No. 485, be referred back to the Committee on State Government for the purpose of further amendments.

Mr. RUPP. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Mr. REED and Mr. KUNKEL, and were as follows, viz:

YEAS—27

Bean,	Eroe,	Law,	Rodgers,
Buckman,	Frey,	Mallery,	Rupp,
Cavalcante,	Haluska,	McGinnis,	Salus,
Chapman,	Heyburn,	Owlett,	Scarlett,
Dando,	Homsher,	Pierson,	Sones,
Deitrick,	Huffman,	Pytko,	Wolfenden,
Ealy,	Kilgallen,	Rankin,	

NAYS—17

DiSilvestro,	Jaspan,	McCreesh,	Shapiro,
Gelder,	Kahle,	Reed,	Sipe,
Gilson,	Kunkel,	Rice,	Stiefel,
Henney,	Lanius,	Ruth,	Woodward,
Jacobs,			

So the question was determined in the affirmative.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 518 (House Bill No. 302), entitled:

An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws four hundred seventy-seven) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absense during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city borough town or township

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Haluska,	Mallery,	Rupp,
Cavalcante,	Henney,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Salus,
Dando,	Huffman,	Mundy,	Scarlett,
Deitrick,	Jacobs,	Owlett,	Shapiro,
DiSilvestro,	Jaspan,	Pierson,	Sipe,
Ealy,	Kahle,	Pytko,	Sones,
Eroe,	Kilgallen,	Rankin,	Stiefel,
Frey,	Kunkel,	Reed,	Wolfenden,
Gelder,	Lanius,	Rice,	Woodward,
Gilson,	Law,	Rodgers,	

NAYS—2

Buckman,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL OVER IN ORDER

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 549, on third reading, entitled:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 658 (House Bill No. 646), entitled:

An Act to promote the public health safety morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold providing for the acquisition of property by the exercise of the power of eminent domain through the State Board of Housing providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health and regulating the supervision by the State Board of Housing any such companies aided by the Federal Government or agencies thereof defining the rights powers and duties of such companies and of persons investing in or dealing with such companies authorizing such companies to lease and operate or to manage projects of any housing authority and borrow money from agencies of the United States Government exempting all such companies from the payment of any capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions authorizing certain existing companies to accept the provisions of this act and repealing the inconsistent acts

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Jacobs,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Henney,	Law,	Rice,	Thompson,
Heyburn,	Mallery,	Rodgers,	Woodward,
Huffman,			

NAYS—11

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Pierson,	Wolfenden,
Chapman,	Gelder,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 684, entitled:

A Joint Resolution proposing an amendment to Article nine section eight of the Constitution of the Commonwealth of Pennsylvania

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. SHAPIRO. Mr. President, with the consent of the sponsor of this bill, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. WOODWARD. Mr. President, I wish to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. WOODWARD. Mr. President, I would like to know the purpose of this bill.

Mr. SHAPIRO. Mr. President, this bill increases the bonded indebtedness of the City of Philadelphia to 15%. I do not think that the City of Philadelphia should be concerned about being permitted to increase its bonded indebtedness, the difficulty is that the bonded indebtedness is too high. We have been engaged a great deal of time in investigating the financial condition of Philadelphia. I think the first thing that they should try to do is to decrease its expenditures before making a constitutional provision to increase this bonded indebtedness. The real job is to decrease its debt and cut down. This bill should go on the postponed calendar for the additional reason that there is no provision in that particular sense in the article of the Constitution, it might require amendments, and if it can be made in this particular bill to limit the increase of the bonded indebtedness, then we may amend this bill.

Mr. WOODWARD. Mr. President, this is an amendment to the Constitution separating personal property from real estate as a basis of determining the bonded capacities not only of Philadelphia, but of all the municipalities in the State. Now then, I think nearly all of us can agree that the personal property tax is a bad tax. It is a tax on principal and not interest, and this resolution opens up the way for the repeal of this obnoxious personal property tax. The increase to 15% in Philadelphia is incidental; it was agreed to after many years of consideration. I have been interested in this bill for fourteen years. It has been up before the people twice and voted down twice because the taxes were beyond the 7% allowed under the Constitution, and then when this resolution was being considered I called the attention of the Senators of Allegheny County that their county would be increased from 7% to 10%. We determined that we would not attempt to raise the borrowing limit outside of Allegheny and Philadelphia Counties. Fifteen per cent has always been an accepted figure. We did not want the increase to be defeated again; but the big point is that if you do not vote for this resolution and put it before the people you cannot get rid of the personal property tax, and I, therefore, ask that you vote against the motion to place this bill on the postponed calendar. While the Senator from Philadelphia is better informed on some matters than I am, I claim to be better informed on this matter than he is.

Mr. SHAPIRO. Mr. President, the second reason I object to this bill is that in Philadelphia many people have invested their money in the bonds of the City of Philadelphia upon the consideration of their right to proceed against the security of the personal property tax, so that the persons holding millions of dollars of bonds which have been issued up to the present time have the right to look to the security from the income of personal property. The effect of this Constitutional amendment will be to take away that security to which they looked when they made the investment. We do not think that they should be deprived of that right, and the passage of this amendment subsequently may not effect the prior issue of the bonds, but before we pass such a Constitutional amendment that matter should be investigated more thoroughly than it has been up to the present time, and there is no need for this act at this time as far as Philadelphia is concerned. When the Personal Property Tax is abolished, if it is, there will also be no need for a Constitutional amendment to exclude it from the borrowing capacity, because if there is no tax, it cannot be included in the figures which are in the borrowing capacity.

Mr. WOODWARD. Mr. President, the Senator from Philadelphia, Mr. Shapiro, knows a good deal about everything and he knows everything about something, but this is an exception. The constitutionality of this measure has been passed on by lawyers whom the Senator from Philadelphia knows, and there is nothing whatever unconstitutional in this matter, and I regret very much to see my colleague doing something which would perpetuate a tax on principal and not on interest. I think we all ought to be for a personal income tax and against a tax on principal.

And the question recurring,

Will the Senate agree to the motion.

It was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 695 (House Bill No. 1159), entitiled:

An Act to amend section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existing corporations authorized to engage in a banking busness with or without fiduciary powers or private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

And said bill having been read at length the third time,

and agreed to, and the amendments made thereto having been printed as required by the Constitution.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Heyburn,	Law,	Rodgers,
Dando,	Huffman,	McCreesh,	Rupp,
DiSilvestro,	Jacobs,	McGinnis,	Ruth,
Eroe,	Jaspan,	Mundy,	Shapiro,
Frey,	Kahle,	Pytko,	Sipe,
Gilson,	Kilgallen,	Rankin,	Sones,
Haluska,	Kunkel,	Reed,	Stiefel,
Henney,	Lanius,	Rice,	Thompson,

NAYS—13

Bean,	Ealy,	Mallery,	Scarlett,
Buckman,	Gelder,	Pierson,	Wolfenden,
Chapman,	Homsher,	Salus,	Woodward,
Deitrick,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 735, entitled:

An Act restricting the granting of licenses to marry to divorced persons.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOODWARD. Mr. President, since my appeals to better reason and my logic have entirely failed, I now appeal to that great democratic heart which beats in every breast.

I here check on the Senate history; it shows that 247 Senate bills have been reported from committee and of these 224 were introduced by Democratic Senators and 23 by Republican Senators. The total bills introduced are as follows:

Democratic measures 380, and Republican measures 39. This is one of the thirty-nine, and, gentlemen, I appeal to your hearts to give me a break.

Mr. LAW. Mr. President, I would like to interrogate the Senator from Chestnut Hill, Mr. Woodward.

The PRESIDENT. Will the Senator from Chestnut Hill Mr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. LAW. Mr. President, I would like to ask the Senator if he does not feel that he has had his fair share of the Republican bills reported out.

Mr. WOODWARD. Mr. President, I would say yes, indeed, I acknowledge with gratitude that they were reported out but never passed.

Mr. KAHLE. Mr. President, I would like to interrogate the Senator from Philadelphia, Dr. Woodward.

The PRESIDENT. Will the Senator from Philadelphia, Dr. Woodward, permit himself to be interrogated?

Mr. WOODWARD. Mr. President, I will.

Mr. KAHLE. Mr. President, I would like to ask the Senator from Philadelphia what is the purpose of this bill and what we are going to gain by its passage.

Mr. WOODWARD. Mr. President, I have two friends who were divorced in Reno and re-married the same day, one in Reno and one in Philadelphia, and I think that is contrary to common decency. When this bill first reached one of my friends, he said that this was too long for the interested parties to wait, and my friend, Senator Buckman, wanted to cut it down to three months and I refused. The bill now reads that they cannot get married before six months after the divorce, and I think that Pennsylvania might raise up to a matter of decency.

Mr. KAHLE. Mr. President, I do not feel that this answers my question. What benefit is going to be derived from the passage of this Act?

Mr. WOODWARD. Mr. President, well, the people who marry on impulse, if they have to wait six months, the impulse may die out.

Mr. KAHLE. Mr. President, this bill merely prevents the re-marrying of divorced people for a period of six months, as it has been amended. I cannot see why such an Act is necessary. If we have religious scruples, if we think it is not right to re-marry after a divorce is once granted, I cannot see why they want to hold them over for six months. There are certain things that are going to come up in conditions of this kind, for illustration, there is an old saying that "a dog that sucks eggs will suck them again." If this law is passed, there is only one object, and that is this: Suppose a divorcee has become infatuated with a man or woman who has been divorced and is a free lance, they will have that restriction. Suppose they have trespassed and this matter is brought into court, and at that time the man or woman may be in a mood, especially the man may be in that mood to marry the lady and everything is well, this will only set up a period of six months to give that man the right to leave this State and the woman is left in the lurch. I say it is unjust and not right, for if they have their heads set to get married, why hold them off six months? I think it is all wrong and I think that this bill should be turned down.

Mr. THOMPSON. Mr. President, in reply to the remarks to the Senator from Clarion, Dr. Kahle, I would like to remind him that the provision in this bill is nothing more than English expected from Mrs. Simpson when she became enamored with the King, and I think that is a pretty fair standard. I am inclined to support the bill of the Senator from Philadelphia.

Mr. BUCKMAN. Mr. President, may I call the attention of the Senate to the legal phase of this bill? Under the present law, when a man and woman are divorced they may get married immediately, notwithstanding they have three months after the divorce is granted, the law is that the party to that divorce may take an appeal to the Superior Court and in many cases, or at least in some cases, the decree of the Lower Court granting that divorce is reversed, and in case the parties or the party to that divorce got married after the divorce, they find the marriage illegal or bigamous, and I tried to prevail upon the Senator from Philadelphia to amend the bill down from six months to three months, in order that it might fit in with the legal requirements, the time that may elapse before an appeal can be taken. I believe that anything

that prevents marriage is against public policy. The policy of our law is to encourage marriage among people who are entitled to get married, and I believe that the Senator having spoken against his bill, as it so often happens, has already defeated it.

Mr. SHAPIRO. Mr. President, I would like to interrogate the Senator from Bucks, Mr. Buckman.

The PRESIDENT. Will the Senator from Bucks, Mr. Buckman, permit himself to be interrogated?

Mr. BUCKMAN. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator from Bucks, inform me if he is familiar with the fact that under certain conditions divorced parties may not marry for a longer period than six months?

Mr. BUCKMAN. Mr. President, yes, there are some cases in which they may never marry.

Mr. SHAPIRO. Mr. President, where it is a case of adultery the limitation is at least for one year.

Mr. BUCKMAN. Mr. President, where the charge is adultery the co-respondent cannot marry during the life time of the respondent.

Mr. SHAPIRO. Mr. President, I would like to call the attention of the Senator from Philadelphia, to the fact that this bill may permit marriageable persons who have been divorced on the ground of adultery within a period of six months.

Mr. BUCKMAN. Mr. Presdent, I suggest that he Senator from Philadelphia, Dr. Woodward, tell him; he will not listen to me.

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—32

Cavalcante,	Gilson,	Law,	Rupp,
Dando,	Haluska,	McCreesh,	Ruth,
Deitrick,	Henney,	McGinnis,	Salus,
DiSilvestro,	Heyburn,	Pierson,	Sipe,
Ealy,	Homsher,	Pytko,	Sones,
Eroe,	Jaspan,	Rankin,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder,	Kunkel,	Rodgers,	Woodward,

NAYS—12

Bean,	Huffman,	Lanius,	Scarlett,
Buckman,	Jacobs,	Mallery,	Shapiro,
Chapman,	Kahle,	Reed,	Stiefel,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 740, on third reading, entitled:

An Act to re-enact and amend the act, approved the tenth day of March, one thousand nine hundred and thirty-seven (Act No. 21), entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages; providing standard weights and measurements for coal mined, and prohibiting the use of other standards; providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners; imposing duties and liabilities upon operators; and imposing penalties;" clarifying the provisions of said act; providing for the filing of complaints with the court of common pleas and for the procedure thereon; and providing additional penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 797 (House Bill No. 1560), entitled:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and the use of containers prescribing penalties and providing for injunctons in certain cases.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. SHAPIRO. Mr. President, this bill is sponsored by the Department of Agriculture and is intended to be a safety measure. One of the sections in the bill does not properly belong there and at the suggestion of the Department of Agriculture, I ask unanimous consent to present the following amendments:

Amend title, page 1, line 7, by striking out after the word "and" and before the word "prescribing" the following: "the use of containers"

Amend page 3, line 16 to line 21 inclusive, by striking out in its entirety section 4.

Amend page 3, line 22, by striking out the numeral "5" and inserting in lieu thereof the following: numeral "4"

Amend page 3, line 25, by striking out the numeral "6" and inserting in lieu thereof the following: numeral "5"

Amend page 4, line 3, by striking out the numeral "7" and inserting in lieu thereof the following: numeral "6"

Amend page 4, line 13, by striking out the numeral "8" and inserting in lieu thereof the following: numeral "7"

Amend page 5, line 1, by striking out the numeral "9" and inserting in lieu thereof the following: numeral "8"

Amend page 5, line 10, by striking out the numeral "10" and inserting in lieu thereof the following: numeral "9"

Amend page 5, line 14, by striking out the numeral "11" and inserting in lieu thereof the following: numeral "10"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 813, entitled:

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely

upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 829, entitled:

An Act making it unlawful to solicit the employment of attorneys-at-law adjusters or investigators for the collection settlement or institution of an action for damages and making it unlawful for any attorney-at-law to promise or give any consideration to such solicitors and imposing penalties for violations

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Bean,	Haluska,	Law,	Rupp,
Buckman,	Henney,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Pierson,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 834 (House Bill No. 114), entitled:

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—27

Bean,	Gilson,	Law,	Rupp,
Cavalcante,	Henney,	Mallery,	Ruth,
Dando,	Huffman,	McCreesh,	Shapiro,
Deitrick,	Jacobs,	McGinnis,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rice,	Wolfenden,
Frey,	Kunkel,	Rodgers,	

NAYS—14

Buckman,	Heyburn,	Pierson	Scarlett,
Chapman,	Homsher,	Reed,	Sones,
Ealy,	Kahle,	Salus,	Woodward,
Gelder,	Lanius,		

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 874, entitled:

An Act to amend section forty of the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (Pamphlet Laws seventy-three) entitled "An act to provide for the incorporation and regulation of certain corporations" providing for the renewal of charters of corporations the charters franchises and property of which have been purchased by another corporation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44.

Bean,	Gilson,	Lanius,	Rupp,
Buckman,	Haluska,	Law,	Ruth,
Cavalcante,	Henney,	Mallery,	Salus,
Chapman,	Heyburn,	McCreesh,	Scarlett,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Pierson,	Sipe,
DiSilvestro,	Jacobs,	Pytko,	Sones,

Ealy,	Jaspan,	Rankin,	Stiefel,
Eroe,	Kahle,	Reed,	Thompson,
Frey,	Kilgallen,	Rice,	Wolfenden,
Gelder.	Kunkel,	Rodgers,	Woodward,

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 875, entitled:

An Act to cede jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland Depot located in York County

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill on third reading?

Mr. JACOBS: Mr. President, I move to amend the title, page 1, line 1, by striking out the word "code" and inserting in lieu thereof the following: "cede"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 893, on third reading, entitled:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 906, on third reading, entitled:

An Act regulating procedure in actions of assumpsit and trespass

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for ten minutes.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY, from the Committee on Executive Nominations, reported, with a favorable recommendation, the following nominations made by His Excellency, the Governor of the Commonwealth:

MILK CONTROL COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as members of the Milk Control Commission:

Howard G. Eisaman, of East Springfield, Erie County, to serve until May 1, 1943, and until his successor shall have been appointed and qualified.

John J. Snyder, of R. D .4, Easton, Northampton County, to serve until May 1, 1941, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for re-appointment as Notaries Public for the term of four years to compute from the dates set opposite their names:

NORTHAMPTON COUNTY

Miss Elizabeth S. Hare, Easton, May 3, 1937.

BLAIR COUNTY

Miss Lee Anna Laubacher, Altoona, May 4, 1937.

UNION COUNTY

Mrs. Margaret R. Strunk, Lewisburg, May 4, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the followings persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Janet R. Brenner, Plaza Bldg, Pittsburgh.
John S. Likovich, Rankin.
Lloyd D. McLaughlin, Unity, Plum Twp.
William H. Oakley, Koppers Bldg, Pittsburgh.
Clarence L. O'Donnell, 805 Brookline Blvd, Pittsburgh.
M. C. Sandulak, Keystone Bldg, Pittsburgh.
Albert D. Yost, Dormont.

BEAVER COUNTY

John N. Pierce, Midland.

CLEARFIELD COUNTY

Chester L. Cowder, Clearfield.

CUMBERLAND COUNTY

William Emenheiser, Enola, E. Pennsboro.

DAUPHIN COUNTY

H. S. Berkstresser, Royalton.

ELK COUNTY

Alfred Straub, St. Marys.

FRANKLIN COUNTY

Miss Jessie M. McCleary, Chambersburg.

LACKAWANNA COUNTY

Karl P. Conrad, Scranton.

LAWRENCE COUNTY

P. W. Griffin, Bessemer.

LEHIGH COUNTY

Miss Vera Verzino, Allentown.

LUZERNE COUNTY

Mrs. Emily P. Williams, Kingston.

MERCER COUNTY

Mrs. Florence Nottingham, Sharon.

MONTGOMERY COUNTY

Mrs. Nellie S. Dayton, Conshohocken.

PHILADELPHIA COUNTY

Joseph V. Martinelli, 6415 Girard Ave., Philadelphia.
Joseph Santangelo, 2113 S. 65th St., Philadelphia.
R. H. Wannemacher, 3628 N. Broad St., Philadelphia.
George A. Weber, 1449 E. Montgomery Ave., Philadelphia.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Bess H. Hopwood, of Uniontown, Fayette County, for appointment as a Notary Public in and for the City of Uniontown, for the term of four years to compute from May 5, 1937.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the folowing persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

BRADFORD COUNTY

Mial E. Lilley, Towanda.

DAUPHIN COUNTY

Miss Gale Naylor, Harrisburg.

FAYETTE COUNTY

Fred J. Chalfant, Brownsville.

PHILADELPHIA COUNTY

S. Royden Fanning, 133 S. 4th St., Philadelphia.
Stanley Langman, 19 N. 60th St., Philadelphia.

WASHINGTON COUNTY

G. Kenneth Gering, Washington.
Alvin E. Miller, Jr., Canonsburg.

WESTMORELAND COUNTY

Mrs. Grace L. Kerr, Derry.

YORK COUNTY

Mrs. Esther Doll, York.

GEORGE H. EARLE.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Bean,	Gilson,	Lanius,	Rice,
Buckman,	Haluska,	Law,	Rodgers,
Cavalcante,	Henney,	Mallery,	Rupp,
Chapman,	Heyburn,	McCreesh,	Ruth,
Dando,	Homsher,	McGinnis,	Salus,
Deitrick,	Huffman,	Mundy,	Scarlett,
DiSilvestro,	Jacobs,	Owlett,	Shapiro,
Ealy,	Jaspan,	Pierson,	Sipe,
Eroe,	Kahle,	Pytko,	Sones,
Frey,	Kilgallen,	Rankin,	Stiefel,
Gelder,	Kunkel,	Reed,	Wolfenden,

NAYS—0

Two-thirds of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 933 (House Bill No. 369), entitled:

An Act to amend section one of Article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—37

Bean,	Heyburn,	Mallery,	Rodgers,
Cavalcante,	Huffman,	McCreesh,	Rupp,
Dando,	Jacobs,	McGinnis,	Ruth,
DiSilvestro,	Jaspan,	Owlett,	Salus,
Eroe,	Kahle,	Pierson,	Scarlett,
Frey,	Kilgallen,	Pytko,	Shapiro,
Gelder,	Kunkel,	Rankin,	Sipe,
Gilson,	Lanius,	Reed,	Sones,
Haluska,	Law,	Rice,	Stiefel,
Henney,			

NAYS—5

Buckman,	Deitrick,	Homsher,	Wolfenden,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 935 (House Bill No. 1176) on third reading, entitled:

An Act to amend Article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of cities of the second class," as amended, removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 936 (House Bill No. 1188) on third reading entitled:

An Act to amend section eight hundred two of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three), entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto," providing for competitive bidding on contracts.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 945, entitled:

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate or copy thereof to the City Council the Mayor and the City Controller making it the duty of the Council to appropriate and provide the sum so estimated to be required and repealing inconsistent legislation

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Heyburn,	Law,	Rice,
Dando,	Huffman,	Mallery,	Rodgers,
DiSilvestro,	Jacobs,	McCreesh,	Rupp,
Eroe,	Jaspan,	Mundy,	Ruth,
Frey,	Kahle,	Pytko,	Sipe,
Gilson,	Kilgallen,	Rankin,	Stiefel,
Haluska,	Kunkel,	Reed,	Thompson,
Henney,	Lanius,		

NAYS—11

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Owlett,	Wolfenden,
Chapman,	Gelder,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 946, entitled:

An Act to amend section two of an act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for illegal increase thereof' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation and providing for the disposition of the funds realized from such sale" by eliminating the requirements that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein shall be deposited in the funds of such corporations for the redemption of bonds of said corporation when the said bonds issued for the acquisition of such property or bonds refunding such original issue shall have been redeemed and paid

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. BUCKMAN. Mr. President, I would like to interrogate the sponsor of this bill, the Senator from Philadelphia, Mr. McCreesh.

The PRESIDENT. Will the Senator from Philadelphia, Mr. McCreesh, permit himself to be interrogated?

Mr. McCREESH. Mr. President, certainly.

Mr. BUCKMAN. Mr. President, I would like to have the Senator explain the purpose of this bill.

Mr. McCREESH. Mr. President, this bill is intended to cure a lot of the troubles we have in Philadelphia. At the present time the Democratic party is trying to straighten out some of these troubles that exist in Philadelphia and that have existed there for a number of years past, and I think if this bill is put through in its proper form, this bill will straighten out some of the troubles we are now having down there.

Mr. GELDER. Mr. President, it would seem to me that this is a very lucid explanation of the bill.

And said bill having been read at length the third time, and agreed to,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Heyburn,	Law,	Rice,
Dando,	Huffman,	Mallery,	Rodgers,
DiSilvestro,	Jacobs,	McCreesh,	Rupp,
Eroe,	Jaspan,	Mundy,	Ruth,
Frey,	Kahle,	Pytko,	Sipe,
Gilson,	Kilgallen,	Rankin,	Stiefel,
Haluska,	Kunkel,	Reed,	Thompson,
Henney,	Lanius,		

NAYS—11

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Owlett,	Wolfenden,
Chapman,	Gelder,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 953 on third reading entitled:

An Act providing for the commencement of civil actions for damages arising from the ownership possession occupancy control maintenance and use of real estate the footways and curbs adjacent thereto and providing for the service of process in such cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. DiSILVESTRO. Mr. President, I ask unanimous consent that Senate Bill No. 955 on third reading entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 975 (House Bill No. 1572), entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. DENT. Mr. President, I ask unanimous consent to amend Section 14, page 5, lines 19, 20 and 21, striking out: "all of said lines"

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. HEYBURN. Mr. President, I ask unanimous consent that Senate Bill No. 975, on third reading, entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels.

go over in its order,

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1044, entitled:

An Act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs and excepting mortgages issued under the National Housing Act.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Gelder,	Kilgallen,	Rice,
Buckman,	Gilson,	Kunkel,	Rodgers,
Cavalcante,	Haluska,	Lanius,	Rupp,
Chapman,	Henney,	Law,	Ruth,
Dando,	Heyburn,	McCreesh,	Shapiro,
Deitrick,	Homsher,	McGinnis,	Sipe,
DiSilvestro,	Huffman,	Mundy,	Stiefel,
Ealy,	Jacobs,	Pytko,	Thompson,
Eroe,	Jaspan,	Rankin,	Wolfenden,
Frey,	Kahle,	Reed,	

NAYS—2

Mallery,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

RECONSIDERATION OF VOTE ON SENATE BILL NO. 796

Mr. HALUSKA. Mr. President, I move to reconsider the vote by which Senate Bill No. 796, on last week's calendar, was defeated on final passage, entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or in agricultural employment requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted "no."

Mr. JASPAN. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. JASPAN. Mr. President, I voted "no."

And the question recurring,

Shall the bill pass finally?

Mr. HALUSKA. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. HALUSKA. Mr. President, I voted "aye."

Mr. JASPAN. I second the motion.

Mr. PRESIDENT. How did the Senator vote?

Mr. JASPAN. Mr. President, I voted "aye."

And the question recurring,

Will the Senate agree to the Bill on third reading?

BILL POSTPONED

Mr. HALUSKA. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING

Mr. KILGALLEN. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 713, on Third Reading Postponed, entitled

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties.

Mr. RUTH. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 713, (House Bill No. 904), entitled:

An Act relating to industrial police and corporation guards prohibiting municipal policemen from being employed or serving as industrial police and requiring their dismissal for so doing regulating their conduct at elections and providing penalties.

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. KILGALLEN. Mr. President, I ask unanimous consent to Amend page 1, by striking out lines 1 to 5, inclusive, of the title, and inserting in lieu thereof the following: "Relating to peace officers providing for the powers and duties of sheriffs and deputy sheriffs and for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts."

Amend section 1, page 1, by striking out lines 4 to 6, inclusive.

Amend page 2 by striking out lines 1 to 28 inclusive and inserting in lieu thereof the following: "a sheriff may appoint such, and so many, deputies as he may deem proper, not to exceed one for each three thousand residents of the county, except as hereinafter provided.

Section 2. All deputies shall be general deputies and not special deputies, and no deputy shall be appointed to do particular acts.

Section 3. A sheriff may not appoint any person as a deputy unless he files with the county clerk, at least thirty days prior to the appointment of such person, the name, photograph and fingerprints of such person, together with an affidavit of such person setting forth the following:

(1) His full name, age and residence address.

(2) That he is a citizen of the United States, and twenty-one years of age or over.

(3) That he resided in the county for a period of at least two years immediately preceding the filing of such affidavit.

(4) That he has never been convicted of a crime under the laws of this Commonwealth, or of any other state or of the United States.

(5) That he has not, for a period of two years immediately preceding the filing of such affidavit, acted, either for himself or as the agent or employe of another, or hired himself out or performed any service, as a private detective, private policeman, or private guard, or received any fee or compensation whatever for acting as a private detective, private policeman, or private guard, or conducted the business of a private detective agency, or of any agency supplying private detectives, private policemen,

or private guards, or advertised or solicited any such business in this Commonwealth.

Section 4. Any false statement contained in any such affidavit shall constitute a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), and by imprisonment of not less than ninety (90) days nor more than one (1) year.

Section 5. The name, photograph, fingerprints and affidavit of any such person, so filed with the county clerk, shall constitute a public record, and be open to the inspection of the public at the office of the county clerk at any time during the regular business hours thereof.

Section 6. No sheriff or deputy shall, in the exercise of his official duties, summon to his aid, under any circumstances, any person or persons, or the posse comitatus; but the county commissioners may authorize a sheriff to appoint deputies in excess of the number provided for in section one, for a period not to exceed thirty (30) days, only upon the following conditions:

(a) The sheriff shall file a request therefor in writing with the county commissioners, together with an affidavit setting forth that an emergency exists within the county, and the facts constituting the emergency; that he will require a stated number of additional deputies for the purpose of assisting him in protecting and safeguarding life and property within the county; that the number of deputies at his disposal are not sufficient to cope with such emergency; and that all other public officers charged with the duty of protecting and safeguarding life and property are unable to cope with such emergency.

(b) The county commissioners must thereupon hold a public hearing, upon notice of not less than forty-eight (48) hours to the residents of the county, to determine whether they shall authorize such sheriff to appoint any additional deputies.

(c) Such hearing shall be an open and public hearing. Any person shall have the right to be heard on his own behalf, or on behalf of any other person, organization, or association, for or in opposition to the granting of any such authorization.

(d) Upon a finding that the statements contained in the sheriff's affidavit are true, and that it is in the public interest to grant such authorization, the county commissioners may authorize the sheriff to appoint a stated number of deputies, but no more than the number requested.

(e) The county commissioners must file with the county clerk their decision and findings, together with an opinion setting forth the reasons therefor. Such decision, findings and opinion shall constitute a public record.

Section 7. A sheriff authorized, pursuant to section six, to appoint additional deputies shall appoint such deputies only in accordance with the provisions of section three.

Section 8. No sheriff or deputy sheriff shall, for a period of two (2) years next succeeding the termination of his office, act either for himself or as the agent or employe of another, or hire himself out or perform any service as a private detective, private policeman, or private guard, or receive any fee or compensation whatever for acting as a private detective, private policeman, or private guard, or conduct the business of a private detective agency, or of any agency supplying private detectives, private policemen, or private guards, or advertise or solicit any such business in this Commonwealth.

Section 9. No State police, sheriff, deputy sheriff, constable, deputy constable, detective police, or other peace officer of this Commonwealth, or of any political subdivision thereof (colectively referred to in this act as "officers"), shall perform, directly or indirectly, any services or duties for any person, association, or corporation or receive, directly or indirectly, any compensation, gifts, or gratuities from any person, association, or corporation. Any compensation payable to any officer for official duties and services shall be paid only out of the public funds, to the amount and in the manner prescribed by law. Gifts, donations and gratuities of any nature whatsoever, made by any person, association, or corporation to the Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not constitute public funds within the meaning of this section.

The Commonwealth, or any political subdivision thereof, or any official or agent thereof, shall not accept as a gratuity, gift, or donation, any arms, ammunition, military supplies, tear gas, or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift, or donation be made by, any person, association, or corporation.

Any and all contracts or agreements, whether written or oral, express or implied, heretofore or hereafter made and entered into between the Commonwealth, or any political subdivision thereof, or any official or agent thereof, and any person, association, or corporation, in violation of any provision of this section, are hereby declared to be contrary to public policy and void, and no such contract or agreement shall afford any basis for the granting of legal or equitable relief by any court.

Section 10. Any person may apply to any court of competent jurisdiction for an order restraining, enjoining and prohibiting any sheriff, deputy sheriff, or any other official, or any agent of any county, or any other officer, as defined in this act, or any person, association, or corporation, from violating any of the provisions of this act.

Section 11. The term "private detective", "private policeman", or "private guard", as used in this act, shall be deemed to include all persons performing services, either for full or part time, to safeguard, patrol, protect, watch, investigate, or procure information regarding any individual, or organization, property or activity (a) directly for some person, association, or corporation; or (b) for some independent agency.

Section 12. Any sheriff, deputy sheriff, or any other official of the county, or any other officer, as defined in this act, or any person, association, or corporation violating any of the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or to undergo an imprisonment of not less than ninety (90) days, nor more than two (2) years, or both.

Section 13. Every deputy sheriff, before he is commissioned or executes any of the duties of his office, shall enter into a recognizance, and become bound in a bond with at least two sufficient sureties, in the same sums, and in the same manner, as provided by law for the sheriff of the county.

Section 14. Nothing contained in this act shall be construed:

(a) To prohibit the payment by any person, asso-

ciation, or corporation of fees or compensation to any political subdivision for police or other peace officers assigned to police exhibitions or athletic contests;

(b) To prohibit the appointment, employment or compensation, in the manner expressly provided by law, of one (1) night watchman, two (2) railroad police, or three (3) special policemen to police and protect cemeteries, and grounds and buildings open to the public, or to enforce laws for the prevention of cruelty to persons or animals.

Section 15. If any clause, sentence, paragraph, or part of this act, or the application thereof to any person or circumstance, shall for any reason be adjudged by the court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, and the application of such provisions to other persons or circumstances, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered, and to the person or circumstances involved. It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included therein.

Amend section 4, page 3, line 1 by striking out after "[2]" and before the word "All" the following: [4]; and inserting in lieu thereof the following: 16; amend section 5, page 3, line 3 by striking out after "[3]" and before the word "This" the following: [5] and inserting in lieu thereof the following: 17

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL ON THIRD READING AND FINAL PASSAGE

Mr. GILSON. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 780, on third reading, postponed, entitled:

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook, Pennsylvania, Quarantine Station property, and ceding to the United States jurisdiction over said land.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

And the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—41

Bean,	Haluska,	Lanius,	Rodgers,
Buckman,	Henney,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Salus,
Deitrick,	Huffman,	McGinnis,	Scarlett,
DiSilvestro,	Jacobs,	Mundy,	Shapiro,
Ealy,	Jaspan,	Pytko,	Sipe,
Eroe,	Kahle,	Rankin,	Stiefel,
Frey,	Kilgallen,	Reed,	Thompson,
Gelder,	Kunkel,	Rice,	Wolfenden,
Gilson,			

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 66, as follows:

An Act to amend section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty) entitled "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty) entitled "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" be and the same is hereby amended to read as follows

Section 5 The judges of the courts of common pleas of Dauphin County and the judges of the Orphans' Court of Dauphin County shall receive three thousand dollars ($3,000) additional for trying civil cases for the Commonwealth

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 189, as follows:

An Act to amend sections two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth" by providing additional penalties for killing fish by pollution or explosions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two hundred of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and

boundary rivers of the Commonwealth" is hereby amended to read as follows

Section 200 Pollution of Waters Prohibited Explosives No person shall put or place in any waters within or on the boundaries of this Commonwealth any electricity explosives or any poisonous substances whatsoever for the purpose of catching injuring or killing fish No person shall allow any substance of any kind or character (other than the waters from active coal mines) deleterious destructive or poisonous to fish to be turned into or allowed to run flow wash or be emptied into any waters within this Commonwealth [unless it be shown to the satisfaction of the Board of Fish Commissioners or to the proper court that every reasonable and practicable means has been used to abate and prevent the pollution of waters in question by the escape of deleterious substances]

Section 2 That section two hundred two of the said act is hereby amended to read as follows

Section 202 Penalty Any person violating the preceding provisions of this article shall be guilty of a misdemeanor and on conviction [as provided in chapter fourteen of this act] shall be sentenced to pay a fine of one hundred dollars and if more than ten fish are killed as the result of such violation then one dollar for each fish killed in excess of ten shall be added to such fine and in the discretion of the court such person or the member of any partnership or association or the officer of the corporation responsible for such violation may be imprisoned for a term not exceeding six months Provided That if it be shown to the satisfaction of the Board of Fish Commissioners that the escape of the substances deleterious destructive or poisonous to fish was due to circumstances unavoidable or beyond control and without negligence then the Board of Fish Commissioners shall be authorized to accept settlement of the value of the fish destroyed in a sum equal to the cost of restocking the waters to the extent deemed necessary by the Board of Fish Commissioners and upon payment of said sum there shall be no prosecution hereunder

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. EROE. Mr. President, I move that Senate Bill No. 200 on second reading, entitled:

An Act to repeal clauses (c) and (d) of section two thousand and three of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 177), entitled "An act providing for and re-organizing the conduct of executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards, and commissions shall be determined," limiting certain powers of the Department of Highways.

be recommitted to the Committee on Highways.

Mr. RODGERS. Mr. President, I second the motion.

The motion was agreed to.

Mr. THOMPSON. Mr. President, I move that Senate Bill No. 247, on second reading, entitled:

An Act granting a pension for military service to Robert R. Hoffman of the County of Lehigh.

be recommitted to the Committee on Pensions.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 289 (House Bill No. 150) on second reading entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 357, as follows:

An Act to amend sections one thousand six and one thousand thirty-five as amended and section one thousand sixty-two of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the method of making appropriations expenditures employments contracts and purchases by boroughs relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditor's statement requiring the controller or secretary to file an annual report with such department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which was last amended by section four of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws twelve hundred ninety) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the

borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street Commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointments of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvensy of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

[XVII] XVIII To adopt an annual budget [for this purpose the borough council may adopt forms submitted by the Department of Internal Affairs and approved by a Committee of the State Association of Boroughs if such forms are found satisfactory by council and adapted to the financial program it is considering] On or before the fifteenth day of January a proposed budget or annual estimate of revenues and expenditures shall be prepared in a manner designated by the council The budget shall be prepared on a uniform form prepared and furnished as hereafter provided

Upon the preparation of the proposed budget the council shall give public notice of the fact that the proposed budget will be available for public inspection at the office of the borough secretary or such other place as may be designated in a public notice After the expiration of fifteen (15) days following the giving of such public notice council shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect The total amount appropriated shall not exceed the receipts of the borough estimated as available for the fiscal year

In all boroughs the council shall within fifteen (15) days after the adoption of the budget file a copy of the same with the Department of Internal Affairs

The Council shall have power to authorize by resolution the transfer of any unencumbered balance of an appropriation or any portion thereof from one purpose to another within the same fund but such action shall not be taken during the first three months of the fiscal year

Payments shall not be authorized or made from the treasury except upon appropriation made according to law The council or other officers shall not hire any work to be done purchase any material make any contract or issue any order for the payment of moneys by any agent of the borough which will cause the sums appropriated to specific purposes to be exceeded But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

Section 2 That section one thousand thirty-five of said act which was last amended by section 4 of the Act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand ninety) is hereby further amended to read as follows

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax colectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be prepared within sixty (60) days after the close of the fiscal year Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation [which] and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or by any expenditure of a kind or made in a maner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

After such statement has been prepared it shall be the duty of the secretary of the borough to furnish to the Department of Internal Affairs a report of such statement transcribed on a uniform form prepared and furnished as hereafter provided Such report shall be signed by the auditors and the secretary and shall be filed with the department within ninety (90) days after the close of the fiscal year Any secretary refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department

of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs If the failure to file such report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based said fine shall be imposed upon the auditors and not upon the secretary All fines recovered shall be for the use of the Commonwealth

The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent

Such representatives shall be appointed by the president of the organization within sixty (60) days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of the organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

. Such representatives shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in co-operation with such committee In the event that the committee should for any reason fail to furnish such co-operation the Secretary of Internal Affairs or his agent shall prepare the forms After their preparation he shall issue such forms and distribute them annually as needed to the proper officers of each borough

Section 3 That section one thousand sixty-two of said act is hereby amended to read as follows

Section 1062 Controller's Reports Report of Financial Condition to be Made to Department of Internal Affairs The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in January in each year of the public accounts of the borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by councils the amount drawn on each appropriation and the balance stnding to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

. The controller shall also annually within ninety (90) days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the borough in manner and form required to be made by borough secretaries as hereinbefore provided and subject to the same penalties for refusing or neglecting to file such report

Section 4 The provisions of this act shall become effective imediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-eight and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RECONSIDERATION OF SENATE BILL No. 357

Mr. EROE. Mr. President, I move to reconsider the vote by which Senate Bill No. 357, entitled:

An Act to amend sections one thousand six and one thousand thirty-five as amended and section one thousand sixty-two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the method of making appropriations expenditures employments contracts and purchases by boroughs relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditors' statement requiring the controller or secretary to file an annual report with such department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties.

passed second reading.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and reconsideration of Senate Bill No. 357,

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which was last amended by section four of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws twelve hundred ninety) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary

Council in its discretion may appoint a solicitor a street commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointments of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvency of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

[XVII] XVIII To adopt an annual budget [for this purpose the borough council may adopt forms submitted by the Department of Internal Affairs and approved by a Committee of the State Association of Boroughs if such forms are found satisfactory by council and adapted to the financial program it is considering] On or before the fifteenth day of January a proposed budget or annual estimate of revenues and expenditures shall be prepared in a manner designated by the council The budget shall be prepared on a uniform form prepared and furnished as hereafter provided

Upon the preparation of the proposed budget the council shall give public notice of the fact that the proposed budget will be available for public inspection at the office of the borough secretary or such other place as may be designated in a public notice After the expiration of fifteen (15) days following the giving of such public notice council shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect The total amount appropriated shall not exceed the receipts of the borough estimated as available for the fiscal year

In all boroughs the council shall within fifteen (15) days after the adoption of the budget file a copy of the same with the Department of Internal Affairs

The Council shall have power to authorize by resolution the transfer of any unencumbered balance of an appropriation or any portion thereof from one purpose to another within the same fund but such action shall not be taken during the first three months of the fiscal year

Payments shall not be authorized or made from the treasury except upon appropriation made according to law The council or other officers shall not hire any work to be done purchase any material make any contract or issue any order for the payment of moneys by any agent of the borough which will cause the sums appropriated to specific purposes to be exceeded But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be renedered in succeeding fiscal years

On the question,

Will the Senate agree to the section?

The second section of the bill was read as follows:

Section 2 That section one thousand thirty-five of said act which was last amended by section 4 of the Act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand ninety) is hereby further amended to read as follows:

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax collectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value threof and the date of maturity of the respective forms of funded debt thereof Such statement shall be prepared within sixty (60) days after the close of the fiscal year Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation [which] and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or by any expenditure of a kind or made in a manner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

After such statement has been prepared it shall be the duty of the secretary of the borough to furnish to the Department of Internal Affairs a report of such statement transcribed on a uniform form prepared and furnished as hereafter provided Such reports shall be signed by the auditors and the secretary and shall be filed with the department within ninety (90) days after the close of the fiscal year Any secretary refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs If the failure to file such report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based said fine shall be imposed upon the auditors and not upon the secretary

All fines recovered shall be for the use of the Commonwealth

The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent

Such representatives shall be appointed by the president of the organization within sixty (60) days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of the organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Such representatives shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committtee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in cooperation with such committee In the event that the committee should for any reason fail to furnish such cooperation the Secretary of Internal Affairs or his agent shall prepare the forms After their preparation he shall issue such forms and distribute them annually as needed to the proper officers of each borough

On the question,

Will the Senate agree to the section?

Mr. EROE. Mr. President, I ask unanimous consent to amend Section 2, page 9, line 13 by inserting after the word "uniform" and before the word "prepared" the following: "form"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third and fourth sections of the bill was read as follows and agreed to.

Section 3 That section one thousand sixty-two of said act is hereby amended to read as follows

Section 1062 Controllers Reports Report of Financial Condition to be Made to Department of Internal Affairs The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in January in each year of the public accounts of the borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by councils the amount drawn on each appropriation and the balance standing to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

The controller shall also annually within ninety (90) days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the borough in manner and form required to be made by borough secretaries as hereinbefore provided and subject to the same penalties for refusing or neglecting to file such report

Section 4 The provisions of this act shall become effective immediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-eight and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred thirty-seven

The title of the bill was read as follows and agreed to.

An Act to amend sections one thousand six and one thousand thirty-five as amended and section one thousand sixty-two of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the method of making appropriations expenditures employments contracts and purchases by boroughs relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditor's statement requiring the controller or secretary to file an annual report with such department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 358, as follows:

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred forty-seven of the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" which was last amended by section one of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws twelve hundred ninety-nine) is hereby further amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Report with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible and in no case shall more than twenty days be expended on such audit They shall within ten days thereafter publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days hereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as herein provided

The second section of the bill was read as follows:

Section 2 That section eight hundred two of said act is hereby amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

The supervisors shall not hire any work to be done purchase any material or make any contract in any amount which will cause the sums set aside in the budget for such purposes to be exceeded No contracts or purchases not provided for by moneys in the budget or which shall cause any account in the budget to be exceeded shall be valid But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year but any contracts so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

On the question,

Will the Senate agree to the section?

Mr. EROE. Mr. President, I move to amend sec. 2 (sec. 802), page 3, line 26, by inserting after the word "writing" the following: and shall be made only after competitive bidding. The secretary of the board shall advertise once a week for two weeks in one or more newspapers of general circulation in the township for com-

Amend section 2, page 4, line 5 by striking out after the word "sums" and before the word "for" the following: [set aside in the budget] and inserting in lieu thereof the following: appropriated; amend section 2, page 4, line 7 by striking out after the word "by" and before the word "or" the following: [moneys in the budget] and inserting in lieu thereof the following: an appropriation; amend section 2, page 4, line 8 by striking out after the word "any" and before the word "to" the following: [account in the budget] and inserting in lieu thereof the following: appropriation; amend section 2, page 4, line 9 by striking out after the word "valid" the following: [But nothing herein contained shall prevent the mak-; amend section 2, page 4, lines 10, 11, 12, and 13 by striking out all of said lines.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agreed to the section as amended?

It was agreed to.

The third section of the bill was read as follows

Section 3 That section nine hundred two of said act is hereby amended to read as follows

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable [make a written estimate of the amount of money required] and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenue and expenditures for the [ensuing] fiscal year beginning on the first Monday of January which shall be filed with the treasurer In all townships in which the estimated expenditures in the budget exceed five thousand dollars ($5,000) the budget shall be prepared on a uniform form prepared and furnished as hereafter provided Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Upon the preparation of a proposed budget in which the estimated expenditures exceed five thousand dollars ($5,000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township Such public notice shall be given either by inserting a proper advertisement in a newspaper of general circulation as defined in the Newspaper Advertising Act of May sixteenth on thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty-four) its supplements and amendments published in the township if any is published there or in the county or by posting proper statements thereof in at least five (5) public places within the township After the expiration of twenty (20) days following the giving of public notice of the detailed contents of the budget or after the budget has been available for twenty (20) days as herein provided such supervisors shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect In townships in which the estimated expenditures do not exceed five thousand dollars ($5,000) the supervisors shall as son as possible after the

expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures required to put it into effect

The total appropriation shall not exceed the revenues estimated as available for the fiscal year In all townships in which the estimated expenditures in the budget exceed five thousand dollars ($5,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unencumbered moneys from one [fund] road tax account to another but no moneys shall be transferred [except] from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Such transfers shall not be made during the first three months of the fiscal year No money shall be paid out of the township treasurer except upon appropriation made according to law

Mr. EROE. Mr. President, I move to amend section 3, page 6, line 4 by striking out at the end of the line after the word "township" the following: [Such public notice shall; amend section 3, page 6, line 5, 6, 7, 8, 9, 10, 11 by striking out all of said lines; amend section 3, page 6, line 12 by striking out at the beginning of the line the following: (5) public places within the township]

On the question,

Mr. REED. Mr. President, I second the motion.

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fourth and fifth section of the bill was read as follows and agreed to.

Section 4 That said act is hereby amended by adding thereto the following section

Section 902A The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Supervisors one representative fro mthe State Department of Highways and the Secretary of Internal Affairs or his agent

Such representatives of the Association of Township Supervisors shall be appointed by the president of the organization within sixty days after the effective date of this act As far as possible such representatives shall be chosen to represent townships in the various population groups among the range of townships of the second class The president of the organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Highways shall be appointed by the Secretary of Highways

Such representatives of the townships shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at th call of the Secretary of Internal Affairs or his agent who shall serve as Chairman of the Committee

In preparing the uniform forms for both budgets and annual reports the Committee shall give careful consideration to the fiscal needs and procedure of townships of the various population groups producing separate forms if necessary to meet the needs of townships of varying sizes In the preparation of forms for financial reports the same shall be so arranged that coresponding information required to be reported to the Department of Highways may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in co-operation with such committee In the event that such committee should for any reason fail to furnish such co-operation the Secretary of Internal Affairs or his agent shall prepare the forms After they are prepared he shall issue such forms and distribute them annually as needed to the proper township officers

Section 5 The provisions of this act shall become effective immediately upon its aproval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-eight and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-seven

The title of the bill was read as follows and agreed to.

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring auditors to file an annual report with such Department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 413 on second reading entitled:

An Act to amend section six as amended in part and section ten of an act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and xing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 414 on second reading entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines providing for the safe periodic removal of dust ac-

cumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 415 on second reading entitled:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 416 on second reading entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 495, (House Bill No. 569), entitled:

An Act to amend sections three and nine of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws six hundred fifty) entitled "An act requiring persons associations partnerships and corporations and their agents herein defined as dealers and brokers engaging in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of certain domestic animals to be licensed by the Department of Agriculture providing for the revocation of such licenses imposing certain duties on such dealers and brokers and their agents conferring powers on said department and providing penalties" by providing for the paypment of license fees for dealers and brokers and their agents.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 550 on second reading entitled:

An Act to amend section two thousand five hundred eleven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. PRESIDENT, I ask unanimous consent that Senate Bill No. 551 on second reading entitled:

An Act to amend section one thousand nine hundred and six of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 552 on second reading entitled:

An Act to amend section five hundred sixty-three of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 553 on second reading entitled:

An Act to amend section eight hundred four of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 554, on second reading, entitled:

An Act to amend section one of the act approved the first day of May one thousand nine hundred and thirteen (Pamphlet Laws one hundred fifty-five) entitled "An act regulating the letting of certain contracts for the erection construction and alteration of public buildings" providing that in such cases separate contracts shall be awarded for the structural steel and ornamental iron work.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. KUNKEL. Mr. President, at the request of Mr. Thompson, I ask unanimous consent that Senate Bill No. 566, on second reading, entitled:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 609, on second reading, entitled:

An Act permitting and regulating fishing in certain reservoirs used for public water supply purposes in accordance with rules and regulations adopted by the Board of Fish Commissioners modifying the laws with respect to trespass and imposing penalties

be recommitted to the Committee on Game and Fisheries.

Mr. RUPP. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 632, on second reading, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO. Mr. President, I ask unanimous consent that Senate Bill No. 655, on second reading, entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition including appropriations for school purposes and for the purpose of administering this act and providing penalties.

go over in its order for the purpose of amendment.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HEYBURN. Mr. President, I ask unanimous consent that Senate Bill No. 723 (House Bill No. 1157), on second reading, entitled:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws two hundred two) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats on boundary waters exempting out-board motor boats from licensure and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation and use of mufflers

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 759, as follows:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" are hereby amended to read as follows

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act "boiler" shall mean a vessel in which power or heat is generated and including all piping and apparatus connected thereto up to and including the stop-valve or valves nearest the boiler

"Boilers used on farms" shall mean any boilers used for threshing grain bailing hay filling silos and shredding fodder when such boilers are used only on the farm of the boiler owner

"Department" shall mean the Department of Labor and Industry of the Commonwealth of Pennsylvania

"Establishment" shall mean any room building or place within this Commonwealth where persons are employed or permitted to work for compensation of any kind to whomever payable and any place of business to which the public has access except farms or private dwellings

"Inspector" shall mean an inspector examined and authorized by the Department of Labor and Industry to inspect boilers in this Commonwealth or boilers destined for use in this Commonwealth

"Person" shall mean any individual firm partnership unincorporated association corporation or municipality and shall include the Commonwealth

"Place for public assembly" shall mean any building or portion thereof designed intended and used for occupation by persons for purposes of entertainment instruction or amusement

"School" shall mean any building or portion thereof where persons assemble for purposes of education and shall include public and private schools academies colleges and universities

Whenever the singular is used in this act it shall be construed to include the plural and wherever the masculine gender is used it shall be construed to include the feminine and neuter

The second section of the bill was read as follows:

Section 2 General Requirement Every boiler used or destined for use by any establishment and every boiler used or destined for use in any school or place of public assembly in this Commonwealth shall be so constructed installed maintained and operated with respect to the thickness and strength of the materials used in construction stay bolts and braces drums headers tubes doors riveting welding steam air and water guages safety valves blow offs all necessary piping and all other parts and appur-

tenances as to safely sustain the pressure at which the said boiler is designed and intended to operate Provided That nothing in this act shall be construed to apply to boilers [carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety devices approved by the department nor to apply to boilers in municipalities wherein provision is now made by ordinance for their inspection nor to boilers] subject to Federal inspection and control on steam locomotives railroad cars or steam boats nor to equipment used in connection with the operation of trains [nor to boilers on other common carriers nor to boilers used in the operation of oil wells]

On the question,

Will the Senate agree to the section?

Mr. FREY. Mr. President, I move to amend section 2, page 4, line 8 by inserting after the word "trains" the following: nor to boilers on other common carriers; amend section 2, page 4, line 10 by inserting after the word "wells" the folowing: nor to boilers carrying a pressure of not more than fifteen pounds per square inch which are equipped with safety device approved by the department except such boiler located in theatres, motion picture theatres, hospitals, schools and colleges

Mr. RICE. Mr. President, I second the motion.

On the question.

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The seventh and nineteenth sections of the bill were read as follows and agreed to.

Section 7 Inspection of Uninsured Boilers If such boiler is not so insured [or is not located in a city having a department established by ordinance for the inspection of boilers] then such inspection shall be made by an inspector in the employe of the department and there shall be a fe charged for each inspection as hereinafter provided for in this act

Section 19 Repealer Section nineteen of an act approved the second day of May one thousand nine hundred and five (Pamphlet Laws three hundred and fifty-two) entitled "An act to regulate the employment in all kinds of industrial establishments of women and children employed at wages or salary by regulating the age at which minors can be employed and the mode of certifying the same and by fixing the hours of labor for women and minors to provide for the safety of all employes in all industrial establishments and of men women and children in schoolhouses academies seminaries colleges hotels hospitals storehouses office buildings public halls and places of amusements in which proper fire-escapes exits and extinguishers are required to provide for the health of all employes and of men women and children in all such establishments storehouses and buildings by proper sanitary appliances and to provide for the appointment of inspectors office clerks and others who with the Chief Factory Inspector shall constitute the Department of Factory Inspection to enforce the same and providing penalties for violations of the provisions thereof fixing the trme and salaries of the Chief Factory Inspector and his appointees" and its amendments [and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed] All acts and parts of acts general local or special inconsistent with or supplied by this act are hereby repealed

The title of the bill was read as follows and agreed to.

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenannce of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 761 (House Bill No. 662), on second reading, entitled:

An Act to amend section four hundred thirteen and seven hundred ten of the act approved the first day of May one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled "An act for the protection of the public safety regulating the use of highways and the operation of vehicles tractors street cars trackless trolley omnibuses bicycles pedestrians and the riding of animals upon the highways of this Commonwealth providing for the titling including liens encumbrances and legal claims registration of certain vehicles and licensing the operators thereof upon payment of prescribed fees prescribing and limiting the powers of local authorities to deal with the subject matter of this act conferring powers and imposing duties upon the Department of Revenue the Department of Highways peace officers mayors burgesses magistrates aldermen justices of the peace the courts and the clerks thereof owners of vehicles and garage keepers providing that records are admissible as evidence imposing upon owners counties cities boroughs incorporated towns townships within the Commonwealth liability for damages caused by the negligent operation of their motor vehicles imposing penalties imposing certain costs upon counties providing for the disposition of fines forfeitures fees and miscellaneous receipts making an appropriation and providing for refunds" changing the registration year and adjusting registration fees

be recommitted to the Committee on Highways.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. KUNKEL. Mr. President, I ask unanimous consent that Senate Bill No. 837 (House Bill No. 753), on second reading entitled:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States the Commonwealth and political sub-divisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon

the State Board of Housing and certain other State officers and departments

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 843 (House Bill No. 1562), entitled:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authirity of the same That section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" where the Commonwealth through the Department of Highways shall have heretofore in accordance with law expended moneys for the construction reconstruction or maintenance of any State highway located in any borough and in accordance with the provisions of an act of Assembly or an agreement between the Commonwealth and the borough shall have charged a portion of the cost of such construction reconstruction or maintenance to the borough and such claim remains unpaid and has been [reduced to judgment by] referred by the Department of Highways to the Department of Justice for collection the Attorney General on behalf of the Commonwealth and with the approval of the Auditor General and State Treasurer may enter into an agreement with the borough against which such [judgment has been obtained] claim is outstanding for the payment of such [judgment] claim in installments Such agreement may be made whenever it appears that the borough is unable to pay the [judgment] claim at once by reason of its financial condition and shall provide for the liquidation of such claim before or after being reduced to judgment in definite payments over a period not exceeding five years If it shall appear that the borough by reason of its financial condition would be unable to pay the full amount of such [judgment] claim in installments over a period of five years the Attorney General with the approval of the Auditor General and State Treasurer may compound or settle such [judgment] outstanding claim for such portion thereof ase such officers may find the borough to be able to pay over a period of five years and the agreement hereinbefore provided for shall be entered into on the basis of such settlement

On the question,

Will the Senate agree to the section?

Mr. RUTH. Mr. President, I move to amend Section 1, page 2, line 4 by striking out at the end of the line the following: "(where the Commonwealth through the)" and inserting in lieu thereof the following: "is hereby amended to read as follows:

"Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That where the Commonwealth through the"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second section of the bill was read as follows and agreed to.

Section 2. This Act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to.

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (Pamphlet Laws one thousand four hundred six) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment and to compound certain judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 859, as follows:

An Act authorizing courts in certain actions to order the parties involved therein to submit to blood tests and prescribing the manner in which the results of such tests may be used as evidence

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever it shall be relevant to the prosecution or the defense in an illegitimacy action the trial court by order may direct that the complainant her child and the defendent submit to one or more blood tests to determine whether or not the defendant can be excluded as being the father of the child The result of the test shall be receivable in evidence but only in cases where definite exclusion is established the tests shall be made by duly qualified physicians or other duly qualified persons not to exceed three to be appointed by the court Such experts shall be subject to cross-examination by both parties after the court has caused them to disclose their findings to the court or to the court and jury Whenever the court orders such blood tests to be taken and one of the parties shall refuse to submit to such tests such fact shall be disclosed upon the trial unless good cause is shown to the contrary

Section 2 Whenever it shall be relevant in a civil action to determine the parentage or identity of any child persons or corpse the court by order may direct any party to the action and the person involved in the controversy to submit to one or more blood tests to be made by duly

qualified physicians or other duly qualified persons under such restrictions and directions as the court or judge shall deem proper Whenever such test is ordered and made the results thereof shall be receivable in evidence but only in cases where definite exclusion is established The order for such blood tests also may direc that the testimony of such experts and of the persons so examined may be taken by deposition The court shall determine how and by whom the costs of such examinations shall be paid

Section 3 This act shall become effective immmediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 892, as follows:

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school districts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be the duty of every attending or consulting physician nurse parent or guardian having charge of any minor under six years of age who is totally deaf or whose hearing is impaired to report at once in person or in writing to the State Department of Health stating the name age and residence of such minor and furnish such additional information with respect to such minor as the Department of Health shall require Thereupon the department shall refer the facts relative to such minor to its county medical director to ascertain whether such minor is receiving adequate care and treatment If the county medical director finds that such adequate care and treatment is not provided and that the parent or guardian is financially unable to provide the same he shall report the case tothe medical inspector of the school district who shall provide such care and treatment at the expense of the school district or of the Comproviding of medical inspection for the schools of the monwealth as the case may be charged by law with the school district Such care and treatment may be administered by the medical inspector or by some doctor of medicine selected by him

Section 2 The Department of Health shall in every such instance notify the Superintendent of Public Instruction of its disposition of the case and the name of of the county medical director and medical inspector of schools to whom the same was referred

The Superintendent of Public Instruction when in his judgment the same is deemed desirable shall communicate to the parent or guardian the location of any special schools and also the nearest public school having special classes for the instruction of the hard of hearing with the information concerning the advantages offered by such school or classes the benefits to accrue to the child from attending such school or classes and the manner in which the expenses of such instruction will be provided for

Section 3 The sum of twenty-five thousand dollars ($25,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Health for the purpose of paying for the care and treatment furnished by medical inspectors of school districts under the jurisdiction of the Department of Health or by doctors of medicine selected by such medical inspectors

Section 4 This act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 932, (House Bill No. 185), entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 937, (House Bill No. 1299), entitled:

An Act to establish a separate orphans' court in and for the County of York.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED.

Mr. LAW. Mr. President, I move that Senate Bill No. 954, on second reading, entitled:

An Act to amend sub-section (b) of section one thousand three hundred two of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws three hundred forty-three) entitled "An act relating to the finances of the State government providing for the settlement assessment collection and lien of taxes bonus and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth or any agency thereof including escheated property and the proceeds of its sale the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth and the settlement of claims against the Commonwealth the resettlement of accounts and appeals to the courts refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof all public officers collecting moneys payable to the Commonwealth or any agency thereof and all receipts of appropriations from the Commonwealth and imposing penalties affecting every department board commission and officer of the State government every political subdivision of the State and certain officers of such subdivisions every person association and corporation required to pay assess or collect taxes or to make returns or reports under the laws imposing taxes for State purposes or to pay license fees or other moneys to the Commonwealth or any agency thereof every State depository and every debtor or creditor of the Commonwealth" by making further provisions for the recovery of property subject to escheat authorizing escheators to bring a bill of discovery and to compel answers and to subpoena persons or corporations having a knowledge of property subject to escheat and making other provisions for proceeding upon such bill

be recommitted to the Committee on Finance.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order.

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 974, (House Bill No. 1570), entitled:

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1012, (House Bill No. 843), as follows:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That from and after the first day of May one thousand nine hundred and thirty-seven it shall be unlawful for any person partnership association or corporation in the cities of this Commonwealth to hold out that any sale of goods wares and merchandise is an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing out sale or a sale of goods damaged by fire smoke or water unless a license is first obtained to conduct such sale from the treasurer of the city in which it is to be held

Section 2 Upon application for such license the applicant shall make a full disclosure under oath of the following information The true name of the owner of the goods to be offered for sale the name of the operator of the sale of a person other than the true owner a full and complete inventory of the quantity kind and character of the goods to be offered for sale which shall be prepared in the following manner First a listing of all goods which have been in stock for a period of fifteen days or longer prior to the application for the license second a listing of all goods received in stock within the fifteen days immediately preceding the application for the license third a listing of all goods which have been ordered and will be placed in stock during the pendency of the sale the method by which the applicant for the license or the true owner of the goods if a different person acquired title to the same and the reason for the urgent and expeditious disposal thereof The said treasurer may require any further information necessary to inform him as to whether such license should be granted and if any defect appears in the title to the goods or any false representation is made in such application the said treasurer may refuse the license

Section 3 It shall be the duty of each such licensee to post a copy of the said application in the sales room or place where the goods are to be sold so that the public may be informed of the facts in relation to the goods before purchasing the same

Section 4 Any person conducting or being responsible for any sale as set forth in section one hereof without first having obtained the license or any person making or being responsible for any misrepresentation in connection with the goods so offered for sale or sold shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not more than one hundred dollars ($100) and to imprisonment for a term of thirty days The right to appeal from such conviction shall exist as in other cases of summary convictions

Section 5 Any license so granted as aforesaid shall be good for no more than a period of ninety days and shall not be renewable nor shall any other such license be granted to the same person within the same city for a period of one year succeeding the expiration of a previous license The treasurer shall receive from the applicant for such license upon the granting thereof a license fee which in cities of the first second and second A classes shall be one hundred dollars ($100) and in cities of the third class shall be fifty dollars ($50)

Section 6 This act shall not apply to sales conducted by sheriffs constables or other public or court officials or to any other person or persons acting under the direction or authority of any court State or Federal selling goods wares and merchandise in the course of his official duties nor to sales by licensed auctioneers extending over a period not in excess of three days nor to sales conducted by insurance companies or by salvage companies acting for insurance companies when such sales are not conducted at retail

Section 7 This act shall become effective on the first day of May one thousand nine hundred and thirty-seven

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1013, (House Bill No. 1129), entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILLS RECOMMITTED

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 1017 (House Bill No. 2154), on second reading, entitled·

An Act authorizing the Commonwealth to negotiate temporary emergency loans to defray the current and other expenses of the State government during the two fiscal years beginning the first day of June one thousand nine hundred thirty-seven evidence by tax anticipation notes secured by and payable from current revenue levied assessed collectible and accruing during such two fiscal years defining the powers and duties of the Governor the Auditor General and the State Treasurer in relation thereto providing for the payment of interest on and the repayment of such loans and making an appropriation

be recommitted to the Committee on Finance.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

Mr. HUFFMAN. Mr. President, I move that Senate Bill No. 1033 (House Bill No. 1651), on second reading. entitled:

An Act to amend the act approved the twenty-seventh day of June one thousand nine hundred and twenty-three (Pamphlet Laws eight hundred fifty-eight) entitled "An act establishing a State employes retirement system and creating a retirement board for the administration thereof establishing certain funds from contributions by the Commonwealth and contributing State employes defining the uses and purposes thereof and the manner of payments therefrom and providing for the guaranty by the Commonwealth of certain of said funds imposing powers and duties upon the heads of departments in which State employes serve excepting annuities allowances returns benefits and rights from taxation and judicial process and providing penalties" as amended further defining State employes providing for retirement allowances where all back deductions have not been paid specifying when State employes shall join the system imposing certain duties on the heads of agencies of the State government fixing the liability of certain special operating funds further regulating retirement rights retirement allowances withdrawals and the computation of service allowances imposing certain duties on the board transferring the retirement board from the Department of State to the Treasury Department and providing for contributions by members

be recommitted to the Committee on State Government

Mr. GILSON. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1045, as follows:

An Act to amend the title and sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred and thirty-five Pamphlet Laws 1349) entitled "An act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schols conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation" extending the provisions of said act to children under twelve year of age

The first to the fifth section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1349) entitled "An act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation" are hereby amended to read as follows

An Act providing for the purchase and for the distribution of vitamin products as defined in this act to certain [pupils in the public schools] children conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies [school districts] teachers and medical inspectors of schools and making an appropriation

Section 1 Be it enacted &c That the word (pupil) "child" as used in this act means every child (attending the public schools who is in the first or second grades and) under ten years of age whose parent parents guardian or other person responsible for maintenance (requests the furnishing to such child of vitamin products and also every child who is advanced beyond the second grade) is financially unable to provide vitamin products for such child and who in the opinion of (the) any teacher medical inspector of schools or an agent of the Department of Health shows indications of malnutrition or nutritional disorders (and whose parent parents guardian or other person responsible for maintenance is financially unable to provide vitamin products for the child)

Every child shall be entitled to receive daily (during the school year or during any part of the school year) as the Department of Health may determine such quantities of vitamin products as shall be deemed adequate (by the medical inspector of schols or agent of the Department of Health) to prevent or correct malnutrition

The term "vitamin products" as used in this act shall be construed to include any of the following high potency antirachitic products in capsule pearl tablet or wafer form used for the purpose of preventing and as an aid in correcting malnutrition Namely (a) cod liver oil or cod liver oil wit viosterol (b) haliver oil with viosterol (c) halibut liver oil with viosterol (d) any combination of the foregoing oils with viosterol (e) dicalcium phosphate compound with viosterol and (f) the product known as A-B-D capsule or any other vitamin and mineral supplements determined by the Department of Health

Section 2 Such vitamin products shall be furnished by the Department of Health to various [school districts] schools or to such other dispensing agencies as may be set up by the department for distribution [therein] by teachers and others in accordance with systems established by the Department of Health with the co-operation of the Department of Public Instruction

Section 3 The Department of Property and Supplies in accordance with the provisions of the Administrative Code shall be purchasing agent for the Department of Health and shall from time to time purchase and provide for the delivery of vitamin products for the use of the Department of Health in carrying into effect the provisions of this act Such vitamin products so purchased shall conform to such standards of quality and potency as may be prescribed by the Department of Health which Department shall have the right to reject or to refuse to accept any of said vitamin products so purchased which the Secretary of Health finds do not conform to the standards of quality and potency prescribed by the Department

Section 4 Each [board of school directors] school dispensing and other dispensing agencies set up by the Department of Health shall in accordance with rules and regulations formulated by the Department of Health in co-operation with the Department of Public Instruction establish a system for the requisitioning of vitamin products from the Department of Health and for their distribution to [pupils in the public schools] children and shall provide for the collection of reports as to the quantity of vitamin products required [in such school district and in each school room] to supply [pupils] children Every teacher [and] medical inspector [designated by the board of school directors for such purpose] or other agency set up shall mae kperiodical reports to [the board of school directors for the use of] the Department of Health as to the amount of vitamin products required to supply [pupils in each schoolroom] children showing the names of the [pupils children their respective ages [grades] addresses and such other information as the Department of Health may require

Section 5 The Department of Health shall in such manner as it shall determine provide instruction for teach-

ers [in the public schools] and other persons upon matters pertaining to proper diet nutrition and comparative food values which information shall in turn be imparted by teachers to [pupils] children and their parents

The title of the bill was read as follows:

An Act to amend the title and sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1349) entitled "An act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation" extending the provisions of said act to children under twelve years of age

On the question,

Will the Senate agree to the title?

Mr. KAHLE. Mr. President I move to amend title by striking out after the word "under" the word "twelve" and inserting in lieu thereof the word "ten"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1086, as follows:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and th amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all proceedings and elections heretofore had and held by any county city borough township school distirct or other municipality or incorporated district within this Commonwealth to increase its indebtedness under the method of procedure specified by the provisions of an act of Assembly entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) and the acts amendatory thereof and supplementary thereto where the majority of votes cast at such election was in favor of the increase of indebtedness be and the same are hereby ratified confirmed and made valid notwithstanding such election was held within ninety days after the general election notwithstanding the date of the ordinance or vote deciding such increase was within ninety days after a general election and notwithstanding any defect or informality in the manner of holding mode of conducting or giving notice of such election or in form of the ballot and notwithstanding that the polls at such election were not open a full twelve hours as provided by law and notwithstanding any patent error of orthography or of numerical statement on any or all of the ballots

All of the bonds securities and obligations issued or to be issued in pursuance of every such election are hereby made valid and binding obligations of every suchc county city borough township school district or other municipality or incorporated district and also in case any municipal bonds have been sold by a municipality and the publication of notices of the sale have been defective all such bonds securities and obligations sold under defective publication of the notices of such sale are hereby made valid and binding obligations of every such county city borough township school district or other municipality or incorporated district Provided That all the other requirements of law concerning such procedure election and issue of bonds have been complied with And provided further That the provisions of this act shall not apply in any instance where the validity of such election or any issue of bonds or other security based thereon has been made the subject of litigation in any court of the Commonwealth prior to the approval of this act nor to any litigation in any court of this Commonwealth instituted prior to the passage of this act and still pending and undetermined

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 801

Mr. SHAPIRO. Mr. President, I ask unanimous consent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAPIRO offered the following resolution which was twice read considered and agreed to:

In the Senate, May 3, 1937.

Resolved (if the House of Representatives concur), that Senate Bill No. 801, Printer's No. 250, entitled "An act to amend the title and sections one, and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws 108) entitled 'An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith' transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

HOUSE MESSAGES

FINAL ADJOURNMENT

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives which was twice read as follows:

In the House of Representatives, May 3, 1937.

Resolved (if the Senate concur) That this regular session of the General Assembly adjourn sine die Friday May 21, 1937, at 12 o'clock noon.

Mr. HUFFMAN. Mr. President, I move that the resolution just read be referred to the Committee on Rules.

Mr. CAVALCANTE. Mr. President, I second the motion.

The motion was agreed to.

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 390

He also presented extract from the Journal of the House of Representatives, which was twice read as follows: considered and agreed to:

In the House of Representatives,

Resolved (if the Senate concur), That House Bill No. 390, entitled "An Act relating to the performance of industrial work in homes; regulating, and, in certain cases, prohibiting industrial homework; imposing duties, restrictions and liabilities on industrial home-workers and on persons, partnerships, associations and corporations, directly or indirectly, furnishing materials and articles to home-workers for manufacture or work thereon; requiring permits and home-workers' certificates and prescribing the fees therefor; imposing an excise tax, and providing for the collection thereof; conferring powers and imposing duties on the Department of Labor and Industry and the Department of Revenue; and prescribing penalties," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN SENATE BILL NO. 831

He also returned to the Senate, Senate Bill No. 831, entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven.

with the information that the House has passed the same without amendment.

HOUSE INSISTS ON ITS NON-CONCURRENCE IN AMENDMENTS TO HOUSE BILL No. 1692.

He also informed the Senate that the House of Representatives insists on its non-concurrence in the amendments made by the Senate to House Bill No. 1692 entitled:

An Act requiring the consent of the electors of a township of the second class when such township or any part thereof is to be annexed to a contiguous borough or city

and has appointed Messrs. Patterson, Harkins and Weideman as a Committee of Conference to confer with a similar committee of the Senate (if the Senate shall appoint such committee) to consider the difference existing between the two Houses in relation to said bill.

APPOINTMENT OF COMMITTEE OF CONFERENCE

Mr. RICE. Mr. President, I move that a Committee of Conference be appointed to confer with a committee of the House of Representatives (already appointed) to considered the differences existing between the two Houses in relation to said bill.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Ordered, That Messrs. Law, Reed and Salus be said committee on the part of the Senate, and that the Clerk inform the House of Representatives accordingly.

HOUSE INSISTS UPON ITS AMENDMENTS TO SENATE BILL No. 177

He also presented communication from the House of Representatives informing the Senate that the House insists upon its amendments non-concurred in by the Senate to Senate Bill No. 177, entitled:

An Act prohibiting persons and officers from hiring, requesting and inducing minors to purchase spirituous, vinous or brewed and malt liequors and prohibiting minors from purchasing or attempting to purchase the same.

and has appointed Messrs. MOOMAW, ALLEN and WEBSTER as a Committee of Conference to confer with a similar committee of the Senate, (if the Senate shall appoint such committee) to consider the differences existing between the two houses in relation to said bill.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 58.

An Act to amend section eleven, as amended and to repeal section ten of the act, approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 711), entitled "An act establishing a court for the county of Philadelphia; prescribing its jurisdiction and powers; providing for the service of its writs, process, or warrants by the proper officers of the county or city of Philadelphia; regulating the procedure therein, and appeals therefrom; and providing for the expenses thereof," taking from said court jurisdiction in civil and criminal actions and in equity.

SENATE BILL No. 831.

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven

Whereupon, The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

MOTION TO READ BILL THE FIRST TIME

Mr. RICE. Mr. President, I move that the bill reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 967, (House Bill No. 923), entitled:

An Act to amend section three of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty) entitled, "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts," as amended by privading for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals, requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

On Tuesday, May 4th, at 10:30 a. m., the Committee on Judiciary General will meet in Room 302.

Tuesday, May 4th, at 10:30 a. m., the Committee on Municipal Government will meet in Room 402.

Tuesday, May 4th, at 11:00 a. m., the Committee on Elections, will meet in Room 402.

Tuesday, May 4th, at 11:15 a. m., the Committee on Municipal Government will meet in Room 400.

Tuesday, May 4th, at 11:30 a. m., the Committee on Aeronautics will meet in Room 265.

There will be a Public Hearing in the Senate Caucus Room on Senate Bill No. 790, at 4:30 p. m.

On Wednesday at 10:30 a. m., the Committee on Appropriations will meet in Room 265.

Wednesday at 11:30 a. m., the Committee on Education will meet in Room 402.

Announcements of all these meetings are on mineograph forms on the desks of the Senators.

On Tuesday, May 4th, the Committee on Banking will meet in Room 302 at 5:00 p. m.

The Committee on Highways will meet on Wednesday, May 5th, at 11:00 a. m., in Room 302.

On Wednesday, May 5th, the Committee on Insurance will meet at 10:00 a. m., in Room 401.

The Committee on Mines and Mining will meet on Thursday, May 6th, in Room 401, at 11:00 a. m.

On Thursday, May 6th, the Legislative Apportionment Committee will meet at 11:30 a. m., in Room 265.

On Thursday, May 6th, at 10:00 a. m., the Committee on Public Health will meet in Room 402.

Thursday, May 6th, the Committee on Constitutional Changes will meet in Room 265, at 10:30 a. m.

The Committee on State Boards will hold an important meeting on Thursday, May 6th, at 11:00 a. m., in Room 200.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until one o'clock tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 11:59 p. m. until one o'clock noon, tomorrow, May 4th, 1936.

HOUSE OF REPRESENTATIVES

MONDAY, May 3, 1937.

The House met at 9:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

Rev. OLIVER E. MAURER, Pastor of St. John's Reformed Church, Red Lion, Pa., offered the following prayer:

Great and glorious God, in the radiant beauty of this day now drawing to a close, there has been presented to us the beauty of Thy holiness, the radiancy of Thy widsom, the clearness of Thy justice, the potency of Thy power and the warmth of Thy love. For this matchless manifestation of Thyself, for the gift of Thy Son, we offer our grateful homage, we give our reverend adoration and pledge and our loyal devotion. For our country, great and promising, oh God we thang Thee. We passionately pray that Thou will preserve, promote and guide her. Our Father in Heaven we praise Thee for this Commonwealth. Make us a keystone of righteousness, a State that is steadfast in faith and obedient to the law and order of both God and man. Oh God, send Thy holy spirit to bless, give widsom and guidance to our Governor and to all those in authority. Give Thy guiding hand to the Senators and Representatives assembled in session this night. Lead, guide and direct this body to act in accordance with Thy will, to legislate to the glory of God, to the building of the kingdom of Christ and to the best interest of all mankind. Our Father, these our petitions we present at Thy throne in the name of our Lord Jesus Christ. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of Wednesday, April 28, 1937.

The Clerk proceeded to read the Journal of Wednesday, April 28, 1937, when, on motion of Mr. LYONS the further reading was dispensed with and the Journal approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

PENNSYLVANIA STATE BAR.

A resolution from the Lebanon County Bar Association demanding public hearings on House Bill No. 1753.

Referred to the Committee on Judiciary General.

SALE OF FOOD.

A communications from the Pennsylvania Restaurant Association requesting passage of House Bill No. 419.

Referred to the Committee on Public Health Sanitation.

LEAVES OF ABSENCE

Mr. Schumaker asked and obtained leave of absence for Mr. STACKPOLE for tonight's session.

Mr. Samuel A. Weiss asked and obtained leave of absence for Mr. JAMES W. PATTERSON on account of illness.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 392 entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1133 entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County, Pensylvania

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1540 entitled:

An Act to repeal section ten of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties"

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill 1354 entitled:

An Act to further amend section two thousand two hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class under certain circumstances and authorizing such school districts to provide for the payment of such additional allowances.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House No. 1644 entitled:

An Act to amend sections one, two, four and fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465), entitled "An act to provide for the safety of persons employed, housed, or assembled in certain building and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," as amended; extending the provisions of said act to additional buildings; providing additional safety regulations and for the closing of certain buildings.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 141, entitled:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court

And said bill having been read at length the first time,
Ordered, To be land aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1745, entitled:

An Act making an appropriation to the several fire companies of the city of Harrisburg Pennsylvania

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1355, entitled:

An Act to amend paragraphs one, three and five of section one of the act, approved the twelfth day of June, one thousand eight hundred and ninety-three, (P. L. 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district, or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead," as amended, by transferring certain powers from the county commissioners to the coroner in counties of the first class.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1145, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1788, entitled:

An Act to amend section five hundred forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for the audit of the accounts of justices of the peace.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1817, entitled:

An Act to fix the number of Representatives in the General Assembly of the State and to apportion the State into representative districts as provided by the Constitution.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Legislative Apportionment.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 564, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1997, entitled:

An Act to amend sections one and two of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 450), entitled "An act relating to fires and fire prevention; imposing duties and conferring powers upon the State Police; authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police, and defining their powers and duties; providing for the investigation of the cause, origin, and circumstance of fires and the inspection of all, and the removal or change of, certain buildings; imposing duties on school authorities and on certain corporations, associations, and fire rating agencies; providing for the attendance of witnesses before the said State Police, and the enforcement of its orders; and prescribing penalties," conferring police and building inspection powers on assistants appointed by the superintendent of State Police.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 393, entitled:

An Act making an appropriation to the Department of Labor and Industry for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1144, entitled:

An Act making an appropriation from the Motor License Fund of the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1798, entitled:

An Act to repeal clause (c) as amended, and to amend clause (d) of section fifty-eight of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "An act relating to the administration and distribution of the estates of decedents and of minors, and of trust estates; including the appointment, bonds, rights, powers, duties, liabilities, accounts, discharge and removal of executors, administrators, guardians, and trustees, herein designated as fiduciaries; the administration and distribution of the estates of presumed decedents; widow's and children's exemptions; debts of decedents, rents of real estate as assets for payment thereof, the lien thereof, sales and mortgages of real estate for payment thereof, judgments and executions therefor, and the discharge of real estate from the lien thereof; contracts of decedents for the sale or purchase of real estate; legacies, including legacies charged on land; the discharge of residuary estates and of real estate from the lien of legacies and other charges; the appraisement of real estate devised at a valuation; the ascertainment of the curtilage of dwelling houses or other buildings devised; the abatement and survival of actions, and the substitution of executors and administrators therein, and suits against fiduciaries; investments by fiduciaries; the organization of corporations to carry on the business of decedents; the audit and review of accounts of fiduciaries; refunding bonds; transcripts to the court of common pleas of balances due by fiduciaries; the rights, powers and liabilities of non-resident and foreign fiduciaries, the appointment, bonds, rights, powers, duties, and liabilities of trustees durante absentia; the recording and registration of decrees, reports and other proceedings, and the fees therefor; appeals in certain cases; and, also, generally dealing with the jurisdiction, powers, and procedure of the orphan's court in all matters relating to fiduciaries concerned with the estates of decedents," eliminating certain provisions relating to foreign fiduciaries selling, assigning, transferring and receiving the income from certain assets of decedents, minors and costui que trusts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1671, entitled:

An Act to amend clause A of section two hundred and two of the act, approved the fifth day of May, one thousand nine hundred and thirty-three (P. L. 364), entitled "An act relating to business corporations; defining and providing for the organization, merger, consolidation, reorganization, winding up and dissolution of such corporations; conferring certain rights, powers, duties and immunities upon them and their officers and shareholders; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the second class within the provisions of this act; prescribing the terms and conditions upon which foreign business corporations may be admitted, or may continue, to do business within the Commonwealth; conferring powers and imposing duties on the courts of common pleas, and certain State departments, commission, and officers; authorizing certain State departments, boards, commissions, or officers to collect fees for services required to be rendered by this act; imposing pen-

alties; and repealing certain acts and part of acts relating to corporations;" as amended, restricting the use of certain words in corporate names.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1021, entitled:

An Act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1962, entitled:

An Act making an appropriation to the Department of Internal Affairs for the completion of certain geologic and topographic surveys and studies and the publication of the results thereof and also the republication of certain surveys and studies in order to make the same available to the citizens of the State.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.
The motion was agreed to.

BILL ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2066, entitled:

An Act to amend subsection (b) of section two by inserting a new subsection (b) therefor, and sections three and eleven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1260), entitled "An act regulating the business of assisting employers to obtain employes, and persons to secure employment; providing for the licensing, registration, bonding, and regulation of certain individuals and entities engaged in such business; conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth, and of said department; and prescribing penalties," by further defining the meaning of theatrical managers, exempting certain organizations from license requirements, and restricting foreign theatrical employment agencies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. WALSH. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary Special for the purpose of further study.
The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2102, entitled:

An Act to add section 491.1 to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties of the sixth, seventh and eighth classes to pay bounties for the destruction of rattlesnakes and porcupines.

And said bill having been read read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 142, entitled:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 718, entitled:

An Act to describe define and officially adopt a system of co-ordinates for designating the positions of points of the surface of the earth within the Commonwealth of Pennsylvania.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 1465, entitled:

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools department providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational Education and providing for referendum in certain cases.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2114, entitled:

An Act relating to trust indentures deeds of trusts or similar instruments relating to real estate mortgages and interests therein regulating and supervising the appointment creation powers and duties of trustees bondholders' protective committees depositories management companies voting trustees and other persons administering holding in custody or otherwise concerned with real estate mortgages and interests therein imposing certain powers and duties on courts of common pleas and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 729, entitled:

An Act to permit the entry of engineers and surveyors and their representatives into private property for the purpose of using survey stations established by or under the direction of the United States Coast and Geodetic Survey or as a part of the Pennsylvania Coordinate Sys-

tem and providing a penalty for the injuring defacing and destruction of marks and monuments.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1177, entitled:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2142, (Senate Bill No. 568), entitled:

An act to amend sections one, two, three, and section nine as amended, of the act approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888) entitled, "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases; clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2212, (Senate Bill No 671), entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Depatment of Labor and Industry relative to the enforcement of this act and fixing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2138, (Senate Bill No. 429), entitled:

An Act to amend sections two, three, four and six of the act approved the fifth day of June, one thousand nine hundred thirteen (P. L. 443) entitled "An act for the prevention of blindness, by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians, midwives and others, and requiring the reporting of results of treatment of each case of said disease, and fixing a penalty for violation thereof," by imposing duties on public health nurses, social workers, county medical directors, and physicians, and increasing penalties for violation of said act.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2177, (Senate Bill No. 775), entitled:

A Supplement to an act approved the twentieth day of July one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriations Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie available for the purchase of land to be available for the burial of deceased members of the home.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2192, (Senate Bill No. 806), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws one hundred forty-seven) entitled "An act fixing the compensation of persons called to serve as coroners jurors in this Commonwealth' increasing the compensation of coroner's jurors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1956, (Senate Bill No. 546), entitled:

A Joint Resolution proposing an amendment to Article nine of the Constitution of the Commonwealth of Pennsylvania by adding section one A.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. CHERVENAK. Mr. Speaker, I move that this bill be recommitted to the Committee on Constitutional Amendments for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2187, (Senate Bill No. 678), entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that

townships of the second class shall have the power to develop their own water supply.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2126, (Senate Bill No. 65), entitled:

An Act to amend section one of the act, approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven entitled "An act to enlarge the jurisdiction of the Court of Common Pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2186, (Senate Bill No. 677), entitled:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws one thousand two hundred six) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that townships of the first class shall have the power to develop their own water supply.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 956, entitled:

An Act making an appropriation out of the Motor License Fund to the Auditor General State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 947, entitled:

An Act to amend section three of the act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed, housed or assembled in certain buildings and structures not in cities of the first class, second class and second class A, by requiring certain construction and ways of egress, equipment and maintenance; providing for the licensing of projectionists requiring the submission of plans for examination and approval, providing for the promulgation of rules and regulations for the enforcement of this act by the Department of Labor and Industry, and in certain cases by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act, and repealing certain acts;" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1732, entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy, section seven hundred thirty two as amended, sections seven hundred thirty-three, eight hundred seventy-six, and eight hundred ninety-six of, and to add section seven hundred thirty-seven to the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating tax levies, bond issues, appropriations, and the procedure for rebuilding bridges in such counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1433, entitled:

An Act to amend section five hundred and fourteen of the act, approved the ninth day of April, one thousand nine hundred and twenty nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as amended, permitting State institutions and sanatoria to supply water to individuals.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1524, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws five hundred eighty-nine) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" by modifying the provisions relating to barber schools the licensing of persons as barbers and the issuing of renewal student or apprentice permits providing additional grounds for suspension and revocation of permits and registrations discontinuing the use of the term "barber college" and prescribing penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 606, entitled:

An Act relating to magistrates aldermen and justices of the peace conferring powers on the courts of quarter sessions of counties of second class to regulate and supervise the conduct of courts not of record and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 86, entitled:

An Act to establish as a State highway a certain section of public road in the County of Allegheny and providing for its construction and maintenance at the expense of the Commonwealth

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Highways for the purpose of further study.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill 470, entitled:

An Act to amend Route 18033 of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 594), entitled "An act establishing certain township roads as State highways; authorizing their construction, maintenance, and improvement under certain conditions and restrictions; limiting the obligation of the Commonwealth in the construction of certain structures, located on such highways; conferring certain powers upon the Department of Highways and local authorities, persons, associations and corporations for sharing the cost of the maintenance and construction of such highways; and making an appropriation to carry out the provisions of said act," as added.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1963, entitled:

An Act to require certain records of oil and gas wells drilled in the Commonwealth showing the location of the same and the geologic formations encountered therein and to make copies of such records available upon payment of prescribed fees and providing fees and penalties

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1282, entitled:

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws forty-six) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners in this State and to provide penalties for the violation of this act" by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other states requiring annual renewals of osteopathic surgeon's licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 957, entitled:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1316, (Senate Bill No. 243), entitled:

An Act to provide for the registration of certain nurses

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1151, entitled:

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1020, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organizations of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain

State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section 1109 of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" is hereby amended to read as follows

Section 1109 [Mortgage or] Securities Pools for Investment of Fiduciary Funds A A trust company or a bank and trust company in its trust department may establish a pool or fund of [bonds secured by mortgages or of other] securities purchased solely with funds of estates held by it as fiduciary All [the bonds secured by mortgage and all] the securities which comprise such pool or fund shall be of the class authorized as legal investments for funds held by fiduciaries The bank and trust company or the trust company shall apportion fractional undivided interests in such pool or fund to estates of which it is fiduciary in the proportions in which their funds were used to purchase [the bonds secured by mortgage or] the securities which comprise such pool or fund Interests in such pool or fund shall not be sold to any corporation or person but shall be held solely by the bank and trust company or the trust company as fiduciary and the equitable interest owned solely by the estates of which such bank and trust company or such trust company is fiduciary Interests in such pool or fund may be transferred in distribution to any beneficiary and in order to make distribution may be sold by such bank and trust company or trust company to another trust estate or estates of which it is fiduciary or may be sold by a bank and trust company to its commercial department which may in turn resell the same to another trust estate or estates of which it is fiduciary but not to any other corporation or person

B Such bank and trust company or such trust company shall designate clearly upon its records the names of the estates on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in such pool or fund and the extent of the interest of the estate therein No such extent shall be deemed to have individual ownership of any [bond or other] security in such pool or fund but shall be deemed to have an undivided interest in the entire pool or fund

The bank and trust company or the trust company may issue a certificate of participation for every estate on behalf of which such bank and trust company or trust company as fiduciary owns a fractional undivided interest in such pool or fund Such certificate shall state on its face that it is issued without guarantee by the issuing bank and trust company or trust company of the payment of either principal or interest that it will be paid only when funds become available [out of the bonds secured by mortgages or] out of the securities comprising the pool or fund It shall also state any other important condition covering such situation

C The bank and trust company or the trust company shall have the right at any time to substitute [for any bond or other obligation secured by mortgage or] for any securities in a pool or fund other [bonds or obligations secured by mortgages or] securities which meet all the requirements of this section and which have a value at least equal to the [bond and mortgage or] other security for which they were substituted

[D A bank and trust company or a trust company shall likewise have the power to create undivided interests in any single bond secured by a mortgage or in any single security to be apportioned among estates of which it is fiduciary in the proportion to which their funds were used to purchase such asset The bank and trust company or the trust company shall create and assign such interest and shall designate upon its records the names of the estates to which any such undivided interest shall have been apportioned and may issue participation certificates therefor in the same manner under the same conditions and subject to the same limitations as are authorized or imposed by this section in the case of a pool of more than one bond secured by mortgages or of more than one security]

[E] D This section shall not be construed to affect a pool or fund [of bonds secured by mortgages or] of securities created by a bank and trust company or a trust company prior to the [effective date of this act] third day of July one thousand nine hundred and thirty-three

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CAPUTO. Mr. Speaker, I move that this bill be recommitted to the Committee on Judiciary General for the purpose of further study.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 304, as follows:

An Act granting a pension for military service to Robert R Hoffman of the County of Lehigh

Whereas Robert R Hoffman a member of the National Guard of Pennsylvania and formerly assigned for duty with the Service Battery 213th Coast Artillery (Anti-Aircraft) Pennsylvania National Guard was ordered to attend a training camp at Fort Monroe Virginia during the month of August one thousand nine hundred twenty-five and

Whereas while attending said training camp he sustained an injury to his spine while in the act of assisting in loading three inch anti-aircraft ammunition upon a truck and as a result of such injury was totally disabled until December first one thousand nine hundred and twenty-six and

Whereas the injuries he sustained as a result of said accident rendered him partially disabled from December first one thousand nine hundred and twenty-six until February fifth one thousand nine hundred and twenty-nine and

Whereas the said accident occurred prior to the approval of the act of April twenty-ninth one thousand nine hundred and twenty-nine (Pamphlet Laws 853) which extended the provisions of the Workman's Compensation Act to cases in which employes are injured while on duty outside the Commonwealth and

Whereas said accident occurred while the said Robert R Hoffman was engaged in the military service of the

Commonwealth and under such circumstances as would have entitled him to compensation under the provisions of the act of April twenty-ninth one thousand nine hundred and twenty-nine (Pamphlet Laws 853) had said act been in force at the time of the occurrence of said accident Wherefore he is justly entitled to receive compensation from the Commonwealth for the aforesaid injury Therefore

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby directed to pay out of the moneys of the State Treasury not otherwise appropriated to the said Robert R Hoffman the sum of three thousand two hundred thirty dollars and forty cents ($3230.40) as compensation for total disability for a period of sixty-two and three-sevenths (62-3/7) weeks for partial disability for a period of one hundred ten and three sevenths (110-3/7) weeks and reimbursement for medical expenses incurred within thirty (30) days following the said accident at the rate provided for by the said act of Assembly together with interest thereon computed according to the published rules of the Workman's Compensation Board and the Workman's Compensation Bureau

Such payment shall be made by the State Treasurer on a warrant of the Auditor General in the manner provided by the law

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations.

The motion was agreed to,

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1437, entitled:

An Act to amend sections two hundred and eleven three hundred and twelve seven hundred and seven and eight hundred and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by placing the incorporation and regulation of non-profit corporations with power to confer degrees in law under the exclusive jurisdiction and supervision of the judicial department of this Commonwealth and conferring discretionary powers upon the courts

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two hundred and eleven three hundred and twelve seven hundred and seven and eight hundred and seven of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 289) entitled "An act relating to non-profit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign non-profit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" are hereby amended to read as follows

Section 211 Special Procedure for Incorporation of Educational Institutions Desiring to Confer Degrees A In the case of the incorporation of a college university or theological seminary as a non-profit corporation with power to confer degrees in art pure and applied science philosophy literature law medicine and theology or any of them the articles of incorporation shall in addition to the information theretofore required by this article and in conformity with the requirements and limitations contained in the following article set forth

(1) The amount of assets in the possession of the incorporators which are to be devoted to the purpose of establishing and conducting the college university or theological seminary or in the case of the incorporation of law colleges and schools with power to confer degrees in law that said incorporators have been associated and doing business within this Commonwealth as a law college or school with a regular curriculum by means of financial support or contributed services during a period of no fewer than five years prior to date of said articles

(2) The minimum number of persons whom it is intended to employ regularly as members of the faculty of the corporation

(3) A brief statement of the requirements for admission to and of the course or courses of study to be pursued in the institution

(4) The information hereinafter required by this article in the case of corporations formed to carry out the directions or purposes of a trust instrument if the corporation is being formed under such circumstances

B When the articles and other papers are presented to the court for approval the court shall examine them If they are found to be in proper form and in conformity with the provisions of this act and shall appear lawful and not injurious to the community the court shall so certify thereon [The] Except in the case of the incorporation of law colleges and schools with power to confer degrees in law the court shall then direct the prothonotary clerk of the court to transmit the articles to the Superintendent of Public Instruction [the articles] The Superintendent of Public Instruction shall within sixty days after the receipt of the articles cause the State Council of Education to be convened at such time and place as he may designate Thereupon the council shall consider the articles and shall make such investigations and hold such hearings as [it] may [deem] be necessary in the premises If the courses of instruction the standards of admission to the institution and the composition of the

faculty shall appear to be sufficient and to conform to the requirements hereinafter prescribed in this act for such institutions and if the educational needs of the particular locality in which the institution is to be situated and of the Commonwealth at large are likely to be furthered by the granting of the charter the council shall endorse upon the articles its findings and its approval of the same together with a recommendation to the court before which the articles were originally presented that the application for a charter be granted If in the judgment of the council the application for a charter should not be granted the council shall endorse upon the articles its findings and its disapproval together with a recommendation to the court that the application be refused Thereupon the Superintendent of Public Instruction shall return the articles to the court which in passing finally upon the application shall be guided in its decree by the findings of the council If the court after giving consideration to the approval of the council shall be satisfied with the propriety of the application for a charter in view of all the facts it shall approve the application but if the council has disapproved the application the court [shall] may refuse to approve the application [The court in no case shall have power to grant a charter to a college university or theological seminary with power to confer degrees until the application has been approved by the State Council of Education] In the case of incorporation of law colleges and schools with power to confer degrees the court may appoint a master to hear the testimony and report thereon with findings of fact and conclusions of law to the court and shall be guided in its decree by a showing of compliance by such institution with the requisites and standards which have been or may hereafter be prescribed by law or by rule of court for the admission of persons to the general practice of law in the Supreme Court of this Commonwealth

Section 312 Requirements of Educational Institutions Desiring to Confer Degrees A No college university or theological seminary shall be incorporated under this act with power to confer degrees in art pure and applied science philosophy literature [law] medicine and theology or any of them unless it has

(1) A minimum protective endowment of at least five hundred thousand dollars ($500,000) beyond all indebtedness and assets invested in buildings and apparatus for the exclusive purpose of promoting instruction except that in the case of tax-supported institutions or those maintained by religious or other organizations financial support or contributed services equivalent in value to the endowment herein specified may be substituted for such endowment and except also that in the case of law colleges and schools it has existed and has been doing business within this Commonwealth with a regular curriculum by means of financial support or contributed services during a period of no fewer than five years prior to the date of filing its articles

(2) A faculty consisting of at least eight regular professors who devote all their time to the instruction of its college or university classes unless the college is devoted to a specific subject in art archaeology law literature or science (medical [and law] schools excepted) in which case the faculty shall consist of at least three regular professors who devote substantially all their time to the instruction in the special branch for which the college is established and two or more instructors or fellows in the particular branch who shall be provided to assist in the instruction to be given the students for the promotion of original investigation and in the development and growth of the special branch or science to which such college may be devoted

B A college university or theological seminary incorporated under this act with the power to confer degrees shall have power to confer baccalaureate degrees in art science philosophy or literature only upon students who have completed a college or university course covering four years The standard of admission to these four-year courses or to advanced classes in these courses shall be not less than four years of academic or high school preparation or its equivalent and shall be subject to the approval of the State Council of Education

C Any educational corporation except law colleges and schools formed under this act with the power to confer degrees as aforesaid shall be subject to visitation and inspection by representatives of the State Council of Education If any such corporation shall fail to keep up the standards required by this act the court [shall] may upon the recommendation of the State Council of Education revoke the power to confer degrees All law colleges and schools so incorporated shall be subject exclusively to the jurisdiction and supervision of the judicial department of this Commonwealth

Section 707 Court to Approve or Refuse Amendments On the day specified in the advertisement or as soon thereafter as the matter may be heard the corporation or its representative shall present an application for the amendment of its charter to the court and shall present to the court the articles of amendment a certified copy of the resolution authorizing the proposed amendments proof of the advertisement required by the preceding section and in the case of a proposed change of the corporate name a certificate of registration from the Department of State The court shall consider the application It may hear the evidence on behalf of the applicants and against the application if any there be or it may refer the application to a master to make report as to the propriety of granting the application In such case upon the filing of the master's report the court shall grant the applicants and protestants a hearing if exceptions are filed by either of them If the court shall be of the opinion that the amendments are lawful will be beneficial and not injurious to the community and do not conflict with the requirements of this act the court shall so certify on the articles and shall order and decree thereon that the articles are approved and that upon the recording of the articles and the order the amendments specified in the petition shall be a part of the charter However except in the case of law colleges and schools the court shall not approve articles of amendment presented by or on behalf of an educational or non-sectarian charitable corporation unless and until the court shall receive the [approval or] recommendation of the State Council of Education or the Department of Welfare as the case may be in a manner similar to that prescribed by this act in the case of the formation of such corporations

Section 807 Court to Approve or Refuse Merger or Consolidation On the day specified in the advertisement or as soon thereafter as the matter may be heard the constituent corporations or their representative shall present an application for the merger or consolidation of such corporations to the court and shall present to the court the articles of merger or articles of consolidation as the case may be a certified copy of the joint plan of merger or consolidation proof of the advertisement required by the preceding section and in the case of a proposed change of the corporate name a certificate of registration from the Department of State The court shall consider the application It may hear evidence on behalf of the applicants and against the application if any there be or it may refer the application to a master to make report as to the propriety of granting the application In such case upon the filing of the master's report the court shall grant the applicants and protestants a hearing if exceptions are filed by either of them If the court shall be of the opinion that the proposed merger or consolidation is lawful will be beneficial and not injurious to the community and does not conflict with the requirements of this act the court shall so certify on the articles and shall order and decree thereon that the articles are approved and that upon the recording of the articles and the order the merger of consolidation shall take effect However except in the case of law colleges and schools the court shall not approve articles of merger or articles of consolidation presented by or on behalf of an educational or non-sectarian charitable corporation unless and until the

court shall receive the [approval or] recommendation of the State Council of Education or the Department of Welfare as the case may be in a manner similar to that prescribed by this act in the case of the formation of such corporations

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. CAESAR. Mr. Speaker, I move that this bill be recommitted to the Committee on Corporations for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1333, as follows:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1804) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1804) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" is hereby amended to read as follows

Section 1 Be it enacted et cetera That the prothonotary of any court of common pleas of this Commonwealth before entering any money judgment for plaintiffs other than upon a verdict or order of court shall require delivery to him of a certificate signed by the plaintiff or his attorney or agent setting forth the precise residence address of the plaintiff and the last known address of the defendant or defendants and upon entering such judgment shall file such certificate at the same number and term as the judgment and shall include in its entry on the judgment docket the address set forth in the certificate and within one month after the entry of the judgment shall make and deliver to the authorities who assess for county tax purposes property in the county in which the judgment has been entered a written report of its entry setting forth the date amount number and term names of all parties and address of plaintiff as set forth in the certificate and where there are joint plaintiffs in any such judgment the precise address of each plaintiff shall be set forth in the certificate and docket and report

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1897, as follows:

An Act authorizing the Governor to enter into compacts with the Governors of certain other States and possessions of the United States relative to the producing of tobacco

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Governor of this Commonwealth is hereby authorized and directed to negotiate and enter into a compact with respect to the production of cigar type tobacco with the Governor of each of the states in the United States producing such type of tobacco and the Insular Possession of Puerto Rico provided (1) that such compact with respect to cigar-filler tobacco shall not become effective until it has been entered into by the State of Ohio and until the production of such kind of tobacco is regulated in Puerto Rico pursuant to and in a manner provided in section nine of the Federal Tobacco Compact Act (Public Number 534 74th Congress) or pursuant to local legislation in Puerto Rico in a manner provided in such act (2) that such a compact shall not become effective during any crop year unless entered into prior to the first day of such crop year and (3) that any provisions in such compact which relate to the establishment of tobacco acreage quotas as provided in any act of assembly shall not become effective unless and until the consent of the Congress of the United States shall be given to a compact or compacts providing for the establishment of tobacco acreage quotas

Section 2 The compacts to be entered into under the provisions of this act shall be substantially in the following form

COMPACT

This agreement entered into this .....day of .....between the State of ..... by .....Governor and the State of ..... by .....Governor and the State of ..... by .....Governor and the State of ..... by .....Governor

WITNESSETH

Whereas the parties hereto have each enacted a State Statute providing for the regulation and control of the production of tobacco in the States and providing for the protection of the producers' tobacco crops from the adversities of unfavorable weather crop diseases and fire and

Whereas it is the desire of the parties uniformly to enforce each State Statute so as to accomplish the purposes for which each was enacted

Now Therefore the parties do hereby jointly and severally agree as follows

(1) To cooperate with each other in establishing for each crop year a quota for each State for each kind of tobacco referred to in the respective State Statutes with respect to which such State Statutes are or will be in effect for such crop year

(2) To cooperate with each other in formulating such regulations as will assure uniform and effective administration and enforcement of each of the aforesaid State Statutes

(3) Not to depart from or fail to enforce to the best of its abiltiy any regulation concerning the enforcement of the State Statutes without the consent of a majority of the members of the tobacco commissions of each of the several parties to this compact

In Witness Whereof the parties have hereunto set their hands as of the day of the year first above written

State of .....
By .....
Governor

State of .....
By .....
Governor

State of .....
By .....
Governor

State of .....
By .....
Governor

Section 3 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1898, as follows:

An Act to provide for the supervision and regulation of the production of tobacco to create a tobacco commission and provide for local tobacco committeemen and other agencies and employes and to define and to provide for their functions duties and powers to provide for the appointment compensation costs and expenses of said commission and of committeemen agencies and employes thereof to provide for the raising of funds for the administration of this act and for the disposition of the revenue hereunder to provide a fund to compensate tobacco producers for crop failures and losses from fire to impose penalties for violation of this act and to provide for the cooperation of the Commission with commissions of certain other states and possessions of the United States for the purpose of uniformly regulating and controlling the production of tobacco in this State and each of such states and possessions

Whereas The production of tobacco is an industry upon which to a large extent the prosperity and well-being of many of the people of this Commonwealth depend and

Whereas Weather and diseases affecting the growing of tobacco and losses from fire make it desirable to protect producers whose tobacco crops are adversely affected thereby and

Whereas In order to protect the well-being of the people of the Commonwealth and to promote the general welfare and general prosperity of the Commonwealth the production of tobacco in the Commonwealth is hereby declared to be a business affected with a public interest which should be supervised and regulated in the exercise of the police power of the State in the manner hereinafter provided therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That as used in this act unless otherwise stated or unless the context or subject matter clearly indicates otherwise

"Person" includes copartnership association corporation and any agency of the State or Federal government

"State" means any State or Commonwealth in the United States and the Insular Possession of Puerto Rico

"Compact" means an agreement or compact entered into between the Governor of this Commonwealth and the governors of other states relative to the production of cigar type tobacco

"Similar act" means an act of another State containing provisions relating to the production of tobacco substantially the same as this act except that the omission of provisions requiring the establishment of acreage quotas for individual farms shall not be deemed a substantial variation from this act

"Kind of tobacco" means one or more types of tobacco as classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as listed below according to the name or names by which known

Types 41 42 43 44 and 46 known as cigar filler tobacco

"Crop year" means for any State other than Puerto Rico the period from May fifteenth of one year to May fourteenth of the succeeding year both dates inclusive and for Puerto Rico the period from October first of one year to September thirtieth of the succeeding year both dates inclusive

"Surplus tobacco" means the quantity of tobacco produced on a farm in any crop year in excess of the production quota for such farm for such year

"Producer" means any person who has the right during any year to sell or to receive a share of the proceeds derived from the sale of tobacco produced by him or on land owned or leased by him

"Operator" means any person who as owner-operator or as cash rent standing rent or share rent tenant operates a farm (i e a tract or tracts of land operated with the same machinery and other equipment) on which tobacco is produced and includes a share-cropper who operates all or part of a farm

"District" means any of the following groups of townships and counties in this State

District number one Dauphin County Clinton County Lycoming County Bradford County Tioga County Juniata County and East Hempfield Township West Hempfield Township Rapho Township Mount Joy Township East Donegal Township West Donegal Township and Conoy Township of Lancaster County

District number two York County and Lancaster Township Manor Township Conestoga Township Pequea Township West Lampeter Township East Lampeter Township Strasburg Township and Martic Township of Lancaster County

District number three Lebanon County Berks County and Manheim Township Penn Township Elizabeth Township Clay Township West Cocalico Township East Cocalico Township Warwick Township Ephrata Township Brecknock Township West Earl Township East Earl Township Earl Township and Caernarvon Township of Lancaster County

District number four Chester County and Providence Township Eden Township East Drumore Township Drumore Township Fulton Township Little Britain Township Coleraine Township Bart Township Sadsbury Township Salisbury Township Paradise Township Upper Leacock Township and Leacock Township of Lancaster County

Section 2 There is hereby created a commission to be known as the Pennsylvania Tobacco Commission (hereinafter referred to as the "Commission") The commission shall consist of five members selected as follows When this act becomes effective the Secretary of Agriculture shall arrange for a meeting of tobacco growers in each township in which there are one hundred or more tobacco producers (any township in which there are less than one hundred tobacco producers shall be grouped with adjoining or the nearest townships) at which three (3) tobacco producers of such township shall be elected by the producers attending the meeting to serve as township committeemen for one crop year The Secretary of Agriculture shall arrange for a meeting of the township committeemen in each district at which meeting the township committeemen shall nominate from among tobacco producers in their respective districts three (3) persons to serve as district committeemen From the three (3) district committeemen nominated in each district the Governor shall appoint one producer to serve for a period of one crop year as a member of the commission The Secretary of Agriculture shall serve or shall appoint one member of his staff to serve as a member of the commission Vacancies on the commission during any crop year shall be filed by the Governor by the appointment of another of the said district nominees for the remainder of such year from the district in which the vacancy occurs provided that the Secretary of Agriculture shall fill the vacancy in the case of the member of the commission appointed by him At the end of each crop year the tobacco commission shall be selected for the succeeding crop year in the manner provided above Each member of the commission not otherwise employed by the Commonwealth shall be paid the sum of ten dollars ($10.00) for each day actually spent in the performance of his duties and shall be reimbursed for subsistence not exceeding five dollars ($5.00) per day and for necessary traveling expenses

Section 3 This act shall become effective with respect to any kind of tobacco upon the establishment of a compact with respect to such kind of tobacco between the Governor of this Commonwealth and the governor of each of the other states producing such kind of tobacco and shall become ineffective upon the withdrawal from such compact by any state required as a party thereto If an injunction issued by a court of competent jurisdiction against the enforcement of a similar act of any state is made permanent so as to stop the administration of said

act in such state during any crop year the enforcement of this act may be suspended by the commission with respect to the kind of tobacco covered by such compact until such time as the compact is again made effective or the injunction dissolved as the case may be Upon the filing with the commission of a petition or petitions by fifteen per centum or more of the producers of any kind of tobacco in this State requesting that this act be made ineffective with respect to such kind of tobacco the commission shall conduct a referendum within sixty days after the receipt of such petition or petitions to determine whether the producers of such kind of tobacco in the State are in favor of the continuation of this act and if the commission finds that one-third or more of the producers are not in favor of the continuation of the act such finding of the commission shall be certified to the Governor who shall proclaim the act ineffective for the crop year next succeeding the crop year in which the referendum is conducted

Section 4 The commission shall meet and cooperate with the tobacco commissions of other states that are parties to a compact and any persons designated by the Secretary of Agriculture of the United States to serve in an advisory capacity for the purposes of making certain determinations enumerated in this section and when such determinations are agreed upon by a majority of the members of the commission for this State and a majority of the members of the commissions for other states such determination shall be accepted and followed in the administration of this act

(a) Determine from statistics of the United States Department of Agriculture a production quota which shall be that quantity of such kind of tobacco produced in all States which is estimated to be required for world consumption during any crop year increased or decreased as the case may be by the amount by which the world stocks of such kind of tobacco at the beginning of such crop year are less than or greater than the normal world stocks of such kind of tobacco

(b) Determine a tobacco production quota for each state for each kind of tobacco for each crop year for which this act is in effect with respect to such kind of tobacco The production quota for each state for each kind of tobacco shall be that percentage of the quantity determined under subsection (a) of this section which is equal to the percentage that the total production of such kind of tobacco in the state for the years one thousand nine hundred and thirty-three one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five is of the total production of such kind of tobacco in all states for such years

(c) Determine a base tobacco yield for each state for each kind of tobacco The base tobacco yield for each kind of tobacco for each state shall be the total production of such kind of tobacco in such state in the year or years named in subsection (b) of this section divided by the total harvested acreage of such kind of tobacco in such state in such year or years

(d) Determine and make such adjustments from year to year in the percentage of the production quota to be assigned to each state or in the base yield for each state or both (as determined pursuant to subsections (b) and (c) of this section and as adjusted in any preceding year pursuant to this subsection) not exceeding two per centum (2%) decrease or five per centum (5%) increase in any crop year of the percentage of the said production quota assigned to each state or five per centum (5%) decrease or increase of the base yield for each state in any crop year as are determined to be necessary to correct for any abnormal conditions of production during the year or years specified in subsection (b) of this section and trends in production during or since such year or years in any state as compared with other states provided that the percentages of the production quota for any kind of tobacco for all states producing such kind of tobacco as adjusted pursuant to this subsection for any year shall equal one hundred per centum

(e) Determine and make adjustments in the production quota established pursuant to subsections (b) and (d) of this section for any kind of tobacco for any crop year not exceeding ten per centum (10%) of said quota from time to time during the period from August first to December fifteenth of such year if upon the study of supply and demand conditions for such kind of tobacco the commission finds that such adjustments are required to effectuate the purpose of this act and of similar acts of other states provided that any such adjustment shall apply uniformly to all states and only during the crop year in which such adjustment is made

(f) Determine regulations as may be deemed appropriate to the uniform administration and enforcement of this act and of similar acts of other states

Section 5 The commission shall establish tobacco acreage and tobacco production quotas for each crop year for any farm on which tobacco is grown such quotas to be determined as follows

(a) For any farm for which a base tobacco acreage and a base tobacco production have previously been determined by the Agricultural Adjustment Administration of the United States Department of Agriculture as shown by the available records and statistics of that department the base tobacco acreage and base tobacco production so last determined shall constitute the tobacco acreage and tobacco production quotas subject to such adjustments as are recommended by the township committee of the township in which the farm is located and approved by the commission as being in conformity with the provisions of subsections (d) and (e) of this section

(b) For any farm for which a base tobacco acreage and base tobacco production have not been previously determined by the Agricultural Adjustment Administration of the United States Department of Agriculture the tobacco acreage and tobacco production quotas shall be established in conformity with the provisions of subsections (d) and (e) of this section provided that the total of the tobacco acreage and of the tobacco production quotas established for such farms in any crop year shall not exceed two per centum (2%) of the total tobacco acreage and tobacco production quotas respectively established pursuant to subsection (a) of this section plus the tobacco acreage and the tobacco production quotas established for farms in preceding years pursuant to this subsection

(c) The commission may prescribe regulations under which the tobacco acreage and tobacco production quota established for any farm for one kind of tobacco may be exchanged for a tobacco acreage and tobacco production quota for another kind of tobacco Provided That any exchange of quotas between two kinds of tobacco shall not result in the establishment in any year of tobacco acreage and tobacco production quotas for either of such kinds of tobacco on the basis of such exchange in excess of two per centum (2%) of the tobacco acreage and tobacco production quotas established for such kind of tobacco for farms in the Commonwealth pursuant to subsection (a) of this section

(d) The tobacco acreage and the tobacco production quotas established for each farm shall be fair and reasonable as compared with the tobacco acreage and the tobacco production quotas for other farms which are similar with respect to the following The past production of tobacco on the farm and by the operator thereof the land labor and equipment available for the production of tobacco the crop rotation practices and the soil and other physical factors affecting the production of tobacco

(e) The total of the tobacco acreage quotas for any kind of tobacco established for all farms in the Commonwealth in any crop year shall not exceed a tobacco acreage quota for the Commonwealth determined by dividing the production quota for such kind of tobacco for the Commonwealth by the base tobacco yield for such kind of tobacco for the Commonwealth determined in accordance with subsections (e) and (d) of section four

The tobacco acreage and the tobacco production quotas for any kind of tobacco established for each farm in any crop year pursuant to subsections (a) (b) and (c) of this section shall be adjusted so that the aggregate of the tobacco acreage quotas and the aggregate of the tobacco

production quotas for all farm in the Commonwealth does not exceed the tobacco acreage and the tobacco production quotas respectively for such kind of tobacco established for the Commonwealth for such year and the commission shall prescribe such regulations with respect to such adjustments as will tend to protect the interests of small producers

(f) If after production quotas are established for farms for any kind of tobacco in any crop year there is an adjustment pursuant to subsection (e) of section four in the production quota for such kind of tobacco for the Commonwealth for such year the production quotas for all farms in the Cmmonwealth shall be adjusted accordingly

(g) If a base tobacco yield is not determined by the several State commissions the commission for this Commonwealth shall determine a base yield for the Commonwealth in accordance with the procedure specified in subsections (c) and (d) of section four

Section 6 The commission is authorized and directed

(a) To notify as promptly as possible the operator of each farm for which acreage and production quotas are established of the amount of such quotas for the farm and of any adjustment thereof which may be made from time to time pursuant to this act

(b) The operator of each farm for which acreage and production quotas are established shall pay to the commission a charge of twenty-five per centum (25%) of the gross value of surplus tobacco produced on the farm which charge shall be deemed an assessment upon the producer for the purpose of paying the cost charge and expenditures provided by this act Each operator shall file such reports relative to the tobacco produced as the commission shall prescribe and all charges owing to the commission under the provisions of this section shall be payable at such times and in such manner as the commission shall from time to time prescribe

(c) To establish or provide for the establishment of such committee of tobacco producers and to appoint such agents and employes as the commission finds necessary for the administration of this act and to fix the compensation of the members of the township committees referred to in section two of this act and of such agents and employes

(d) To provide for the making of such investigations and the holding of such hearings as the commission finds necessary in connection with the establishment of acreage and production quotas for farms and to designate persons to conduct such investigations and hold such hearings in accordance with regulations prescribed by the commission

(e) To provide for collection of such information pertaining to the acreage of tobacco grown for harvest on each farm as the commission may consider necessary for the purposes of checking such acreage with the acreage quota for the farm and to prescribe any such regulations as may be necessary in connection therewith

(f) To prescribe such other regulations as the commission finds necessary to the exercise of the powers and the performance of the duties vested in it by the provisions of this act

Section 7 The commission is authorized (a) To accept deposit with the State Treasurer and provide for the expenditure of such funds as the Congress of the United States may advance or grant to the Commonwealth for the purpose of administering this act Such expenditures shall be in accordance with the Act of Congress authorizing or making such advance or grant

(b) To receive through such agents as it may designate all payments of charges covering surplus tobacco produced pursuant to subsection (b) of section six to provide for the fixing of an adequate bond for any person responsible for receiving and disbursing any funds of or administered by the commission and to provide for the expenditure of such funds in the manner prescribed in section nine of this act

Section 8 All receipts from charges fixed on surplus tobacco produced pursuant to subsection (b) of section six and all funds granted or advanced to the Commonwealth by the Congress of the United States for the purpose of administering this act shall be deposited with the State Treasurer and shall be placed by him in a special fund known as the "Tobacco Commission Fund" and the entire amount of such receipts and funds hereby is appropriated out of such Tobacco Commission Fund and shall be available to the commission until expended

Section 9 Funds of or administered by the commission shall be expended in accordance with regulations prescribed by the commission for the following purposes First to repay to the Treasurer of the United States any funds advanced to the Commonwealth by the Congress of the United States for the purpose of administering this act provided the United States requires such repayment Second to pay any expenses of any agency of the Commonwealth incurred at the request of the commission Third to make payment to tobacco producers whose sales of tobacco because of loss by fire or weather or diseases affecting their tobacco crops adversely during any crop year are less than the production quotas for their farms for such year Such payments shall be at a rate per pounds of such deficit determined by dividing the funds available for such payments by the total number of pounds by which the sales of tobacco by all producers fell below the production quotas for their farms provided that such deficit is due to loss by fire or weather or disease affecting their crops adversely And provided further That such rate of payment shall in no event exceed five cents per pound and that no such payments shall be made until there is established as a reserve an amount necessary to pay the expenses which the commission estimates will be incurred in the administration of this act for a period of one crop year

Section 10 Any operator willfully harvesting or willfully permitting the harvesting of tobacco on a farm from an acreage in excess of the acreage quota for the farm shall forfeit to the Commonwealth to be deposited with the State Treasurer to the credit of the Tobacco Commission Fund a sum equal to fifty dollars ($50.00) per acre of that acreage harvested in excess of the acreage quota for the farm which forfeiture shall be recoverable in a civil suit brought in the name of the Commonwealth

Section 11 Any person violating any provisions of this act or of any regulations of the commission pursuant thereto or failing to file any report required by the commission or filing any false report or wilfully working any false statement in any such report shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not more than fifty dollars ($50.00) for the first offense and not more than one hundred dollars ($100.00) for each subsequent offense to be deposited with the State Treasurer to the Credit of the Tobacco Commission Fund

Section 12 All tobacco producers and other persons having information with respect to the planting and harvesting of tobacco in this Commonwealth shall from time to time upon the written request of the commission or its duly authorized representative furnish such information and file such returns as the commission may find necessary or appropriate to the enforcement of this act Any person willfully failing or refusing to furnish such information or to file such return or willfully furnishing any false information or willfully filing any false return shall be guilty of a misdemeanor and upon conviction thereof shall be fined a sum of not more than one hundred dollars ($100) for each such offense

Section 13 The several courts of quarter sessions are hereby vested with jurisdiction specifically to punish violations of this act and the several courts of common pleas are vested with jurisdiction upon application of the commission to enjoin and restrain any person from violating the provisions of this act or of any regulations issued pursuant to this act

Section 14 Upon the request of the commission it shall be the duty of the Department of Justice to institute proceedings to punish for the offenses enforce the remedies and to collect the forfeitures provided for in this act and it shall be the duty of the commission to call to the attention of the district attorneys of the vari-

ous counties any violation of any of the criminal provisions of this act

Section 15 In order to assure the proper coordination of the administration of this act with the administration of similar acts of other states the commission shall cooperate with and assist the commission of any other state in obtaining such records as may be necessary to the administration of any similar act of such state

Section 16 Insofar as the provisions of this act affect the production of the type of tobacco named herein a state of emergency is hereby declared to exist

Section 17 Provisions for Separability The provisions of this act are severable and if any provision clause paragraph section or part of this act is held unconstitutional the decision shall not be construed to affect or invalidate any other provision of this act or the act as a whole It is hereby declared to be the legislative intent that the remainder of this act would have been adopted had such unconstitutional provision not been included therein

Section 18 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1006, as follows:

An Act to amend article ten of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by making it unlawful to interfere with drains and ditches under or along county highways and prescribing penalties

Section 1 Be it enacted by the Senate and House of Represent tives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article ten of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding at the end thereof a new section to read as follows

Section 988 Any person copartnership association or corporation who or which shall stop fill up or injure or otherwise interfere with any drain or ditch under or along any county highway or shall divert or change the course thereof without authority from the county commissioners shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than three hundred dollars or in the case of individuals the membership of a partnership or association or the officers and manager of a corporation to undergo imprisonment for not more than thirty days or both

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1576, (Senate Bill No. 404), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand nine hundred and thirty-five (Pamphlet Laws 336) entitled "An act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent acts of Assembly" extending said act a further period of two years

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1773, (Senate Bill No. 311), entitled:

An Act authorizing the recording and copying of documents plats papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 121, as follows:

An Act imposing a State emergency tax payable by those herein defined as distributors on fuel oil used or sold and delivered within the Commonwealth providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to give security to file reports and to retain records imposing duties on retail dealers common carriers and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain state officers and departments providing for refunds penalties and making an appropriation

INDEX

Section 1 Short Title
Section 2 Definitions
Section 3 Fuel Oil Permit and Bond
Section 4 Imposition of Tax Exemptions and Deductions
Section 5 By Whom Tax is Payable
Section 6 Distributor's Report and Payment of Tax
Section 7 Determination and Redetermination of Tax Penalties and Interest Due
Section 8 Examination of Records and Equipment
Section 9 Retention of Records by Distributors and Dealers
Section 10 Disposition and Use of Tax
Section 11 Discontinuance or Transfer of Business
Section 12 Suspension or Revocation of Fuel Oil Permits
Section 13 Lien of Taxes Penalties and Interest
Section 14 Collection of Unpaid Taxes
Section 15 Reports from Common Carriers
Section 16 Reward for Detection of Violations
Section 17 Refunds
Section 18 Enforcement
Section 19 Disposition of Fees Fines and Forfeitures
Section 20 Certified Copies of Records
Section 21 Uncollectible Checks
Section 22 Violations

Section 23 Constitutional Construction
Section 24 Effective Date

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as "The Fuel Oil Tax Act"

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except in those instances where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint stock association organized under the laws of this Commonwealth the United States or any other state territory or foreign country or dependency

"Dealer" Any person as herein defined engaged in the retail sale of fuel oil

"Department" The Department of Revenue of this Commonwealth

"Distributor" Any person as herein defined who or which

1 Produces refines prepares blends distills manufactures or compounds fuel oil in the Commonwealth of Pennsylvania for his own use therein or for sale and delivery therein

2 Imports or causes to be imported from any other state or territory of the United States or from a foreign country fuel oil for his own use in the Commonwealth of Pennsylvania or for sale and delivery in and after reaching the Commonwealth other than in the original package receptacle or container

3 Imports or causes to be imported from any other state or territory of the United States fuel oil for his own use in the Commonwealth of Pennsylvania or for sale and delivery therein after the same have come to rest or storage therein whether or not in the original package receptacle or container

4 Purchases or receives fuel oil in the original package receptacle or container in the Commonwealth of Pennsylvania for his own use or for sale and delivery therein from any person who has imported the same from a foreign country

5 Purchases or receives fuel oil in the original package receptacle or container in the Commonwealth of Pennsylvania for his own use therein or for sale and delivery therein from any person who has imported the same from any other state or territory of the United States in case such fuel oil has not prior to such purchase or receipt come to rest or storage in the Commonwealth of Pennsylvania

6 Receives and in any manner uses or distributes fuel oil in the Commonwealth of Pennsylvania on which the tax provided for in this act has not been previously paid

"Fuel Oil" All liquids derived from crude petroleum which are ordinarily practically and commercially saleable to the public as fuel except those used or consumed in refining petroleum and its products except kerosene and which are otherwise exempt from State taxation and not subject to the tax imposed on liquid fuels by the act approved the twenty-first day of May one thousand nine hundred and thirty-one (Pamphlet Laws one hundred forty-nine) entitled "An act imposing a State tax payable by those herein defined as distributors on liquid fuels used or sold and delivered within the Commonwealth which are ordinarily practically and commercially usable in internal combustion engines for the generation of power providing for the collection and lien of the tax and the distribution and use of the proceeds thereof requiring such distributors to secure permits to file corporate surety bonds and reports and to retain certain records imposing duties on retail dealers common carriers county commissioners and such distributors providing for rewards imposing certain costs on counties conferring powers and imposing duties on certain State officers and departments providing for refunds imposing penalties and making an appropriation" and its amendments

"Magistrate" A magistrate alderman justice of the peace or other officer having the powers of a committing magistrate in this Commonwealth

"Person" Every natural person association or corporation Whenever used in any clause prescribing and imposing a fine or imprisonment or both the term "person" as applied to associations shall mean the partners or members thereof and as applied to corporations the officers thereof

"Secretary" The Secretary of Revenue of this Commonwealth or his duly authorized deputy or representative

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Fuel Oil Permit Bond or Deposit of Securities (a) On and after the effective date of this act it shall be unlawful for any distributor to continue to engage in or thereafter to begin to engage in the use or sale and delivery of fuel oil within this Commonwealth unless a fuel oil permit or permits shall have been issued to him as hereinafter prescribed

Penalty Each day in which any distributor shall engage in the use or sale and delivery of fuel oil within this Commonwealth without a fuel oil permit or permits as required by this act shall constitute a separate offense and for each such offense such distributor shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of two thousand dollars ($2,000) and costs of prosecution or undergo imprisonment for not more than two years or both in the discretion of the court

(b) Every person desiring to operate as a distributor shall file an application for a fuel oil permit or permits with the department The application for a fuel oil permit or permits shall be made upon a form prescribed prepared and furnished by the department and shall set forth the name under which the applicant transacts or intends to transact business the location of his place of business within this Commonwealth and such other information as the department may require If the applicant has or intends to have more than one place of business within the Commonwealth the application shall state the location of each place of business If the applicant is an association the application shall set forth the names and addresses of the persons constituting the association and if a corporation the names and addresses of the principal officers thereof and any other information prescribed by the department for purposes of identification The application shall be signed and verified by oath or affirmation by the owner if a natural person in the case of an association by a member or partner thereof and in the case of a corporation by an executive officer thereof or some person specifically authorized by the corporation to sign the application to which shall be attached written evidence of this authority

Upon approval of the application and the bond hereinafter required the department shall grant and issue to each distributor a fuel oil permit for each place of business within the Commonwealth set forth in his application Fuel oil permits shall not be assignable and shall be valid only for the distributors in whose names issued and for the transaction of business at the places designated therein and shall at all times be conspicuously displayed at the places for which issued All permits shall expire on the thirty-first day of May next succeeding the date upon which they are issued unless sooner suspended surrendered or revoked for cause by the secretary

(c) A fuel oil permit shall not be granted and issued until the person applying therefor has filed with the department a surety bond payable to the Commonwealth of Pennsylvania in such amount as shall be fixed by the department except that the amount shall never be less than one thousand five hundred dollars ($1,500) Every such bond shall have as surety a duly authorized surety company to be approved by the department conditioned that the distributor will faithfully comply with the provisions of this act during the effective period of his permit The department may require any distributor to furnish such additional acceptable corporate surety bond as shall be necessary to secure at all times the payment by him to the Commonwealth of all taxes penalties and interest due under the provisions of this act If any distributor shall fail to file such additional bond within ten days after written notice from the department the department may forth-

with suspend or revoke the permit or permits issued to him and collect all taxes penalties and interest due by him For the purpose of determining whether an existing bond or bonds are sufficient the department may at any time by written notice require any distributor to furnish a financial statement in such form as it may prescribe Upon failure of any distributor to furnish a financial statement within thirty (30) days of such written notice the department may forthwith suspend or revoke the permit or permits issued to him and shall collect all taxes penalties and interest due by him

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the Commonwealth accruing on such bond after the expiration of sixty (60) days from the date upon which such surety shall have lodged with the department a written request to be released and discharged but this provision shall not operate to relieve release or discharge the surety from any liability already accrued or which shall accrue before the expiration of the sixty (60 day period The department shall promptly upon receiving any such request notify the distributor who furnished the bond and unless the distributor shall on or before the expiration of the sixty (60) day period file with the department a new bond with corporate surety approved by and acceptable to the department the department shall forthwith cancel the distributor's permit or permits Whenever a new bond shall be furnished by a distributor as aforesaid the department shall cancel and surrender the old bond of the distributor as soon as it and the Department of Justice shall be satisfied that all liability under the old bond has been fully discharged

(d) Permits issued under the provisions of this act may be renewed annually before the first day of June upon an application as aforesaid being made to the department but no permit shall be renewed until the applicant shall file with the department a new surety bond in such amount as shall be fixed by the department and conditioned that the distributor will faithfully comply with the provisions of this act

(e) Nothing contained in this act shall require the filing of any application or bond or the possession and display of a fuel oil permit for the use or sale and delivery of fuel oil in interstate or foreign commerce not within the taxing power of the Commonwealth or for the use of fuel oil by the United State government

(f) Any person required by the provisions of this section to file a surety bond may in lieu thereof deposit with the State Treasurer bonds of the United States or of the Commonwealth of Pennsylvania the par value thereof to be of the amount of the surety bond required of such person The treasurer shall issue to such person a certificate of such deposit which he shall file with the Department of Revenue Such securities deposited with the State Treasurer shall be held as a guarantee that the holder of the permit shall faithfully comply with the provisions of this act during the effective period of his permit The said securities shall be retained by the State Treasurer for a period of sixty (60) days after the termination of the permit of such person whether by his own act or by action of the department and such securities shall not be released from any liability to the Commonwealth already accrued or which shall accrue before the expiration of the sixty (60) day period At the end of such sixty (60) day period the said securities shall be returned to their owner only if all claims of the Commonwealth guaranteed by such deposit have been fully satisfied

Penalty Any person assigning or attempting to assign a fuel oil permit or who shall fail to display conspicuously his permit at the place for which it is issued shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten days

Section 4 Imposition of Tax Exemptions and Deductions A State tax of two cents a gallon or fractional part thereof is hereby imposed and assessed upon all fuel oil used or sold and delivered by distributors within this Commonwealth excepting fuel oil delivered to the United States government on presentation of a duly authorized United States government exemption certificate or other evidence satisfactory to the department fuel oil used in or sold to a refinery for the manufacture of gasoline fuel oil delivered to ships engaged in interstate or foreign commerce for use as fuel for the generation of power and such fuel oil used or sold and delivered as is not within the taxing power of this Commonwealth under the Commerce Clause of the Constitution of the United States Provided That the tax herein imposed and assessed shall be collected by and paid to the Commonwealth but once in respect to any fuel oil

Distributors shall be liable to the Commonwealth as taxpayers for the payment of the tax imposed by this act

The tax shall be payable upon fuel oil sold and delivered to or used by the Commonwealth and every political subdivision thereof

Each distributor who shall promptly pay on or before the last day of a particular month the tax due for the preceding month shall be allowed in consideration of leakage spillage shrinkage evaporation and any expense to which he may be put in carrying out the provisions of this act a discount of one per centum on the aggregate amount of tax which is payable by the distributor for such preceding month The discount may be deducted by the distributor from the amount of tax payable for such month

Section 5 By Whom Tax Is Payable Every distributor using or delivering fuel oil upon which a tax is imposed by this act shall pay the tax into the State Treasury through the department in the manner and within the time specified in this act but whenever fuel oil is delivered within the Commonwealth by one distributor to another distributor holding a permit under this act the distributor receiving such fuel oil shall separately show in his monthly reports to the department all such deliveries from each distributor and shall pay the fuel oil tax provided for by this act upon all such fuel oil used or sold and delivered by him within this Commonwealth The distributor making such deliveries shall separately show the same in his monthly reports to the department and shall thereupon be exempt from the payment of the tax which would otherwise be imposed upon the fuel oil so delivered It shall be the duty of each distributor to furnish to the department such information concerning such deliveries as the department may require The department shall furnish to any distributor upon request a list of distributors holding permits under this act and their addresses

Distributors may add the amount of the tax to the price of fuel oil sold by them and shall state the rate of the tax separately from the price of the fuel oil on all price display signs sales or delivery slips bills and statements which advertise or indicate the price of fuel oil

Penalty Any person violating any of the provisions of this section shall upon summary conviction before a magistrate be sentenced to pay a fine of twenty-five dollars ($25.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten days

Section 6 Distributor's Report and Payment of Tax For the purpose of ascertaining the amount of tax payable under this act it shall be the duty of every distributor on or before the last day of each month to transmit to the department upon a form prescribed prepared and furnished by the department a report under oath or affirmation of the fuel oil used or delivered by him within this Commonwealth during the preceding month Such report shall show the number of gallons of fuel oil used or delivered within the Commonwealth during the period for which it is made and such further information as the department shall prescribe A distributor having more than one place of business within this Commonwealth shall combine in each report the use or delivery of fuel oil at all such separate places of business

Every distributor at the time of making every report required by this section shall compute and pay to the department the tax due to the Commonwealth on fuel oil used or sold and delivered by him during the preceding month less one per centum discount if the report is filed and the tax paid on time The amount of all taxes imposed under the provisions of this act for each month

shall be due and payable on the last day of the next succeeding month and shall bear interest at the rate of one per centum per month or fractional part of a month from the date they are due and payable until paid

If any distributor shall neglect or refuse to make any report and payment as herein required an additional ten per centum of the amount of the tax shall be added by the department and collected as hereinafter provided and in addition thereto the fuel oil permit of such distributor may be suspended or revoked by the department

Section 7 Determination and Redetermination of Tax Penalties and Interest Due (a) If the department is not satisfied with the report and payment of tax made by any distributor under the provisions of this act it is hereby authorized and empowered to make a determination of the tax due by such distributor based upon the facts contained in the report or upon any information within its possession or that shall come into its possession

(b) Promptly after the date of any such determination the department shall send by registered mail a copy thereof to such distributor Within thirty (30) days after the date of any such determination such distributor may file with the department a petition for redetermination of such tax Every petition for redetermination shall state specifically the reasons which the petitioner believes entitle him to such redetermination and shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true It shall be the duty of the department within ninety (90) days after the date of any determination to dispose of any petition for redetermination Notice of the action taken upon any petition for redetermination shall be given to the petitioner promptly after the date of redetermination by the department

(c) Within thirty (30) days after notice by the department of the action taken on any petition for redetermination filed with it the distributor against whom such determination was made may by petition request the Board of Finance and Revenue to review such action Every petition for review filed hereunder shall state specifically the reason upon which petitioner relies and shall be in such form as the Board of Finance and Revenue shall prescribe The petition shall be supported by affidavit that it is not made for the purpose of delay and that the facts therein set forth are true The Board of Finance and Revenue shall dispose of such petitions filed with in within ninety (90) days after they have been received and in the event of the failure of said board to dispose of any such petition within ninety (90) days the action taken by the department upon the petition for redetermination shall be deemed sustained The Board of Finance and Revenue may sustain the action taken on the petition for redetermination or it may redetermine the tax due upon such basis as it shall deem according to law and equity Notice of the action of the Board of Finance and Revenue shall be given by mail or otherwise to the department and to the petitioner

(d) The department or any person aggrieved by the decision of the Board of Finance and Revenue or by the board's failure to act upon his petition for review within ninety (90) days may within sixty (60) days appeal to the court of common pleas of Dauphin County from the decision of the Board of Finance and Revenue or from the decision of the department as the case may be in the manner now or hereafter provided by law for appeals in the case of tax settlement

(e) If any distributor shall neglect or refuse to make any report and payment of tax required by this act the department shall estimate the tax due by such distributor and determine the amount due by him for taxes penalties and interest thereon as prescribed herein from which determination there shall be no right of review or appeal Upon any such neglect or refusal the fuel oil permit or permits issued to such distributor may be suspended or revoked by the department and required to be surrendered to the department

Section 8 Examination of Records and Equipment The department or any agent appointed in writing by it is hereby authorized to determine the books papers records storage tanks and any other equipment of any distributor dealer or any other person pertaining to the use or sale and delivery of fuel oil taxable under this act to verify the accuracy of any report or payment made under the provisions of this act or to ascertain whether or not the tax imposed by this act has been paid but any information gained by the department as the result of the reports investigations or verifications herein required to be made shall be confidential and any person divulging such information shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment of not more than one year or both

Section 9 Retention of Records by Distributors and Dealers Each distributor shall maintain and keep for a period of two years such record or records of fuel oil used or sold and delivered within this Commonwealth by such distributor together with invoices bills of lading and other pertinent papers as may be required by the department

It shall be the duty of every person purchasing fuel oil taxable under this act from a distributor for the purpose of re-sale to maintain and keep for a period of one year a record of fuel oil received the amount of tax paid to the distributor as part of the purchase price together with delivery tickets invoices and bills of lading and such other records as the department shall require

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one year or both in the discretion of the court

Section 10 Disposition and Use of Tax The sum of ten thousand dollars ($10,000) of the tax collected under the provisions of this act during any fiscal biennium shall be specifically set aside in a special account in the General Fund and shall be used only for the payment of appropriations made from the General Fund to State-aided medical and surgical hospitals and the remainder of said tax shall be paid into the State Treasury by and through the department and shall be disposed of and used as follows:

(a) Twenty-five per centum (25%) thereof shall be credited to the Motor License Fund and shall be available for the payment of any appropriations payable out of such fund

(b) Twenty-five per centum (25%) thereof shall be credited to the General Fund and shall be available for the payment of any appropriations payable out of such fund

(c) Fifty per centum (50%) thereof shall be used only for the construction reconstruction alteration and repair of new and existing buildings for State institutions by the Department of Property and Supplies and for such purposes is hereby appropriated Provided however That in lieu of expenditures by the Department of Property and Supplies such moneys may in the discretion of the Governor be made available for expenditure for said purposes by any legally constituted State Authority and in such event the same are hereby re-appropriated to such State Authority for such purposes

Section 11 Discontinuance or Transfer of Business Whenever a distributor engaged in the use or sale and delivery of fuel oil ceases to be a distributor by reason of the discontinuance sale or transfer of his business it shall be his duty to notify the department in writing within ten days after the discontinuance sale or transfer takes effect His notice shall give the date of discontinuance and in the event of a sale or transfer of his business the name and address of the purchaser or transferee thereof It shall also be the duty of any such distributor within ten days after the discontinuance sale or transfer takes effect to make a report and pay all taxes interest and penalties that may be due by him and to surrender to the department the permit or permits theretofore issued to him by the department

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 12 Suspension or Revocation of Fuel Oil Permits The department may suspend or after hearing revoke a fuel oil permit whenever it finds that the holder thereof has failed to comply with any of the provisions of this act and upon suspending or revoking any fuel oil permit shall request the holder thereof to surrender to it immediately all permits or duplicates thereof issued to him and the holder shall surrender promptly all such permits to the department as requested

Whenever the department suspends a fuel oil permit it shall notify the holder immediately and afford him a hearing if desired and if a hearing has not already been afforded After such hearing the department shall either rescind its order of suspension or good cause appearing therefor shall continue the suspension or revoke the permit

Penalty Any person refusing to surrender a fuel oil permit or permits suspended or revoked by the department shall upon summary conviction before a magistrate be sentenced to pay a fine of fifty dollars ($50.00) and costs of prosecution and in default of payment thereof shall undergo imprisonment for not more than ten days

Section 13 Lieu of Taxes Penalties and Interest (a) All taxes herein imposed and unpaid penalties and interest due by any person shall be a lien upon the franchises and property both real and personal of such person from the date said taxes are due and payable as provided in this act and shall have priority over any subsequent lien or encumbrance whatsoever except the lien of other State taxes having priority by law and except also that such taxes penalties and interest shall have priority over a mortgage only if the statements thereof were filed of record as provided in clause (b) hereof prior to the recording of the mortgage

(b) Statements of all taxes herein imposed due and unpaid together with penalties and interest thereon certified by the secretary or his representative may at any time be transmitted to the prothonotaries of the respective counties of the Commonwealth to be by them entered of record upon which record it shall be lawful for writs of scire facias to issue and be prosecuted to judgment and execution in the same manner as such writs are ordinarily employed

(c) No sheriff receiver trustee assignee master or other officer shall sell the property or franchises of any person who is a distributor as herein defined without first filing with the department a statement containing the following information

1 Name or names of the plaintiff or party at whose instance and upon whose account the sale is made

2 Name of the person whose property or franchise is to be sold

3 The time and place of sale

4 The nature of the property and the location of the same

(d) It shall be the duty of the department after receiving notice as aforesaid to furnish to the sheriff receiver trustee assignee master or other officer having charge of the sale a certified copy or copies of all fuel oil tax penalties and interest on file in the department as liens against such person and in the case of no such liens a certificate showing that fact which certified copy or copies or certificate shall be publicly read by such officer at and immediately before the sale of the property or franchise of such person

(e) It shall be the duty of the department to furnish to any person applying therefor upon payment of the fee herein prescribed a certificate showing the amount of all liens for fuel oil tax penalties and interest that may be of record in the department against any person under the provisions of this act

Section 14 Collection of Unpaid Taxes Whenever the taxes penalties or interest imposed by this act are not paid within thirty days after the date of their determination if no petition for redetermination has been filed or from the date of redetermination if no petition for review has been filed or within ninety days from the date of the decision of the Board of Finance and Revenue upon a petition for review or the expiration of the board's time for acting upon such petition if no appeal has been made and in all cases of judicial sales assignments or bankruptcies the department shall call upon the Department of Justice to collect the same

On all claims for taxes penalties and interest hereunder which are collected after the institution of suit by the Department of Justice or any attorney employed by it there shall be paid by and recovered from the distributor for the use of the Commonwealth an Attorney General's commission of five (5) per centum upon the amount of recovery not exceeding ten thousand dollars ($10,000.00) and three (3) per centum upon the amount of recovery in excess of ten thousand dollars ($10,000.00) and the payment of the Attorney General's commission shall not affect liability for any penalty or interest payable under this act The Attorney General's commission shall be paid into the State Treasury through the Department of Revenue and credited to the General Fund The amount of the Attorney General's commission shall in all cases be added to the amount of the claim against the distributor and shall be a lien against his property in like manner as the amount of the claim

Section 15 Reports from Common Carriers Every person including railroad companies street suburban and interurban railway companies pipe line companies and water transportation companies transporting fuel oil in any manner either in interstate or intrastate commerce to a point within this Commonwealth from a point within or without the Commonwealth shall report under oath or affirmation to the department on or before the last day of each month for the preceding month all deliveries of fuel oil made to points within this Commonwealth

Such reports shall be on forms prescribed prepared and furnished by the department and shall state the names and addresses of the consignor and consignee the number of gallons of fuel oil transported and any other information which the department may require

Penalty Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) and costs of prosecution or to undergo imprisonment for not more than one year or both

Section 16 Reward for Detection of Violations The secretary is authorized to pay out of any moneys appropriated for the purpose to any person other than a State officer or employe who brings to his attention any distributor who has failed to file the reports required and pay the tax imposed by this act such sums as he may deem proper not exceeding ten per centum of the amount of the tax penalty and interest due but a reward shall not be paid hereunder unless and until collection of the delinquent tax shall have been made or the distributor shall have been convicted for violating this act

Section 17 Refunds The Board of Finance and Revenue may refund to distributors taxes penalties and interest paid by them on fuel oil delivered to the United States government or paid as the result of an error of law or of fact or of both law and fact Claims for refunds shall be made under the procedure prescribed by The Fiscal Code

As much of the moneys collected under the provisions of this act as may be necessary is hereby appropriated to the Board of Finance and Revenue for the purpose of making refunds as herein authorized Estimates of the amounts to be expended for refunds from time to time by the board shall be submitted to the Governor for his approval or disapproval as in the case of other appropriations to administrative departments boards and commissions and it shall be unlawful for the Auditor General to honor any requisition of the Board of Finance and

Revenue for the expenditure of moneys hereunder in excess of the estimates approved by the Governor.

Section 18 Enforcement The department shall be charged with the enforcement of the provisions of this act Such employes of the Commonwealth as are registered as "State Highway Patrolmen" shall aid the department in the enforcement of this act and for this purpose are hereby declared to be peace officers and are hereby given police power and authority throughout the Commonwealth to arrest on view without writ rule order or process any person known to have violated any of the provisions of this act

Whenever any person acting for or on behalf of the department shall in good faith institute legal proceedings for any violations of the provisions of this act and for any reason shall fail to recover costs of record such costs shall be a charge upon the proper county as shall such costs in the event defendant is imprisoned for failure to pay fine or costs or both and shall be audited and paid as are costs of like character in said county

Section 19 Disposition of Fees Fines and Forfeitures Except as otherwise in this act provided and except as otherwise provided by the Constitution fees fines penalties and bail forfeited that shall be received recovered paid or collected under the provisions of this act shall be paid into the State Treasury through the department and shall be credited to the General Fund.

Section 20 Certified Copies of Records The fee for a certified copy or certified photostat copy of any department record shall be one dollar ($1.00) but fees shall not be charged for certified copies or certified photostatic copies of any department record furnished to Federal State county or municipal authorities

Section 21 Uncollectible Checks Whenever any check issued in payment of tax penalty or interest imposed by this act shall be returned to the department as uncollectible the department shall charge a fee of five dollars ($5.00) per hundred dollars or fractional part thereof plus all protest fees to the person presenting such check to the department

Section 22 Violations (a) Any person who shall fail neglect or refuse to make the report and pay the tax penalties and interest imposed by this act or who shall refuse to permit the department or any agent appointed by it in writing to examine his books records papers storage tanks or other equipment pertaining to the use or sale and delivery of fuel oil within this Commonwealth or who shall make any incomplete false or fraudulent report or who shall attempt to do anything whatsoever to avoid a full disclosure of the amount of fuel oil used or sold and delivered or to avoid the payment of the whole or any part of the tax penalties and interest due shall be guilty of a misdemeanor and shall upon conviction thereof be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) and costs of prosecution or imprisonment for not more than one (1) year or both In the case of an association any partner or member thereof and in case of a corporation any officer thereof whose duty it was to make the report required by this act shall be subject to imprisonment as aforesaid for failing to make the report required and attend to the payment of the tax imposed by this act Such fine shall be in addition to any penalty imposed by any other section or subsection of this act Upon any such conviction all of the guilty distributors' permits shall be revoked

(b) It shall be unlawful for any person to commit any of the following acts

1 To display or cause or to permit to be displayed or to have in possession any fuel oil permit knowing the same to be fictitious or to have been suspended cancelled revoked or altered

2 To lend to or knowingly permit the use of by one not entitled thereto any fuel oil permit issued to the person lending it or permitting to be used

3 To display or to represent as one's own any fuel oil permit not issued to the person displaying the same

4 To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this act or otherwise commit a fraud in any application record or report

Penalty Except as herein otherwise provided any percon violating any of the provisions of this section shall be guilty of a misdemeanor unless such act is by any law of this Commonwealth declared to be a felony and shall upon conviction thereof be sentenced to pay a fine of not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution or undergo imprisonment for not more than one (1) year or both in the discretion of the court

Such fine shall be in addition to any penalty imposed by any other section or subsection of this act Upon conviction all of the guilty person's fuel oil permits shall be revoked

Section 23 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 24 This act shall become effective the first day of the month succeeding its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HIRSCH. Mr. Speaker, I move that this bill be recommitted to the Committee on Ways and Means for the purpose of a public hearing and possible amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1879, as follows:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 450) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induct the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties" correcting an error in said section

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (Pamphlet Laws 450) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be field any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induce the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc That in all civil causes of action for alienation of affections of husband or wife except in such cases where the defendant is a parent brother

or sister [of] or a person formerly in loco parentis to the plaintiff's spouse are hereby abolished Provided however That this section shall not apply to causes of action which have heretofore accrued

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 158, as follows:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health animal and aquatic life and for industrial consumption and recreation empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution providing protection of water supply providing for the jurisdiction of courts magistrates aldermen and justices of the peace in the enforcement thereof and providing additional remedies for abating pollution of waters imposing certain penalties and repealing certain acts

Article I

General Provisions and Public Policy

Section 1 Definitions Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Board" shall be construed to mean the Sanitary Water Board in the Department of Health or its duly constituted successor

"Establishment" shall be construed to include any industrial establishment mill factory tannery paper or pulp mill garage oil refinery oil well boat vessel mine quarry and each and every other industry or plant or works in the operation of which industrial wastes are produced

"Industrial waste" shall be construed to mean any liquid gaseous or solid substance not sewage resulting from any manufacturing or industry

"Institution" shall include healing preventative mental health educational correctional and penal institutions almshouses and county and city homes operated by the State or any political subdivisions thereof and whose sewage is not admitted to a public sewer system

"Municipality" or "municipal" shall be construed to include any county county authority municipal authority city borough town township school district and institution as above defined

"Person" shall be construed to include any person copartnership association or private corporation

"Pollution" shall be construed to mean noxious and deleterious substances rendering unclean the waters of the Commonwealth to the extent of being harmful or inimical to the public health or to animal or aquatic life or to the use of such waters for domestic water supply or industrial purposes or for recreation

"Sewage" shall be construed to include any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals

"Waters of the Commonwealth" shall be construed to include any and all rivers streams creeks rivulets lakes dammed water ponds springs and all other bodies of surface and underground water or parts thereof whether natural or artificial within or on the boundaries of this Commonwealth

Section 2 Interpretation of Act A The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

B Section headings shall not be taken to govern or limit the scope of the sections of this act The singular shall include the plural and the masculine shall include the feminine and neuter

Section 3 Discharge of Sewage and Industrial Wastes Not a Natural Use The discharge of sewage or industrial waste or any noxious and deleterious substances into the water of this Commonwealth which is or may become inimical and injurious to the public health or to animal or aquatic life or to the uses of such waters for domestic or industrial consumption or for recreation is hereby declared not to be a reasonable or natural use of such waters to be against public policy and to be a public nuisance

Article II

Sewage Pollution

Section 201 Prohibition Against Discharge of Sewage No person or municipality shall place or permit to be placed or discharge or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any sewage except as hereinafter provided in this act

Section 202 Extent of Applicability of Act to Existing Sewage Discharges Any municipality discharging sewage from any sewer system owned and maintained by the municipality and any person discharging sewage into or in such manner as to cause pollution of the waters of this Commonwealth without regard to the fact that such discharge began prior or subsequent to the twenty-second day of April one thousand nine hundred and five or whether such continued discharge has been by virtue of or without a permit issued by the Secretary of Health the Commissioner of Health or the Board in accordance with the provisions of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health" shall discontinue the discharge of sewage into or in such manner as to cause pollution of the waters of this Commonwealth upon the order of the Board issued pursuant to the provisions of this act at such time as the Board shall be of opinion that such discharge of sewage is or may become inimical or injurious to the public health animal or aquatic life or to the use of the water for domestic or industrial consumption or recreation and on such notice any permit heretofore granted to such municipality or person for the discharge of sewage into the waters of the Commonwealth shall be deemed to be revoked and annulled Provided however That the discharge of sewage into a stream impregnated with acid coal mine drainings be permitted when the discharge of sewage does not create a condition inimical to the public interest

Section 203 Orders to Discontinue Existing Sewage Discharges Nuisances In the case of a municipality orders to discontinue existing discharges of sewage shall be by notice in writing (after investigation and hearing and an opportunity for all persons interested therein to be heard thereon) which notice shall be served personally or by registered mail on the corporate authorities of the municipality owning or maintaining and using the sewage system The length of time after receipt of the notice within which the discharge of sewage shall be discontinued shall be stated in the notice and shall in no case exceed two years

In the case of a person orders to discontinue existing discharges of sewage shall be by notice in writing served personally on such person or by registered mail addressed to the last known post office address of the person discharging the sewage and such notice shall specify a reasonable time not exceeding one year to be fixed by the Board within which the discharge of such sewage shall be discontinued

The continued discharge of sewage by persons or municipalities after the expiration of the time fixed in any

such notice is hereby declared to be a nuisance and shall be abatable and punishable as provided in this act

Section 204 Penalty Any Person who shall continue to discharge sewage or permit the same to flow into the waters of the Commonwealth contrary to the preceding provisions of this act for or after the expiration of the time fixed in any notice from the Board to discontinue an existing discharge of sewage into the waters of the Commonwealth shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than twenty-five dollars and not exceeding one hundred dollars for each offense and a further fine of ten dolalrs for each day the offense is maintained and in default of the payment of such fine and costs the person or the member or members of any association or copartnership or the officer or officers of any corporation responsible for violation of this act shall be imprisoned in the county jail one day for each dollar of fine and costs unpaid

Section 205 Reports of Existing Municipal Sewers It shall be the duty of the corporate authorities having by law charge of the sewer system of each municipality in the Commonwealth from which sewage is being discharged into any of the waters of the Commonwealth to file with the Board from time to time upon the written demand of said Board a report of such sewer system which shall comprise such plans facts and information as the Board may require Such report shall be filed within a time specified by the Board in its written demand No municipal sewer system shall be exempt from the provisions of this act prohibiting the discharge of sewage into the waters of the Commonwealth for which a satisfactory report shall not be filed with the Board in accordance with this section The continued discharge of sewage from any such sewer system contrary to the provisions of this section is hereby also declared to be a nuisance and abatable as such

Section 206 Applications for Permits for the Discharge of Sewage Upon application duly made to the Board by the corporate authorities having by law the charge of the sewer system of any municipality or by any person the Board shall consider the case of any sewer system or the extension of any existing sewer system otherwise prohibited by this act from discharging sewage into any of the waters of the Commonwealth and shall if it finds as a fact that the discharge of sewage is necessary and not injurious to the public health or animal or aquatic life or for use for domestic or industrial consumption or recreation stipulate in a permit the conditions and the time during which such discharge into the waters of the Commonwealth may be permitted Such permit before being operative shall be recorded in the office of the recorder of deeds for the county wherein the outlet of said sewer system is located And in case the municipality or person fails or neglects to record such permit the Board shall cause a copy thereof to be so recorded and shall collect the cost of recording from the municipality or person No such permit shall be construed to permit any act otherwise forbidden by any of the laws of the Commonwealth or by any decree order sentence or judgment of any court or by the ordinances of any municipality or by the rules and regulations of any water company supplying water to the public or by laws relative to navigation

Section 207 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the construction of any new sewer system or for the extension of any existing sewer system by a municipality or for the erection construction and location of any treatment works or intercepting sewers by a person or municipality shall be submitted to the Board for its approval before the same are constructed or erected or acquired Any such construction or erection which has not been approved by the Board by written permit or any treatment works not operated or maintained in accordance with the rules and regulations of the Board is hereby also declared to be a nuisance and abatable as herein provided

Section 208 Revocation or Modification of Permits Every such permit for the discharge of sewage from a sewer system or extension or for the erection and construction of any sewer system or treatment works or intercepting sewers under the provisions of sections two hundred six and two hundred seven of this act shall be revocable or subject to modification and change by the Board on due notice (after an investigation and hearing and an opportunity for all known to be interested therein to be heard thereon) being personally on or by registered mail addressed to the last known post office address of the corporate authorities of the municipality or the person owning maintaining or using the sewer system or the person or municipality operating the treatment works The length of time after the receipt of the notice within which the discharge of sewage or the treatment of sewage in such treatment works shall be discontinued shall be stated in the notice but in no case shall it exceed two years in the case of a municipality or a reasonable time not exceeding one year in the case of a person to be fixed by the Board

Section 209 Prohibition Against Discharge of Sewage Et Cetera After Revocation of Permit On the expiration of the period of time prescribed after the service of a notice of revocation modification or change of any such permit from the Board the discharge of sewage into any waters of the Commonwealth or treated sewage from treatment works shall cease and terminate and the prohibition of this act against such discharge or treatment shall be in full force as though no permit had been granted but a new permit may thereafter again be granted as hereinbefore provided A continuation of the discharge of sewage or the treatment of sewage after revocation or in violation of any modification and change of any such permit it hereby also declared to be a nuisance and shall be punishable and abatable as herein provided

Section 210 Municipal Financing of Pollution Abatement Any municipality upon whom an order of the Board is served to abate its discharge of untreated or inadequately treated sewage shall unless said order to abate said discharge be reversed on appeal take steps for the acquisition or construction of a sewer or sewerage system or sewage treatment works or both or for the repair alteration extension or completion of an existing sewer sewerage system or sewage treatment works or both as may be necessary for the treatment of its sewage in compliance with the order of the Board The cost of the acquisition construction repair alteration completion or extension of the sewer sewerage system or sewage treatment works as may be necessary to comply with said order shall be paid out of funds on hand available for such purpose or out of the general funds of such municipality not otherwise appropriated If there be no sufficient funds on hand or unappropriated then the necessary funds shall be raised by the issuance of bonds such bond issue to be subject only to the approval of the Department of Internal Affairs If the estimated cost of the steps necessary to be taken by such municipality to comply with such order is such that the bond issue necessary to finance such project would not raise the total outstanding bonded indebtedness of such municipality in excess of the constitutional limit imposed upon such indebtedness by the Constitution of this Commonwealth then and in that event the necessary bonds may be issued as a direct obligation of such municipality and retired pursuant to general law governing the issue of such bonds if the electors of the municipality shall vote in favor of the increase in indebtedness where the consent of the electors is required If the amount of such bonds necessary to be issued would raise the total outstanding bonded indebtedness of such municipality above such constitutional limitation on such indebtedness or if the consent of the electors cannot be secured or if such municipality by its corporate authorities shall determine against the issuance of direct obligation bonds then such municipality shall be requested to issue non-debt revenue bonds and provide for the payment of the interest and principal of such bonds from funds to be raised by imposing a sewer rental or charge in accordance with and as authorized by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws twelve hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation

inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" or other legislation relating to the imposition and collection of such rentals and charges

The funds made available by the issuance of either direct obligation bonds or revenue bonds secured by rental charges as herein provided shall constitute a sanitary fund and shall be used for no other purpose than for carrying out such order or orders of the Board

The Attorney General at the instance of the Board may enforce this provision of the act by action of mandamus

Section 211 Revenue Bonds For the purpose of financing the cost and expense of its share of the cost and expense of constructing or acquiring or extending any sewer sewer system or sewage treatment works either singly or jointly with other municipalities a municipality may issue non-debt revenue bonds secured solely by a pledge in whole or part of the annual rentals or charges imposed for the use of such sewer sewer system or sewage treatment works Said bonds shall not pledge the credit nor create any debt nor be a charge against the general revenues nor be a lien against any property of the municipality but shall be a lien upon and payable solely from the annual rentals or charges for the use of the sewer sewer system or sewage treatment works

Section 212 Issuance and Sale of Revenue Bonds Maturity Interest When a municipality shall issue any non-debt revenue bonds the corporate authorities thereof shall sell the same to the highest bidder after public notice by advertisement once a week for three weeks in at least one newspaper of general circulation published in the municipality or the county in which the municipality is situated Where bonds shall be advertised for sale as herein provided and no bids shall have been received then it shall be lawful for such municipality to sell the same at private sale for not less than par and accrued interest

All such bonds shall be payable in not more than thirty years from the date of their issue shall be issued in series payable in equal annual installments and shall bear interest at a rate not exceeding six per centum per annum

Section 213 Other Methods of Financing Preserved Anything in this act to the contrary notwithstanding any municipality shall have power to issue bonds revenue certificates or other obligations to finance in whole or in part the carrying out of any order or direction of the Board without regard to the restrictions limitations or provisions of this act relating to the issuance of bonds revenue certificates or other obligations provided that such bonds revenue certificates or other obligations are issued by the municipality in accordance with the provisions of any other law This act shall be construed to provide an alternative method for the issuance of bonds revenue certificates or other obligations by a municipality and not an exclusive method therefor

Article III

Industrial Wastes

Section 301 Prohibition Against Discharge of Industrial Wastes No person shall place or permit to be placed or discharged or permit to flow or continue to discharge or permit to flow into any of the waters of the Commonwealth any industrial wastes except as hereinafter provided in this act

Section 302 Existing Industrial Wastes Discharges All persons who at the time of the passage of this act are discharging industrial waste into any of the waters of the Commonwealth shall discontinue the discharge of such industrial waste into said waters or into any municipal sewer system on notice from the Board when after due investigation the Board shall declare the discharge of such industrial waste is or may become inimical or injurious to the public health or to animal or aquatic life or prevent the use of waters for domestic industrial or recreational purposes provided that any discharge that is inimical and injurious to the public health or to animal or aquatic life or to the use of the water for domestic or industrial consumption or recreational purposes shall nevertheless be deemed unlawful and a nuisance whether the Board shall so declare or not

Section 303 Information as to Kind and Character of Discharge Every person who on the effective date of this act shall be discharging or permitting to be discharged or has an establishment temporarily closed which in the future may discharge or permit to be discharged any industrial waste into the waters of the Commonwealth shall file with the Board within ninety days after the effective date of this act on forms prepared and supplied by the Board such information under oath as the Board may require with regard to such industrial waste including the kind characteristics and rate of flow thereof and concerning the treatment works if any either in operation or in contemplation It shall be the duty of such persons to apply to the Board for the forms necessary to comply with this provision The falsity of any of the information thus supplied is hereby declared to be perjury and punishable as such

Section 304 Water Surveys The Board shall have power to make a complete survey of the waters of the Commonwealth in order to ascertain the extent of pollution in each of said waters and the remedies to be employed to purify said waters It shall have power to adopt prescribe and enforce such rules and regulations not inconsistent with this act as may be deemed necessary for the protection of the purity of the waters of the Commonwealth or parts thereof and to purify those now polluted and to assure the proper and practical operation and maintenance of treatment works approved by it A violation of which rules and regulations after notice shall also constitute a nuisance under this act

Section 305 Investigations and Research In addition to any powers now possessed the Board shall investigate and ascertain as far as practicable all facts in relation to the pollution of the waters of the Commonwealth by industrial waste Its agents may enter upon lands buildings and premises as may be necessary for its investigations It shall conduct scientific experiments and researches under its personal supervision or in colleges and universities for the purpose of ascertaining reasonable and practical means for the treatment of industrial waste so that when the same has been treated the effluent thereof when discharged into the waters of the Commonwealth shall not be injurious to the public health or to animal or aquatic life or prevent the use of the water for domestic industrial or recreational purposes

Section 306 Protection of Clean Waters After the effective date of this act no municipality or person shall ever discharge drain or permit to be washed into the clean waters of this State any sewage or industrial waste "Clean waters" are hereby defined to mean waters which are at the effective date of this act unpolluted and free from any discharge or drainage of industrial waste and from any authorized discharge or drainage of sewage but the Sanitary Water Board may permit discharge into such waters of sewage or industrial waste that has been completely treated

Section 307 Regulation of Establishments Erected or Opened or Re-opened in the Future No person shall hereafter erect construct or open or re-open or operate any establishment which in its operation results in the discharge of industrial wastes which would flow or be discharged into any of the waters of the Commonwealth and thereby cause a pollution of the same unless such person shall first provide proper and adequate treatment works for the treatment of such industrial wastes approved by the Board so that if and when flowing or discharged into the waters of the Commonwealth the effluent thereof shall not be inimical or injurious to the public health or to animal or aquatic life or prevent the use of water for domestic industrial or recreational purposes except when in the opinion of the Board such industrial waste is not inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and shall grant a permit for the discharge of such industrial waste into the waters of the Commonwealth But no permit shall ever be issued by the Board authorizing the discharge of untreated industrial waste into the clean waters of the State as above defined Public notice of every ap-

plication for a permit under this section shall be given by notice published in a newspaper of general circulation published in the county where the permit is applied for once a week for four weeks But any such permit shall be revocable or subject to modification and change by the Board at any time thereafter upon reasonable notice served personally or by registered mail addressed to the last known post office address of the holder of the permit and the owner or operator of such establishment may be required to install treatment works approved by the Board for the treatment of such industrial waste or for the deposition of solids in such industrial waste in the manner and to the extent as the Board may require The discharge of industrial waste into any of the waters of the Commonwealth from any such establishment contrary to the provisions of this section or without a permit or after the time fixed in the notice of the Board when a permit is revoked or in violation of any modification thereof is hereby declared to be a nuisance and to be punishable and abatable as herein provided The provisions of this section shall not apply to establishments existing at the date of the approval of this act which may hereafter be temporarily closed for a period not exceeding six months

Section 308 Approval of Plans Designs and Relevant Data by the Sanitary Water Board All plans designs and relevant data for the erection and construction of treatment works by any person for the treatment of industrial wastes shall be submitted to the Board for its approval before the works are constructed or erected Any such construction or erection which has not been approved by the Board by written permit or by treatment works not maintained or operated in accordance with the rules and regulations of the Board is hereby declared a nuisance and to be punishable and abatable as herein provided

Section 309 Penalties Any person who shall discharge any industrial wastes into the waters of the Commonwealth after the Board shall have given notice to discontinue the same as provided in section three hundred two shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and a further fine of ten dollars per day for each day the offense is continued and in default of the payment of such fine and costs the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to discharge any industrial waste into any of the waters of the Commonwealth contrary to the provisions of this act after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 310 Acid Mine Drainage The provisions of this article shall not apply to acid mine drainage from coal mines until such time as in the opinion of the Sanitary Water Board practical means for the removal or reduction of the polluting properties of such drainage shall become known

Article IV

Petty Pollution

Section 401 Petty Pollutions Prohibited It shall be unlawful for any person to put or place into any of the waters of the Commonwealth any explosives or to put or to allow any substance of any kind or character injurious or inimical to the public health or to animal or aquatic life or to the uses of water for industrial purposes or for recreation to be turned into or to run or flow or wash or to be emptied into any of the waters of the Commonwealth

Any person violating the provisions of this section shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the provisions of this section after conviction in a summary proceeding as above provided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and such person or if such person be an association or copartnership then the members thereof or is such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year Each day during which this section is violated shall constitute a separate offence

Nothing contained in this section shall be construed to apply to any sewage or industrial waste the discharge of which is regulated or prohibited by the preceding sections of this act but this section shall apply to explosives and to all other substances injurious or inimical to the public health or animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and to any sewage or industrial waste the discharge of which is not regulated or prohibited by the preceding sections of this act This section shall not be construed to prohibit the use of explosives for engineering purposes when a written permit has been given therefor by proper national State or municipal authorities

Section 402 Abatement of Petty Pollutions The violation of any of the provisions of the preceding section of this act is hereby declared to constitute a nuisance and to be abatable as herein provided

Section 403 Powers of Board The Board shall have power to adopt and promulgate reasonable rules and regulations for the purpose of preventing petty pollutions and to provide for and regulate the installation and maintenance of septic tanks or other methods of treatment whenever deemed necessary by the Board

Article V

Domestic Water Supplies

Section 501 Protection of Domestic Water Supplies In addition to the powers and authority hereinbefore granted power and authority is hereby conferred upon the Board after due notice and public hearing to make adopt promulgate and enforce reasonable orders and regulations for the protection of any source of water approved by the Commissioner of Health or the Department of Health for present or future supply to the public and prohibiting the pollution of any such source of water so approved rendering the same inimical or injurious to the public health or objectionable for public water supply purposes

Section 502 Penalty Any person violating any of said orders and regulations of the Board or refusing or omitting to comply with any direction or stipulation of the Secretary of Health made in accordance with said orders and regulations after thirty days' notice thereof shall upon conviction in a summary proceeding be sentenced to pay a fine of not less than one hundred dollars nor more than five hundred dollars and in default of the payment of such fine and costs of prosecution the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then the officers thereof shall be imprisoned in the county jail for a period of sixty days

Any person who shall continue to violate the orders and regulations of the Board or refuse or omit to comply with any direction or stipulation of the Secretary of Health after conviction in a summary proceeding as abov pro-

vided shall be guilty of a misdemeanor and upon conviction thereof in the court of quarter sessions shall be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and the person or if such person be an association or copartnership then the members thereof or if such person be a corporation then officers thereof shall be imprisoned in the county jail for a period of not less than three months nor more than one year

Section 503 Public Nuisances A violation of the orders and regulations adopted by the Board pursuant to section five hundred and one of this act shall constitute a nuisance and whenever such a pollution shall be maintained or continued contrary to such orders and regulations the same may be abatable in the manner provided by this act

Article VI

Procedure

Section 601 Abatement of Pollutions All pollutions hereinbefore declared to be nuisances or maintained contrary to the provisions of this act shall be abatable in the manner now provided by law or equity for the abatement of public nuisances In addition suits to abate pollution of any of the waters of the Commonwealth may be instituted in equity or at law in the name of the Commonwealth upon relation of the Attorney General or upon relation of any district attorney of any county or upon relation of the solicitor of any municipality affected after notice has first been served upon the Attorney General of the intention of the district attorney or solicitor to so proceed Such proceeding may be prosecuted in the Court of Common Pleas of Dauphin County or in the court of common pleas of the county where the nuisance has been or is being committed or of any county through which or along the borders of which flows the water into which such pollution has been discharged at any point above and to that end jurisdiction is hereby conferred in law and equity upon such courts provided however that no action shall be brought by such district attorney or solicitor against any municipality discharging sewage under a permit of the Board heretofore issued or hereafter issued under this act and provided further that except in cases of emergency where in the opinion of the court the exigencies of the cases require immediate abatement of said nuisances the court may in its decree fix a reasonable time during which the person or municipality responsible for the nuisances may make provision for the abatement of the same

Section 602 Preliminary Injunctions In cases where the circumstances require it or the public health is endangered a mandatory preliminary injunction or special injunction may be issued upon the terms prescribed by the court notice of the application therefore having been given to the defendent in accordance with the rules of equity practice and in any such case the Attorney General the district attorney or the solicitor of any municipality shall not be required to give bond

Section 603 Summary Proceedings All summary proceedings under the provisions of this act may be brought before any magistrate alderman or justice of the peace of the county where the offense occured or the unlawful discharge of sewage industrial waste or pollution was maintained or in the county where the public is affected and to that end jurisdiction is hereby conferred upon said magistrates aldermen or justices of the peace subject to appeal by either party in the manner provided by law In the case of any appeal from any conviction in the manner provided by law for appeals from summary conviction it shall be the duty of the district attorney of the county to represent the interests of the Commonwealth

Section 604 Complaints Investigations Upon complaint made in writing by any responsible person to the Board it shall be the duty of the Board through its agents to investigate any allege source of pollution of the waters of the Commonwealth and to institute appropriate proceedings under the provisions of this act to discontinue any such pollution if the offence complained of constitutes a violation of the provisions of this act

Section 605 Appeals Any order decision rule or regulation made by the Board shall be subject to appeal to the Court of Common Pleas of Dauphin County within thirty days from its entry by any person or municipality but in such appeal the decision rule or regulation of the Board shall be prima facie evidence of the correctness thereof and the burden to establish the incorrectness thereof shall be upon the appellant Said court may affirm or modify any such order decision rule or regulation if it be established by the appellant that the discharge of sewage or industrial waste or the erection maintenance or operation of any treatment works is not nor likely to become inimical or injurious to the public health or to animal or aquatic life or to the use of the water for domestic industrial or recreational purposes and if the court so finds it may set aside such order decision rule or regulation of the Board Any order (other than an order to discontinue the discharge or industrial waste) decision rule or regulation appealed from shall not be superseded by the appeal but shall be in force until the order of the court is made as above provided The setting aside of any order or decision of the Board by the court upon any such appeal shall not prevent or preclude said Board from again instituting subsequent proceedings against the same person or municipality when in its opinion the public health is endangered or animal or aquatic life destroyed or water rendered unfit for domestic industrial or recreational purposes subject to appeal as above provided

Section 606 Proceedings Where Waters Polluted from Many Sources Nothing contained in the laws of the Commonwealth shall estop the Board from proceeding under the provisions of this act against any particular municipality or person discharging sewage or industrial waste or other noxious or deleterious substance into the waters of the Commonwealth even though said waters are at the time polluted from other sources

Section 607 Public Records Evidence All papers records and documents of the Board and applications for permits pending before the Board shall be public records open to inspection during business hours and copies of all such public records and the rules and regulations of the Board certified by the Secretary of Health shall be received in evidence in all courts and elsewhere

Section 608 Existing Rules Regulations and Orders All rules and regulations heretofore adopted by the Board and all orders made and actions taken by the Board or the Secretary of Health under the provisions of law repealed by this act shall continue in force with the same effect as if such laws had not been repealed subject however to modification change or annulment as may be deemed necessary by the Board in order to comply with the provisions of this act

Section 609 Application and Permit Fees The Board is hereby authorized to fix and collect from persons and municipalities a reasonable filing fee for applications filed and for permits issued

Article VII

Scope and Purpose

Section 701 Existing Rights and Remedies Preserved The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth or any district attorney or solicitor of a municipality from proceeding in courts of law or equity to abate pollutions forbidden under this act or abate nuisances under existing law It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate the pollution of the waters of this Commonwealth and nothing in this act contained shall in any way abridge or alter rights of action or remedies now or hereafter existing in equity or under the common law or statutory law criminal or civil nor shall any provision in this act or the granting of any permit under this act or any act done by virtue of this act be construed as estopping the Commonwealth persons or municipalities in the exercise of their rights

under the common law or decisional law or in equity from proceeding in courts of law or equity to suppress nuisances or to abate any pollution now or hereafter existing or enforce common law or statutory rights

Article VIII

Repealer

Section 801 Repeal The following acts and parts of acts of Assembly are hereby repealed

Sections four five six seven eight nine ten and eleven of an act approved the twenty-second day of April one thousand nine hundred and five (Pamphlet Laws two hundred sixty) entitled "An act to preserve the purity of the waters of the State for the protection of the public health"

The act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws seven hundred ninety-three) entitled "An act to preserve the purity of the sources of public water supplies hereafter approved authorizing the Advisory Board of the Department of Health to make orders and regulations therefor and the Commissioner of Health to enforce the same providing penalties for violation thereof and for abatement of nuisances by injunction"

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2200, (Senate Bill No. 425), entitled:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wages boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties

The first to the fifteenth sections inclusive were separately read and agreed to as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Factual Background Women and minors are employed in some occupations in trade and industry in the Commonwealth of Pennsylvania for wages unreasonably low and not fairly commensurate with the value of the services rendered Such a condition is contrary to public interest and public commands its regulation Women and minors employed in such industries are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory Judged by any reasonable standard wages in such industries are often found to bear no relation to the fair value of the services rendered Women and minors employed for gain in such occupations are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as exist tend to be set by the least conscionable employers In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers reduces the purchasing power of the workers and threatens the stability of industry The evils of oppressive unreasonable and unfair wages as they affect women and minors employed in the Commonwealth of Pennsylvania are such as to render imparitive the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well being

Section 2 Definitions as used in this act

(1) "Secretary" shall mean the Secretary of Labor and Industry

(2) "Department" shall mean the Department of Labor and Industry

(3) "Wage board" shall mean a board created as provided in this act

(4) "Women" shall mean a female of twenty-one years or over

(5) "Minor" shall mean a person of either sex under the age of twenty-one years

(6) "Occupation" shall mean an industry trade business or class of work in which women or minors are gainfully employed but shall not include domestic service in the home of the employer or services in a religious community or charitable institution or labor on a farm or boys lawfully employed in the sale and delivery of newspapers and magazines

(7) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered

Section 3 Powers of Investigation The department shall have power

(1) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(2) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of

(a) Examining and inspecting any and all books registers payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the wages of any such women or minors and

(b) Ascertaining whether the orders of the department have been and are being complied with

(3) To require from such employer full and correct statements in writing at such times as the department may deem necessary of the wages paid to all women and minors in his employment

Section 4 Investigation of Occupation The Department shall have power and it shall be the duty of the department on the petition of fifty or more residents of the Commonwealth to cause an investigation to be made by any duly authorized representative of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving wages which are less than sufficient to maintain their health or efficiency If on the basis of information in its possession with or without a special investigation the department is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving such wages the secretary shall appoint a wage board to report upon the establishment of minimum fair wages for such women or minors in such occupation or occupations

Section 5 Basis of Fair Wage In establishing a minimum fair wage for any service or class of service under this act the secretary and the wage board without being bound by any technical rules of evidence or procedure may

(1) Take into account the cost of living and all other relevant circumstances affecting the value of the service or class of service rendered

(2) Be guided by like considerations as would guide a court in a suit for the reasonable value of services

rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid

(3) Consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

Section 6 Wage Boards

(1) A wage board shall be composed of not more than three representatives of employers an equal number of representatives of employes and an equal number of disinterested persons representing the public one of whom shall be designated by the secretary as chairman The secretary shall appoint the members of such wage board the representatives of the employers and employes to be selected so far as practicable from nominations submitted by employers or employer representatives for employer members and by employes for employe members in such occupation or occupations Two-thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all its members The members of a wage board shall be entitled to compensation at the rate of not exceeding ten dollars per day for each meeting attended by them or each day actually spent in the work of the board They shall also be paid their reasonable and necessary traveling and other expenses while engaged in performance of their duties The department shall make and establish from time to time reasonable rules and regulations not inconsistent with this act governing the selection of a wage board and its mode of procedure

(2) The department shall present to a wage board promptly upon its organization all the evidence and information in its possession relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and an other information which is deemed relevant to the establishment of a minimum fair wage for such women and minors and shall cause to be brought before the board any witnesses whom the department deems material A wage board may summon other witnesses or call upon the department to furnish additional information to aid it in its deliberation

(3) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by a member of the wage board and shall be served and have the same effect as if issued by the department under the authority vested in it by the act approved the ninth day of April one thousand nine hundred twenty-nine (Pamphlet Laws 177) and designated as the Administrative Code of 1929 A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for like depositions in civil actions in the court of common pleas

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the secretary may appoint a new wage board as provided in clause (1) of this section

(5) A wage board may classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment A wage board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learner's and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations

(7) In addition to the report a wage board may recommend such reasonable regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report Such regulations may among other things define and govern learners and apprentices their rates number proportion or length of service piece rates or their relation to time rates overtime or part-time rates bonuses or special pay for special or extra work deductions for board lodging apparel or other items or services supplied by the employer and other special conditions or circumstances and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification without departing from the basic minimum rates recommended by wage board the board may provide for such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the board may find appropriate to safeguard the basic minimum rates established

Section 7 Action on Report of Wage Board

(1) A wage board shall submit its report and recommendations to the department which shall within ten days thereafter accept or reject such report During such ten days the secretary or his representative may confer with the wage board which may make such changes in the report or recommendations as it may deem fit If the report is rejected the department shall re-submit the matter to the same wage board or to a new wage board to be appointed as provided in clause (1) of section six If the report is accepted it shall be published together with such of the regulations recommended by the board and with such modifications and amendments as the department may approve The department shall give notice of a public hearing to be held by the secretary or his representative not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard

(2) Within ten days after such hearing the department shall approve or disapprove the report of the wage board If the report is disapproved the department may re-submit the matter to the same wage board or to a new wage board If the report is approved the department shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and shall include the regulations as approved by the department

Section 8 Special Licenses For any occupation for which minimum fair wage rates have been established the department may cause to be issued to a woman or minor including a learner or apprentice whose earning capacity is impaired by age or physical or mental deficiency or injury a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the department and stated in the license

Section 9 Order Made Mandatory If at any time after a directory minimum fair wage order has been in effect for three months the department is of the opinion based upon a statement of reasons in writing made by the department that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation of occupations the department may give notice of its intention to make such order mandatory and of a public hearing to be held not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to a mandatory order may be heard by the secretary or his representative After such hearing the department may make an order making the previous directory order or any part thereof mandatory and shall publish such order

Section 10 Publication of Names of Employers Not Observing Order If the department has reason to believe that any employer is not observing the provisions of any directory or mandatory order it may on fifteen days' notice summon such employer to appear before it to show cause why the name of such employer should not be

published as having failed to observe the provisions of such order After such hearing and the finding of non-observance of such order by the secretary or his representative the department may cause to be published in a newspaper or newspapers published and circulating within the Commonwealth or in such other manner as it may deem appropriate the name of any such employer or employers as having failed in the respects stated to observe the provisions of such order of the department neither the secretary nor any authorized representative of the department nor any newspaper publisher proprietor editor nor any employe thereof shall be liable to an action civil or criminal for publishing the name of any employer as provided for in this article unless guilty of wilful misrepresentation

Section 11 Reconsideration of Minimum Fair Wage Order (1) At any time after a minimum fair wage order has been in effect for one year or more whether during such period it has been directory or mandatory the department may on its own motions and shall on a petition of fifty or more residents of the Commonwealth reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board as provided in clause (1) of section six to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in section seven of this act provided that if the order under reconsideration has theretofore been made mandatory in whole or in part by the department then the department in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory

(2) The department may from time to time propose such modifications of or additions to any regulations included in any directory or mandatory order of the department without reference to a wage board as may be deemed appropriate to effectuate the purposes of this act provided such proposed modifications or additions are reasonable and could legally have been included in the original order and shall give notice of a public hearing to be held by the secretary or his representative not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions After such hearing the department may make an order putting into effect such of the proposed modifications of or additions to the regulations as it may deem appropriate and if the order of which the regulations form a part has theretofore been made mandatory in whole or in part then the department in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory

Section 12 Review of Orders

(1) All questions of fact arising under this act except as otherwise herein provided shall be decided by the secretary or his representative and there shall be no appeal from the decision on any such question of fact but there shall be a right of review by the court of common pleas from any order ruling or holding on any question of law included or embodied in any decision of the secretary or his representative or order of the department

(2) Any such review shall be by the Court of Common pleas of Dauphin County Any person aggrieved by the decision of the secretary or his representative or by any order of the department may petition said court for such a review within thirty days after notice of such decision or order A copy of such petition shall be filed with the department which filing shall constitute service Within thirty days after service of the petition the department shall file with the prothonotary of said court a transcript of the record of the proceedings duly certified over the seal of the department which record shall include all papers on file and all evidence taken including stenographic notes of testimony The cost of said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs to be paid as the court may direct

(3) The court upon application of either party shall fix a time and place for argument After argument and review of the record and testimony the court may sustain modify or reverse the decision of the secretary or his representative or the order of the department as in its judgment the law may warrant

Section 13 Duty of Employer Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the department or its duly authorized agent upon demand a sworn statement of the same Such records shall be open to inspection by any duly authorized agent of the department at any reasonable time Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicious place in every room in which women or minors are employed Employers shall on request be furnished copies of order without charge Employers shall permit any duly authorized agent of the department to question any employe of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employe or other employe

Section 14 Penalties

(1) Any employer and his agent or the officer or agent of any corporation who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this act or because such employer believes that said employer may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty nor more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than thirty days

(2) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall upon conviction thereof be sentenced to pay a fine of not less than fifty nor more than two hundred dollars or to undergo imprisonment of not less than ten nor more than ninety days or both such fine and imprisonment and each week in any day of which such employe is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employe who paid less shall constitute a separate offense

(3) Any employer or the officer or agent of any corporation who fails to keep the records required under this act or to furnish such records or any information required to be furnished under this act to the department the secretary or any authroized representative of the department upon request shall upon conviction thereof in a summary proceding be sentenced to pay a fine of not less than twenty-five nor more than one hundred dollars and each day of such failure to keep the records requested under this act or to furnish such records or information shall constitute a separate offense

Section 15 Civil Action If any woman or minor worker is paid by his or her employe less than the minimum fair wage to which such worker is entitled under or by virtue of a mandatory minimum fair wage order such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer together with costs and such and any agreement between the employer and the worker reasonable attorney's fees as may be allowed by the court to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which such worker was entitled under a mandatory order the department may take an assignment of such wage claim in trust for the assigning worker and may bring any legal action necesary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

The sixteenth section was read as follows:

Section 16 Act not to Apply to Certain Persons The provisions of this act shall not apply to any person or persons subject to regulation under the Interstate Commerce Act or subject to the provisions of the Federal Railway Labor Act

On the question,

Will the House agree to the section?

Mr. YOURISHIN. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section sixteen, page sixteen, line eleven, by striking out the following "Subject to regulation of the Interstate Com-"

Amend section sixteen, page sixteen, line twelve, by striking out the following "merce Act or"

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The seventeenth and eighteenth sections and title were separately read and agreed to as follows:

Section 17 Unconstitutionality If any provisions of this act or the application thereof to any person or circumstances is held invalid the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby

Section 18 Effective Date This act shall become effective immediately upon its final enactment

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1508, as follows:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress

Whereas The Seventh World's Poultry Congress will be held in the United States in the early part of one thousand nine hundred and thirty-nine which is its first meeting in the United States and

Whereas The United States is now the leading poultry producing and consuming nation of the World and

Whereas The Federal Government is expected to make a substantial appropriation to provide a suitable national display of all breeds and varieties of poultry ducks geese turkeys and wild-fowl and to show the development and importance of the poultry and allied industries and

Whereas The several states are being requested to prepare and display exhibits portraying the development and importance of the industry in their respective states and several states have already made such appropriations and

Whereas Pennsylvania ranks first in the value of eggs produced fourth in the value of chickens raised fifth in the number of eggs produced and seventh in the number of chicken raised therefore

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of ten thousand dollars ($10,000) is hereby appropriated to the Department of Agriculture to provide at the Seventh World's Poultry Congress an exhibit in keeping with the importance of the poultry interests of the Commonwealth of Pennsylvania and for the payment of all expenses in connection therewith Said appropriation shall be expended by the Department of Agriculture under the supervision of an advisory committee to be composed of one representative selected by the Pennsylvania State Poultry Association one selected by the Egg and Poultry Co-operatives of Pennsylvania one selected by the Pennsylvania State College one selected by the Allied Poultry Industries and a representative of the Department of Agriculture selected by the Secretary of Agriculture

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1693, as follows:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Grant of Power For the purpose of promoting health safety morals or the general welfare of townships of the second class the boards of township supervisors of townships of the second class are hereby empowered to regulate and restrict by ordinance the height number of stories and size of buildings and other structures and percentage of lot that may be occupied the size of yards courts and other open spaces the density of population and the location and use of buildings structures and land for trade industry residence or other purposes and may also establish by ordinance and maintain building lines and set back building lines upon any or all public streets roads highways lanes and alleys

Section 2 Districts For any or all said purposes the board of township supervisors may divide the township into districts of such number shape and area as may be deemed best suited to carry out the purpose of this act and within such districts it may regulate and restrict the erection construction reconstruction alteration repair or use of buildings structures or land All such regulations shall be uniform for each class or kind of buildings throughout each district but the regulations in one district may differ from those in another district

Section 3 Purpose in View Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the roads and streets to secure safety from fire panic and other dangers to promote health and the general welfare to provide adequate light and air to prevent the overcrowding of land to avoid undue concentration of population to facilitate the adequate provision of transportation water sewerage schools parks and other public requirements Such regulations shall be made with reasonable consideration among other things to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value

of buildings and encouraging the most appropriate use of land throughout such municipality

Section 4 Method of Procedure The board of township supervisors of such township of the second class shall provide by ordinance the manner in which such regulations and restrictions and the boundaries of such districts shall be determined established and enforced and from time to time amended supplemented or changed However no such regulation restriction or boundary shall become effective until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard At least fifteen days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such township

Section 5 Changes Such regulations restrictions and boundaries may from time to time be amended supplemented changed modified or repealed In case however of a protest against such change signed by the owners of twenty per cent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots such amendment shall not become effective except by the favorable vote of all the township supervisors The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments

Section 6 Zoning Commission In order to avail itself of the powers conferred by this act the board of township supervisors shall appoint a commission of five citizens to be known as the Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report and such council shall not hold its public hearings or take action until it has received the final report of such commission

Section 7 Board of Adjustment Such board of township supervisors may appoint a board of adjustment and in the regulations and restrictions adopted pursuant to the authority of this act may provide that said board of adjustment may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained

The board of adjustment shall consist of three members one of whom shall be designated to serve until the first day of January following the adoption of the zoning ordinance one until the first day of the second January thereafter and one until the first day of the third January thereafter Their successors shall be appointed on the expiration of their respective terms to serve three years The members of the board shall be removable for cause by the appointing authority upon written charges and after public hearing Vacancies shall be filled for the unexpired term of any member whose term becomes vacant

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine Such chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses All meetings of the board shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer of the township affected by any decision of the administration officer Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken

An appeal says all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life and property In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and due cause shown

The board of adjustment shall fix a reasonable time for the hearing of the appeal give public notice thereof as well as due notice to the parties in interest and decide the same within a reasonable time Upon the hearing any party may appear in person or by agent or by attorney

The Board of Adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged there is error in any order requirement decision or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance

(3) To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done

In exercising the above-mentioned powers such board may in conformity with the provisions of this act reverse or affirm wholly or partly or may modify the order requirement decision or determination appealed from and may make such order requirement decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken

Any person or persons jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer of the township may present to the court of common pleas a petition duly verified setting forth that such decision is illegal in whole or in part specifying the grounds of the illegality Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board

Upon the presentation of such petition the court may allow an appeal directed to the board of adjustment to review such decisions of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order

The board of adjustment shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified

If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with its findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may reserve or affirm wholly or partly or may modify the decision brought up for review

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from

All issues in any proceedings under this section shall

have preference over all other civil actions and proceedings

Section 8 Remedies In case any building or structure is erected constructed re-constructed altered repaired converted or maintained or any building structure or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby the proper local authorities of the municipality in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful erection construction re-construction alteration repair conversion maintenance or use to restrain correct or abate such violation to prevent the occupancy of said building structure or land or to prevent any illegal act conduct business or use in or about such premises

Section 9 Act Not to Apply to Certain Buildings of Public Service Corporations This act shall not apply to any existing or proposed building or extension thereof used or to be used by public service sorporations if upon petition of the corporation the Public Service Commission shall after a public hearing decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 621, entitled:

An Act relating to the business of painting paperhanging and decorating defining regulating and providing for the licensing of contractors engaged in such business and for the revocation of such licenses subject to appeal and creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania of Pennsylvania in General Assembly met and it hereby enacted by the authority of the same That this act shall be known and may be cited as the "Painting and Decorating Contractors License Act of 1937"

The second section was read as follows:

Section 2 The term "painting paperhanging and decorating contractor" shall include any person copartnership association or corporation who or which for a fixed sum price fee percentage or other compensation other than wages undertakes with another for

(a) The service of painting the interior or exterior of any building or other structure or the painting of any wooden stone metal or plaster surface within or without a building or structure

(b) The service of paperhanging or decorating by the application and installation of wallpapers hangings and decorative material of every kind or description applied directly to the surface in or on a building

The term "contractor" shall include such contractor but shall not include any one who merely furnishes materials or supplies without consuming the same in the performance of the work of a painting paperhanging decorating contractor as herein defined The term "contractor" shall not include formers home owners hotels hospitals institutions both public and private or manufacturing plants of any kind who may do their maintenance work on their properties owned and occupied by them either individually or with their regular employes or contractors other than painting paperhanging and decorating contractors and who are recognized as such in the different branches of the building industry with respect to minor repair work in connection with their contracting and installations

The word "board" shall mean the Painting and Paperhanging Contractors Licensing Board in the department of Labor and Industry

The term "department" shall mean the Department of Labor and Industry

On the question,

Will the House agree to the section?

Mr. SHUGARTS. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend section 2, page 2, line 18, at the end of the line after the word "plants" insert the words "or establishments"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third to the twenty-fifth sections inclusive and title were separately read and agreed to as follows:

Section 3 There is hereby created in the Department of Labor and Industry the Painting and Paperhanging Licensing Board which shall be a departmental administrative board with all the powers and duties generally vested in and imposed upon such boards by the Administrative Code of 1929 and its amendments The board shall be composed of three members appointed by the Governor for terms of four years from the dates of their respective appointments and the Secretary of Labor and Industry ex-officio One member of the board shall be a contractor engaged in the painting paperhanging and decorative business one a journeyman painter or paperhanger and one a citizen

Two members of a board shall constitute a quorum for the transaction of any business The board shall select from among their number a chairman and shall elect a secretary who need not be a member of the board

Each appointed member of the board shall receive fifteen dollars ($15) per day for each day necessarily employed in the performance of his duties The secretary of the board shall receive such reasonable compensation as the board may determine with the approval of the Secretary of Labor and Industry

Section 4 The board shall issue painting paperhanging and decorating contractors licenses under the provisions of this act and shall supervise and control all such licenses as hereinafter specifically provided

Section 5 From and after the first day of January one thousand nine hundred and thirty-eight it shall be unlawful for any person copartnership association or corporation to engage in or carry on the business of a painting or decorating or paperhanging contractor within this Commonwealth without first obtaining a license as a painting paperhanging or decorating contractor from the board

Section 6 It shall be the duty of the board upon payment of license fees required by this act to issue licenses as painting paperhanging and decorating contractors to all individuals copartnerships associations and corporations who shall be duly qualified under and shall comply with the provisions of this act

Section 7 Application for license as painting paperhanging and decorating contractor shall be made on such forms as the board shall prescribe Such application shall be duly verified shall give the name and address of the applicant if an individual if a copartnership the names and addresses of the partners and if an association or corporation the names and addresses of the president vice-president secretary and chief managing officer and shall contain the statement that the applicant desires the issuance of a license under the terms of this act All such licenses shall

expire the thirty-first day of December of the year following its issue unless sooner revoked by the board

Section 8 The fees for licenses issued under this act shall be as follows

For each annual painting paperhanging and decorating contractor's license a fee of twenty dollars ($20) Provided however That for any and all licenses issued subsequent to the thirtieth day of June in any year the license fee charge shall be but one-half of the annual license fee as above prescribed The fees herein prescribed for painting paperhanging and decorating contractors license shall be in addition to any and all other license fees or license taxes imposed upon painting paperhanging and decorating contractors by this Commonwealth or any subdivision thereof

All fees collected under the provisions of this act shall be received by the department and shall be paid into the State Treasury through the Department of Revenue for the use of the General Fund

Section 9 Every person copartnership association or corporation licensed as a painting paperhanging or decorating contractor under the provisions of this act shall be required to have and maintain a definite place of business within the Commonwealth which shall serve as his or their or its office for the transaction of business in which the license required by this act shall be prominently displayed The said place of business shall be specified in the application for license and designated in the license and no license issued under the authority of this act shall authorize the licensee to transact business from any office other than that designated in the license unless notice in writing shall be given within ten days after removal to the board of any change of business location designating the new location of such office Whereupon the board shall forthwith issue a new license for the new location for the unexpired period of the license year without charge The change of the specified business location without notification to the board shall automatically cancel the license theretofore issued at the end of said ten day period

Section 10 The board may upon its own motion and shall promptly upon the verified complaints in writing of any person setting forth specifically the wrongful act or acts complained of investigate any action or transaction of any licensed painting paperhanging and decorating contractor or any such contractor applying for a license and shall have the power temporarily to suspend or permanently to revoke licenses theretofore issued by the board under the provisions of this act at any time when after due proceedings as hereinafter provided it shall find the holder thereof to have been guilty in the performance or attempt to perform any of the acts herein prohibited as follows

(a) Knowingly making any substantial misrepresentation respecting the kind and quality of materials used in performing any painting contract

(b) Knowingly making any false promise of a character intended to deceive

(c) Abandonment of any contract without legal excuse

(d) Wilful departure from or disregard of specifications or directions without the consent of the owner or his authorized agent or

(e) Wilful and deliberate disregard and violation of the laws of the Commonwealth or any subdivision thereof or of any building code or any health laws or of any safety laws or labor laws now in force or hereafter enacted

Section 11 Before refusing suspending or revoking any license the board shall in writing notify the applicant or licensee of the charges against him accompanying the notice with a copy of the complaint if any filed with it The board shall accord the applicant or licensee ample opportunity to be heard thereon in person or by counsel If the applicant or licensee shall so desire the board shall grant a hearing upon such charge to be held on not less than ten days prior notice in writing to the applicant or licensee The board shall furnish the applicant or licensee at the time of giving the said notice with copies of any and all communications reports affidavits and depositions in its possession touching or relating to the matter in question At such hearing the applicant or licensee shall be entitled to examine either in person or by counsel any and all persons complaining against him and as well all other witnesses whose testimony is relied upon to substantiate the charges made He shall also be entitled to present such evidence oral and written as he may see fit and as may be pertinent to the inquiry The said hearings may be held by the board or any member thereof or by any of the departments duly authorized deputies or by any other person duly deputized by the department for such purpose in any particular case but all decisions shall be made only by the board. The hearings shall be held if the applicant or licensee so desires within the county where the applicant's or licensee's principal place of business is situated At such hearings all witnesses shall be duly sworn and stenographic notes of the proceedings shall be taken and filed as part of the record in the case Any party to proceedings desiring it shall be furnished with a copy of such stenographic notes upon the payment to the department of such fee as it shall by general rule or regulation prescribe therefor not exceeding however twenty-five cents per folio

Section 12 The decision of the board in refusing suspending or revoking any license shall be subject to review by the court of common pleas of the county in which the licensee is a resident The department shall maintain in its office a public docket or other record in which it shall record from time to time as made the rulings or decisions of the board upon all complaints filed and of all investigations instituted by the board in the first instance or in connection with which any such hearing shall have been had or in which the licensee or applicant charged shall have made no defense The department shall give immediate notice in writing of such ruling or decision by the board in any matter to the licensee or applicant affected thereby and as well where the investigation shall have been instituted by complaint filed to the party or parties by whom the complaint was made If such ruling or decision by the board shall be to the prejudice of or shall injuriously affect the licensee or applicant the department shall state in said notice the date upon which the said ruling or decision shall become effective and such date shall be not less than thirty days after the date of the notice If the applicant or licensee cannot at such time be found or his whereabouts shall be unknown such notice may be given by the department by advertisement inserted in one issue of a newspaper of general circulation published within the county where was located the principal office of the licensee as designated in the license

Section 13 Such ruling or decision of the board shall be final when in favor of the licensee or applicant and in dismissal of the complaint filed if any If the decision or ruling of the board is against the licensee or applicant or in any way to the licensee's or applicant's injury or prejudice the licensee or applicant may at any time prior to the date fixed by the department in its said notice as the date it shall become effective appeal from such decision or ruling of the board to the court of common pleas of the county in which he resides by serving upon the department written notice of such appeal Such service shall be made either by filing the said notice of appeal in the office of the department or by delivering the same to any deputy whether general or special before whom the hearing in th case was had

Section 14 Within thirty days after the service of such notice of appeal the department shall file with the prothonotary of the said court of common pleas a transcript of the record of the proceedings duly certified over the seal of the department which record shall include all papers on file with the board affecting or relating to the inquiry or investigation conducted by the board or any representative of the department and all the evidence taken in the said hearing including the stenographic notes of testimony Notice of the filing of the said transcript with the term and number to which filed shall be forthwith given by the department to the licensee and as well to the party or parties if any upon those complaint the proceedings before the board were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the said court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The appeal shall thereupon be heard in due course by the judge or judges of the said court of common pleas without a jury by whom the proceedings before the board its findings and rulings shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act entitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four and its supplements The court may however in its discretion receive and consider any additional pertinent evidence whether oral or written either in open court or by deposition as the said court shall direct The decision or ruling of the board shall be reviewed in the light of such evidence Provided That the court shall order a trial by jury upon demand of any appellant

Section 15 The order or ruling of the board in any such proceeding shall become of full force and effect upon the date fixed by the department in the said notice given to the parties unless an appeal therefrom shall have been taken as hereinbefore provided If any appeal shall be so taken it shall act as a supersedeas from the date of the filing of the appeal in the court of common pleas An appeal shall lie from the decision of the said court of common pleas to the Superior Court but no such appeal shall operate as a supersedeas unless made so by special order of the appellate court

Section 16 In all proceedings before the board and as well in all proceedings upon appeal from any of its decisions the record or a duly certified or exemplified copy thereof in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant or licensee charged or under investigation shall have been a party shall be admissible where the issue of fact involved in such proceedings are pertinent to the inquiry before the board and the verdict of the jury or judgment of the court in any such action at law or the decree of the court in any such proceeding in equity shall be prima facie as to the facts at issue in such proceedings and necessarily adjudicated therein So also the verdict of the jury in any criminal prosecution in a court of record of this or any other state in which the applicant or licensee charged shall have been the defendant shall be conclusive as to the facts charged or at issue in such prosecution

Section 17 Pending an investigation or proceeding before the board affecting any applicant or licensee and as well pending final decision upon any appeal taken by an applicant or licensee from the decision or rulings of the board no new license shall be issued to any person or licensee or to a copartnership of which he is a member or employe or to an association or corporation of which he shall be an officer or employe except for the period of such investigation or proceeding and subject to the action of the board thereon or therein

Section 18 After the revocation of any license or refusal to grant a license no new license shall be issued to the same person or licensee within a period of one year from the date of such refusal or revocation nor at any time thereafter except in the sole discretion of the board

Section 19 No license shall be issued by the board to any person known by it to have been within five years theretofore convicted of forgery embezzlement obtaining money under false pretense extortion criminal conspiracy to defraud or other like offense or offenses or to any copartnership of which such person is a member or to any association or corporation of which said person is an officer or employe or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly

Section 20 Any person copartnership association or corporation who shall after the first day of January one thousand nine hundred and thirty-eight engage in or carry on the business or act in the capacity of a painting paperhanging and decorating contractor within this Commonwealth without a license or shall carry on or continue business after the suspension or revocation of any such license to him or to it issued shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars ($100) or such person or the members of any such partnership or the directors or officers of any such association or corporation responsible for the violation of this act shall be sentenced to undergo imprisonment for a period of not more than one year or both in the discretion of the court

Section 21 The board or any of its members or the department and any of its duly authorized deputies and as well any special deputy appointed by it to hold a hearing in any particular case shall have power to administer oaths and to issue subpoenas for the attendance of witnesses and the production of books and papers In any hearing in any part of the Commonwealth the process issued by the board or department or its members or deputies shall extend to all parts of the Commonwealth and such process shall be served either in like manner as are served writs of subpoenas in the court of common pleas or by any person designated by the board or department for such purpose The person serving such process shall receive such compensation as may be allowed by the department not to exceed the fee prescribed by law for similar services in the courts of common pleas and such fees shall be paid in the same manner as provided herein for the fees of witnesses subpoenaed at the instance of the board department or any member or officer thereof All witnesses who shall be subpoenaed and who shall appear in any proceeding before the board or department shall receive the same fees and mileage as allowed by law to witnesses in the court of common pleas which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the board or department or its member or deputy general or special the fees and mileage of such witness shall be paid from the funds appropriated to the use of the said department in the same manner as other expenses of the department are paid

Section 22 Where in any proceeding before the board or department any witness shall fail or refuse to attend upon subpoena so issued or appearing shall refuse to testify or shall refuse to produce any books papers records or documents the production of which is called by the subpoena the attendance of such witness and the giving of his testimony and the production of the books papers records or documents required shall be enforced by any court of common pleas of this Commonwealth in like manner as are enforced the attendance and testimony of witnesses before such courts

Section 23 The court of common pleas of any county shall upon the application of the department issue commissions or letters rogatory to other states for the taking of evidence there for use in any proceeding before the board The department shall make such application at the instance of any party to the proceeding before the board unless in the opinion of the board such application is made for the purpose of delay Any such party shall be entitled as of right to subpoenas from the department or board directed to such witnesses and for the production of such books and papers as the party may desire

Section 24 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 25 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

An Act relating to the business of painting paperhanging and decorating defining regulating and providing for the licensing of contractors engaged in such business and for the revocation of such licenses subject to appeal and creating the Painting and Paperhanging Licenseing Board as a departmental administrative board in the Department of Labor and Industry

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 851 entitled:

An Act relating to the regulation of public utilities defining as public utilities certain corporations companies associations and persons providing for the regulation of public utilities including to a limited extent municipalities engaging in public utility business by prescribing defining and limiting their duties powers and liabilities and regulating the exercise surrender or abandonment of their powers privileges and franchises defining and regulating contracts carriers by motor vehicle and brokers in order to regulate effectively common carriers by motor vehicle conferring upon the Pennsylvanina Public Utility Commission the power and duty of supervising and regulating persons associations companies and corporations including to a limited extent municipal corporations subject to this act and administering the provisions of this act authorizing the commission to fix temporary rates placing the burden of proof on public utilities to sustain their rates and certain other matters authorizing a permissive or mandatory sliding scale method of regulating rates providing for the supervision of financial and contractural relations between public utilities and affiliated interests and supervision and regulation of accounts and securities or obligations issued assumed or kept by persons associations companies corporations or municipal corporations subject to this act conferring upon the commission power to vary reform or revise certain contracts conferring upon the commission the exclusive power to regulate or order the construction alteration relocation protection or abolition of crossings or facilities of public utilities and of such facilities by or over public highways to appropriate property for the construction or improvement of such crossings and to award or apportion resultant costs and damages authorizing owners of such property to sue the Commonwealth for such damages providing for ejectment proceedings in connection with appropriation of property for crossings conferring upon the commission power to control and regulate budgets of public utilities imposing upon persons associations companies and corporations including the municipal corporations subject to regulation the cost of administering this act prescribing and regulating practice and procedure before the commission and procedure for review by the courts of commission action giving the Court of Common Pleas of Dauphin County exclusive original jurisdiction over certain proceedings prescribing penalties fines and imprisonment for violations of the provisions of this act and regulations and orders of the commission and the procedure for enforcing such fines and penalties and repealing legislation supplied and superseded by or inconsistent with this act

The first section was read as follows:

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Article I

Short Title and Definitions

Section 1 Short Title This act shall be known and may be cited as the "Public Utility Law"

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. OMINSKY. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further study and possible amendment.

The motion was agreed to.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 555.

Mr. DUBBS. Mr. Speaker, I desire to call up at this time the report of the Committee or Conference on House Bill No. 555, Printer's No. 783.

The report was read by the Clerk as follows:

To the Members of the Senate and House of Representatives

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 555, entitled: "An Act to amend sections two, four, five, eight, thirteen, fifteen, sixteen, seventen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and twenty-three, (Pamphlet Laws, 1076), entitled 'An act to provide for the organization, incorporation, operation and supervision of cooperative savings and credit associations to be termed credit unions; designating such credit unions as corporations and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties,' changing certain requirements for incorporation; providing for the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further exemptions," respectfully submit the following bill as our report:

C. W. SONES
HARRY SHAPIRO
C. GILBERT WOLFENDEN

(Committee on the part of the Senate.)

HENRY M. DUBBS, JR.
SAMUEL A. BLANK
DAVID R. PERRY

(Committee on the part of the House of Representatives.)

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation providing for the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their

powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" are hereby amended to read as follows

Section 2 Method of Incorporation A credit union may be incorporated in the following manner to wit

A The articles of association of an intended credit union must be subscribed to by seven citizens of this Commonwealth and shall set forth

I The name of the proposed credit union which shall contain the words "credit union"

II The class of services to be performed by the credit union which services shall be within the scope of activities of such associations as set forth in this act

III The principal place where its business is to be transacted which shall be within this Commonwealth

IV The term for which it is to exist

V The [amount of its capital stock and the number and] par value of its shares [into which it is divided] which par value shall not exceed ten ($10) dollars for each share the names and post office addresses of the subscribers and the number of shares subscribed by each

VI The number of its directors for the first year not less than five the names and residences of those who are chosen for directors for the first year and the name and residence of the treasurer

VII The common bond of membership [whether of occupation association or residence within a well defined neighborhood community or rural district]

VIII Any other provisions not inconsistent with law which the proposed credit union may see fit to adopt governing the regulation and conduct of its affairs

B Notice of the intention to apply for any such charter shall be [inserted in one newspaper of general circulation] advertised one time in a newspaper of general circulation and one time in a legal newspaper as defined by law printed in the county where the principal place of business is situated [for one insertion] setting forth briefly the character and purpose of said corporation and the kind of service to be performed by it such advertisement shall be published at least three days prior to the day fixed in the advertisement for the presentation of the application to the [Governor] Department of Banking

C The articles of association shall be acknowledged by not less than [five] seven of the subscribers thereto before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

D Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given [a copy] two copies of the proposed by-laws for the general governance of the credit union [, and a certificate of approval by the Department of Banking of this Commonwealth to such application and proposed by-laws] shall then be presented to the [Governor of this Commonwealth] Secretary of Banking who shall examine the same and if he finds [it] the application in proper form and within the purpose mentioned in this act he shall indorse his approval thereon and [direct letters patent to] forword the application to the Department of State The Secretary of the Commonwealth shall then issue a certificate of incorporation in form similar to those issued to business corporations [of the second class] in this Commonwealth which [letters patent] shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth

E [The original articles of association together with all indorsements shall be recorded in the office of the recorder of deeds in and for the county where the principal place of business is situate From thenceforth the subscribers thereto their associates and successors shall be a body politic and corporate for the purposes and upon the terms named in the said articles of association Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth] The articles of association may be amended by including the proposed amendments in the call for the regular or special meeting at which such amendments are to be considered Amendments to the articles of association must be approved by three-fourths of the members present at the regular or special meeting at which the amendments are considered and the proposed amendments shall be acted upon only in the event that a quorum of the members is present as provided in the by-laws of the credit union Articles of amendment shall be filed with the Secretary of Banking who if he approves the amendments shall forward the articles of amendment to the Department of State The Secretary of the Commonwealth shall then issue a new certificate of incorporation and shall record the articles of amendment in the office of the Secretary of the Commonwealth upon payment of the usual filing fee The articles of amendment shall set forth

I The name and principal place of business of the credit union

II The amendment or amendments as adopted by the members

III The date of the meeting at which the amendment or amendments was adopted

IV That notice of the meeting at which the amendment or amendments was considered was given to each member as provided in the by-laws

V That at the meeting at which the amendment or amendments was considered a quorum of the members was present as provided in the by-laws

VI That the amendment or amendments was approved by three-fourths of the members then present

The articles of amendment shall be signed by the President and Clerk of the credit union and acknowledged before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

Section 4 Membership Credit union membership shall consist of the incorporators and such other persons as may be elected from time to time to membership and who subscribe to at least one share of the capital stock and pay the initial installment thereon together with the entrance fee Organizations incorporated or otherwise composed principally of the same general group as the credit union membership may be members Credit union organizations shall be limited to groups of both large and small membership having a common bond of association by reason of occupation [or to groups] within a well defined neighborhood community or rural district

Section 5 Reports and Examination Credit unions shall be under the supervision of the Department of Banking of the Commonwealth and shall report to it as often as may be required by the Secretary of Banking and at least annually on blanks supplied by the said department for that purpose Supplementary reports may be required by the secretary from time to time Credit unions shall be examined as often as may be required by the Secretary of Banking and at least annually and the department may use such other method of assuring itself of the condition of the credit unions as it shall deem advisable The cost of all such examinations and inspections shall be paid by the credit union [except that no charge shall be made for any examination by the department made during the first six months of operation of a credit union] A credit union shall also pay annually its proportionate share of the overhead expense of the said Department of Banking determined in the same way and manner as may be provided from time to time for banks or trust companies operating under the supervision of the department For failure to file reports when due unless excused for cause a credit union shall pay to the Department of Banking five dollars ($5.00) for each day of its delinquency If the department determines that the credit union is violating any of the provisions of this act or is insolvent the department may serve notice on the credit union of its intention to revoke its certificate of approval and if

such violation continues or such insolvency continues for a period of fifteen days after the mailing of such notice the department may revoke the certificate and take possession of the business and property of the credit union and retain possession until such time as it shall comply with the requirements of this act or until its affairs are finally liquidated The department may take similar action if any report is not filed within a period of fifteen days after it is due

Section 8 Directors and Officers A At the first meeting the directors shall elect from their own number a president a vice-president a treasurer and a clerk The same individual may be both treasurer and clerk The directors shall have general management of the affairs of the credit union and are specifically required

(a) To act on applications for membership

(b) To determine interest rates on loans

(c) To fix the amount of the surety bond which shall be required of all officers and employes handling money

(d) To declare dividends and to transmit or cause to be transmitted to the members all proposed amendments to the by-laws

(e) To fill vacancies in the board and in the credit committee until successors are duly chosen and qualified

(f) To determine the maximum individual share holdings and the maximum individual loan which can be made with or without security and

(g) To have charge of investments other than loans to members

B Duties of the officers shall be as determined in the by-laws [No member of the board or of either committee shall as such be compensated] A member of the board of directors and members of the credit committee and the supervisory committee may be compensated if the credit union paid a dividend of not less than three per centum (3%) from the earnings of the last preceding year provided however that the Secretary of Banking may prohibit or regulate the payment of compensation if he deems such compensation excessive or if in his opinion the financial condition of the credit union is not such as to warrant the payment of such compensation

Section 13 Rates and Fines Interest rates on loans made by a credit union to its members shall not exceed the rate of six per centum (6%) per annum when discounted on loans which are repayable in equal installments [over one year except that in addition] or the rate of twelve per centum (12%) per annum when calculated on the unpaid principal balances For failure to pay an installment or installments on a discounted loan when due [or to make payments on subscribed shares when due] a fine may be charged which shall in no case exceed one-fourth of one per centum (¼ of 1%) for each week of delinquency on the amount in arrears except that a minimum fine of five cents may be charged When interest is calculated on the unpaid principal balances it shall be computed for the actual number of days which have elapsed at the time of payment and no other charges or fines shall be collected For failure to make payments on subscribed shares a fine may be charged at the same rate and in the same manner as the fine permitted for failure to pay loan installments when due

Section 15 Loans A credit union may make loans to its members only Loans must be for a purpose deemed by the credit committee to be provident or for productive purposes and must be made subject to the conditions contained in the by-laws A borrower may repay his loan in whole or in part any day the office of the credit union is open for business A director officer or member of any committee may only borrow from the credit union in which he holds office an amount not exceeding his toatl share holdings plus the total share holdings free and unpledged of any endorser on the obligation of such director officer or member of any committee No director officer or member of any committee may [borrow from] endorse a loan granted by the credit union in which he holds office [nor may he indorse for borrowers]

Section 16 Reserves All entrance fees [fines which may be provided for in the by-laws for failure to make repayments on loans and payments on shares when due] collected and [each year before the declaration of a dividend] twenty per centum (20%) of the annual net earnings shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members provided however that when the reserve fund thus established shall equal ten per centum (10%) of the total amount outstanding in loans to members the credit union may upon written approval of the Secretary of Banking reduce the amount annually set aside from net earnings to ten per centum (10%) and provided further that when the reserve fund shall equal twenty per centum (20%) of the amount outstanding in loans to members the credit union may upon written approval of the Secretary of banking discontinue increasing the reserve fund The reserve fund thus created shall belong to the credit union and shall be used as a reserve against bad loans and shall not be distributed except in case of liquidation Any amount received from the repayment of a loan after it has been charged off against the reserve fund shall be credited back to said fund

Section 17 Dividends On recommendations of the directors a credit union may at the end of the fiscal year declare a dividend from net earnings which dividend shall be paid on all shares outstanding at the end of the fiscal year Shares which become fully paid up during the year shall be entitled to a proportional part of such dividend calculated from the first day of the month following such payment in full The equivalent of the par value of one share of stock shall be considered as a full paid share in the calculation of dividends Dividends may be added to the credit of the members' share accounts or paid in cash at the option of the board of directors

Section 23 Taxation A credit union organized under this act shall be deemed an institution for savings and its assets together with all the accumulations therein shall not be subject to taxation except as to real estate owned by it The shares of a credit union shall not be subject to a capital stock bonus tax or a stock transfer tax when issued by the corporation

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House adopt the report of the Committee of Conference?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—196.

Achterman,	Flinchbaugh,	McElroy,	Shoemaker,
Allen,	Ganser,	McFall,	Shugarts,
Allmond,	Gerard,	McGee,	Siegel,
Arnold,	Gillette,	McKinney,	Simon,
Atkins,	Gorski,	McShane,	Skale,
Aukerman,	Habbyshaw,	Melchiorre,	Sloan,
Baine	Haberlen,	Mellott,	Smith, James A.,
Baker, F. T.,	Hagerty,	Merrell,	Smith, John A.,
Baker, J. J.,	Hall,	Mihm,	Snyder,
Baltrasser,	Hamilton, F. P.,	Moomaw,	Spengler,
Bierly,	Hamilton, R. S.,	Mooney,	Sproul,
Blank,	Harkins,	Moran,	Stank,
Bohn,	Harmuth,	Moul,	Stewart,
Boltz,	Hays,	Muir,	Stockham,
Boose,	Fering,	Munley,	Strode,
Boyer,	Hess,	Murrin,	Terry,
Bradley,	Hetrick,	Nagel,	Thomas,
Brancato,	Hindman,	O'Connor,	Thompson,
Brigerman,	Hirsch,	O'Keefe,	Tronzo,
Broad,	Holland,	Ominsky,	Trout,
Brown,	Holmes,	O'Neill,	Tumelty,
Brownfield,	Holstrom,	Ostroff,	Turner,
Burrows,	Hontz,	Patterson, C. S.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Keenan,	Piole,	Wall,
Cohen, H. B.,	Kelso,	Powers,	Walsh,
Cohen, R. E.,	Kilroy,	Preston,	Watkins,
Coleman,	Kline,	Readinger,	Webster,
Coolahan,	Kroll,	Reese,	Weidemann,
Corrigan,	LaRue,	Reising,	Weiss, D. H.,

Costanzo,	Leisey,	Richter,	Weiss, S. A.,
Davies,	Levy,	Robinson,	Welliver,
Decker,	Lewis,	Rothenberger,	Welsh,
Dickinson,	Long,	Royer,	Westrick,
Donohoe,	Longaker,	Ruffennach,	Whalen,
Dougherty,	Lopresti,	Rush,	Whitenight,
Downey,	Lovett,	Sarraf,	Wilson,
Dubbs,	Lyons,	Scanlon,	Winner,
Eckels,	Mallen,	Schor,	Wood,
Elpern,	Marino,	Schrock,	Woodside,
Falkenstein,	Matthews, H. T.,	Schrope,	Wright,
Finnerty,	Matthews, J. F.,	Schumacher,	Yanoshat,
Fiss,	McArdle,	Serrill,	Ycakel,
Fitch,	McCullough,	Shaw,	Yourishin,
Flanagan,	McDermott,	Shea,	Zappala,
Flannery,	McDevitt,	Shepard,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the Committee of Conference was adopted.

Ordered, that the Clerk inform the accordingly.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

LABOR RELATIONS BILL

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the General Assembly of the
Commonwealth of Pennsylvania

Your honorable body now has under consideration the labor relations measure known as the McGinnis bill, sponsored by Senator McGinnis of Allegheny County.

I have given this bill the most careful study, since the Administration and the majority of both Houses stand firmly committed to the principles of unionization and collective bargaining.

Representatives of Industrial interests have protested to me that this bill is too drastic

I have not found that to be the case. I have found, however, that several features of the bill, none of them materially affecting its fundamental purpose, differ from those of the Wagner Labor Relations Act.

As drafted, the McGinnis bill includes not only the essential provisions of the Wagner Act but also the extensions of that act resulting from Labor Board rulings and court decisions, together with several other additional provisions.

After examining the bill, Attorney General Charles J. Margiotti has advised me that the safer procedure, in order to assure the constitutionality of this bill, would be to make the amendments necessary to bring the bill strictly in line with the Wagner Act as originally written.

He has pointed out that the McGinnis bill will be obliged to run two gauntlets—of both the State and Federal Constitutions—whereas the Wagner Act was required to conform to the Federal Constitution.

If your honorable body wishes to pass this bill in its present form I shall be happy to sign it and leave legal questions for the courts. However, since the necessary amendments do not in any essential respect change the fundamental character of the bill, but merely eliminate certain additional provisions which might render the whole bill unconstitutional, it has been deemed advisable to insert those amendments.

The bill as amended gives complete and absolute guarantees to labor. The Attorney General has assured me that it will stand the test of constitutionality. It has the support of industry. It has the support of Labor. It has support of the Department of Labor and Industry and of my Administration.

I therefore urge you, in the interest of industrial stability and economic justice, to advance this bill as amended and provide for its final passage as expeditiously as possible.

GEORGE H. EARLE.

BILL PASSED OVER

There being no objection House Bill No. 190, Printer's No. 759, was passed over at the request of Mr. TURNER.

BILL ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2173, (Senate Bill No. 640), as follows:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as "Pennsylvania Labor Mediation Act"

Section 2 It is the public policy of the Commonwealth to encourage employers and employes by their representatives to make and maintain agreements concerning wages hours and conditions of employment and to settle all controversies arising out of the application of such agreements

Section 3 When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "employer" includes an employer and any person acting directly or indirectly on behalf of or in the interest of an employer with the employer's knowledge or ratification but a labor organization or any officer or any officer or agent thereof shall be considered an employer only with respect to individuals employed by such organization

(c) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice as provided in the Act of 1937 entitled "Pennsylvania Labor Relations Act" This term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid nor shall it include any individual employed by his parent or spouse or in the domestic service of any person in the home of the employer

(d) The term "representatives" is not limited to individuals but shall include labor organizations and individual representatives need not themselves be employed by and a labor organization serving as a representative need not be limited in membership to employes of the employer whose employes are represented

Section 4 The parties or either party to a controversy between employers and employes may invoke the services of the department or the department may proffer its

services in a controversy over the making maintaining or the application of an agreement between employers and employes concerning wages hours or conditions of employment Whenever the services of the department have been invoked by any party to a controversy or when the department has proffered its services the department shall promptly put itself in communication with the parties to such controversy and shall use its best efforts by mediation through a representative of the Bureau of Mediation and Arbitration in the Department to bring them in agreement

Section 5 For the further purpose of carry out the provisions of this act the Department at the request of both the employer and the employes may set up a commission or panel whose members shall serve in such controversy without pay

Section 6 Whenever a controversy shall arise between an employer and his employes which is not settled either in conference between representatives of the parties or through mediation in the manner provided in the preceding sections such controversy may by agreement of the parties be submitted to arbitration one person to be selected by the employer one person to be selected by the employes and a third to be selected by the representatives of the employer and employes and in the event of any such appointment or selection not being made upon the request of the parties in the controversy the Department may select the third person to arbitrate the matter submitted provided however that the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purpose of this Act or of any provision thereof nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity

Section 7 Nothing in this act shall be construed so as to interfere with impede or diminish in any way the right of employes to strike or engage in other concerted activities

Section 8 If any clause sentence paragraph or part of this Act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein

Section 9 All acts or parts of acts whether general special or local inconsistent herewith are hereby repealed Provided that this act shall not apply to any controversy involving unfair labor practices or the selection of collective bargaining representatives provided for in the act of 1937 entitled "Pennsylvania Labor Relations Act"

Section 10 This act shall take effect immediately upon its final enactment

On the question,

Shall the bill pass finally?

RECONSIDERATION OF VOTE

Mr. YOURISHIN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. WRIGHT. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Luzerne, Mr. Yourishin, vote on the third reading of this bill?

Mr. YOURISHIN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Luzerne, Mr. Wright vote on the third reading of this bill?

Mr. WRIGHT. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

On the question recurring,

Will the House agree to the bill on third reading?

Mr. YOURISHIN. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 4, page 3, lines 18 and 19 by striking out "Bureau of Mediation and Arbitration in the Department" and inserting in lieu thereof: "Secretary of Labor and Industry"

The SPEAKER. Will the House give unanimous consent to the insertation of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2039, entitled:

An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 599) entitled "An act relating to motion picture exhibitions and sound motions picture exhibition together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" further providing when referendums may be held and making persons filing petitions liable for the cost of printing ballots

On the question,

Will the House agree to the bill on third reading?

Mr. McELROY. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (sec. 5), page 3, line 1, by inserting after the word "years" the following: "(except as hereinafter otherwise provided)"

Amend sec. 1 (sec. 5), page 4, line 11, by inserting after the word "filing" the following: "Provided, however. That the will of the electors of any municipality may be ascertained at the primary election in the year one thousand nine hundred and thirty-seven, notwithstanding the limitation of two years hereinbefore provided, but no vote on said question shall be taken at the municipal election to be held in the year one thousand nine hundred and thirty-seven."

Amend sec. 2, page 4, by striking out all of lines 12 and 17 inclusive.

Amend sec. 3, page 4, line 18, by striking out the figure "3" and inserting in lieu thereof "2"

Amend title, page 2, line 1 and 2 from top of page, by striking out the words "further providing when referen-

dums may be held" and inserting in lieu thereof "providing for a referendum vote in certain municipalities in the year one thousand nine hundred and thirty-seven"

Amend sec. 1 (sec. 5), page 3, line 1, by striking out the words "[five] two" and inserting in lieu thereof "five"

Amend sec. 1 (sec. 5), page 4, line 5, by striking out the word "The" and inserting in lieu thereof "Notwithstanding the limitation of five years for the holding of elections hereinbefore provided to ascertin the will of the electors, the question provided for in this section may be submitted at the primary election in the year one thousand nine hundred and thirty-seven to the electors of any municipality wherein motion pictures are not permitted on Sunday at the time this act becomes effective, and motion pictures on Sunday shall be permitted or prohibited in such municipality ofter the ascertainment of the result of such vote in like manner as if such vote had been taken under the preceding provisions of this section. Where a special referendum is so held at the primary election in the year one thousand nine hundred and thirty-seven, the"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

BILL PASSED OVER

There being no objection House Bill No. 1222, Printer's No. 686, was passed over at the request of Mr. OMINSKY.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1411 as follows:

An Act to further amend the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" by conferring certain powers on the State Board of Optometrical Examiners further regulating and providing for the licensing of branch offices prescribing additional grounds for refusing cancelling revoking or suspending licenses and making certain changes as to persons who are and those who are not subject to the provisions of the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the thirtieth day of March one thousand nine hundred and seventeen (Pamphlet Laws 21) entitled "An act defining optometry and relating to the right to practice optometry in the Commonwealth of Pennsylvania and making certain exceptions and providing a Board of Optometrical Education Examination and Licensure and means and methods whereby the right to practice optometry may be obtained and providing for the means to carry out the provisions of this act and providing for revocation or suspension of licenses given by said board and providing penalties for violations thereof and repealing all acts or parts of acts inconsistent therewith" as amended by section two of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 260) is hereby further amended to read as follows

Section 3 For the purpose of carrying out and enforcing the provisions of this act there shall be established in this Commonwealth a board which shall be known as the Board of Optometrical Education Examination and Liconsure of the Commonwealth of Pennsylvania The said board shall consist of seven members who shall be appointed by the Governor of the Commnwealth on or before July first nineteen hundred and seventeen Each member shall receive a certificate of his appointment signd by the Governor and attested by the Secretary of the Commonwealth The members of this board shall be optometrists citizens of this Commonwealth who possess the requisite qualifications to practice optometry under this act and who shall have been so practicing in this State during the five years next previous to their appointment Two members of the board first appointed under this act shall serve for one year two for two years and three for three years after which the successor of each member shall be appointed for the term of three years but no member of said board shall be a member of the faculty of any undergraduate school or college teaching optometry The first appointees shall by virtue of such appointment receive certificates of licensure without examination The Governor shall by appointment fill all vacancies caused by death resignation or otherwise and may remove any member of said board for continued neglect of his duties in conection therewith or for any unprofessional or dishonorable conduct Appointments to fill vacancies shall be for the unexpired term of the deceased or retiring member The board herein created is hereby charged with the enforcement of this act To assist the board in the enforcement of this act the Governor shall appoint an optometrist who is a citizen of this Commonwealth and has practiced optometry in this State for at least five years and who shall be known as the State optometrical inspector He shall serve for a period of two years and shall assist the board in investigating and prosecuting all reported violations of this act The optometrical inspector shall be compensated at the rate of fifteen dollars per day and necessary expenses for each day actually devoted to this work

All suits for the recovery of the penalties prescribed in this act shall be prosecuted in the name of the State of Pennsylvania in any court having jurisdiction and it shall be the duty of the prosecuting attorney of the county where such offense is committed to prosecute all the persons violating the provisions of this act upon proper complaint being made

Section 2 Section six of said act as amended by section two of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 659) is hereby further amended to read as follows

Section 6 Every person desiring to be licensed as in this act provided shall file with the secretary of said board upon appropriate blank to be furnished by said secretary an application verified by oath setting forth the facts which entitle the applicant to examination and licensure under the provisions of this act The said board shall hold at least two examinations each year In case of failure at any standard examination the applicant after the expiration of six months and within two years shall have the privilege of a second examination by the board without the payment of an additional fee [In case of failure at any limited examination the applicant shall have the privilege of continuing the practice of optomerty and of taking a second examination without the payment of an additional fee But in the event of his failure to pass the second examination on or before July first one thousand nine hundred and eighteen he shall thereafter cease to practice optomerty in this Commonwealth] Every applicant who shall pass the standard examination or the limited examination as the case may be and who shall

otherwise comply with the provisions of this act shall receive from the said board under its seal a certificate of licensure entitling him to practice optometry in this Commonwealth which certificate shall be duly registered in a record book to be properly kept by the secretary of the board for that purpose which shall be open to public inspection and a duly certified copy of said record shall be received as evidence in all courts of this Commonwealth in the trial of any case Each person to whom a certificate shall be issued by said board shall keep said certificate displayed in a conspicuous place in the office [or place of business] wherein said person shall practice optometry together with the photograph of said person attached to the lower right-hand corner of said certificate and shall whenever required exhibit the said certificate to any member or agent of the said board

Peddling from door to door or the establishment of temporary offices or the practice of optometry by a certificate holder outside of or away from his office [or place of business] is specifically forbidden under penalty of revocation of certificate by the board Certificate holders may however [establish branch office or branch offices provided each such branch office be fully equipped with the instruments necessary to make an optometric examination and is in charge of a regularly licensed optometrist] apply to the board for and be granted by it branch office licenses for such branch offices as the board may approve A separate license shall be required for each branch office maintained Each such branch office shall not be any less a permanent office than the certificate holder's main office Branch offices within the meaning of this act are defined as permanent additional offices where the licensed optometrist may render a more convenient personal service to his patients but nothing herein shall be construed as prohibiting the employment of licensed optometrists as assistant Any certificate holder operating a branch office otherwise than as hereinbefore provided shall be guilty of a violation of this act and shall have his certificate revoked by the said board

Each person to whom a certificate has been issued by said board shall before practising under the same register said certificate in the office of the prothonotary in each county wherein he proposes to practice optometry and shall pay therefor such fee as may be lawfully chargeable for such registry The prothonotary in each county shall keep a certificate registration book wherein he shall promptly register each certificate for which the fee is paid

Section 4 The first paragraph of section seven of said act as amended by section five of the act approved the nineteenth day of May one thousand nine hundred and twenty-three (Pamphlet Laws 260) is hereby further amended to read as follows

Section 7 [Said Board of Optometrical Education Examination and Licensure] The State Board of Optometrical Examiners shall charge the following fees for examination registration and renewals of certificates The sum of twenty-five dollars for a standard examination and [ten dollars for a limited examination] two dollars for each branch office license Every registered optometrist who desires to continue the practice of optometry shall annually on or before the first day of January pay to the secretary of the board a renewal registration fee of five dollars per annum for which he shall receive a renewal of his certificate He shall also pay a renewal license fee of two dollars per annum for each licensed branch office maintained by him

Section 4 Section nine of said act as last amended by section one of the act approved the twentieth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws 26) is hereby further amended to read as follows

Section 9 The [Board of Optometrical Education Examination and Licensure] State Board of Optometrical Examiners shall refuse to grant a certificate of licensure to any applicant and may cancel revoke or suspend the operation of any certificate by it granted for any or all of the following reasons to wit the peddling from house to house or person to person or the establishment of temorary offices contrary to the provisions of this act or the use of misleading advertising or gross incompetency or the obtaining of money by fraud or misrepresentation of the optometrical [business] profession in which untruthful statements are made or the failure to deliver the certificates provided for in section six of this act or the conviction of a crime involving moral turpitude habitual intemperance in the use of ardent spirits or stimulants narcotics or any other substance which impairs the intellect and judgment to such an extent as to incapacitate for the performance of duties of an optometrist or the advertising of prices for professional services or glasses or other appurtenances used in the practice of the profession of optometry The certificate of licensure of any person convicted of a violation of section two of this act shall be ipso facto revoked

Any person who is the holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure against whom is preferred any charge shall be furnished by the board with a copy of the complaint and shall have a hearing before the board at which hearing he may be represented by counsel At such hearing witnesses may be examined for and against the accused respecting the said charges which examination shall be conducted in the manner usually followed in the taking of testimony before commissions in this Commonwealth The suspension of a certificate of licensure by reason of the use of stimulants or narcotics may be revoked when the holder thereof shall have been adjudged by the said board to be cured and capable of practicing optometry The revocation or suspension for any other cause of a certificate of licensure may be removed at such time as it shall appear to the board to be just and proper to do so

Section 5 Section twelve of said act as amended by section four of the act approved the thirteenth day of May one thousand nine hundred and twenty-five (Pamphlet Laws 659) is hereby further amended to read as follows

Section 12 The provisions of this act shall not apply to the physicians or surgeons practicing under authority of license issued under the laws of this Commonwealth for the practice of medicine or surgery or person selling spectacles and eye-glasses but who do not assume directly or indirectly to adapt them to the eye nor neither practice or profess to practice optometry

Section 6 The provisions of this act shall become effective on the first day of July one thousand nine hundred and thirty-seven

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201.

Achterman,	Flinchbaugh,	McFall,	Shugarts,
Alexander,	Ganser,	McGee,	Siegel,
Allen,	Gerard,	McKinney,	Simon,
Allmond,	Gillette,	McShane,	Simpson,
Arnold,	Gorski,	Melchiorre,	Skale,
Atkins,	Habbyshaw,	Mellott,	Sloan,
Aukerman,	Haberlen,	Merrell,	Smith, James A.,
Baine,	Hagerty,	Mihm,	Smith, John A.,
Baker, F. T.,	Hall,	Moomaw,	Snyder,
Baker, J. J.,	Hamilton, F. P.,	Mooney,	Spengler,
Balthaser	Hamilton, R. S.,	Moran,	Sproul,
Bierly,	Harkins,	Moul,	Stank,
Blank,	Harmuth,	Muir,	Stewart,
Bohn,	Hays,	Munley,	Stockham,
Boltz,	Hering,	Murrin,	Strode,
Boose,	Hess,	Nagel,	Terry,
Boyer,	Hetrick,	O'Brien,	Thomas,
Bradley,	Hindman,	O'Connor,	Thompson,
Brancato,	Hirsch,	O'Keefe,	Toole,
Brigerman,	Holland,	Ominsky,	Tronzo,
Broad,	Holmes,	O'Neill,	Trout,
Brown,	Holstrom,	Ostroff,	Tumelty,
Brownfield,	Hontz,	Patterson, C. S.,	Turner,
Burrows,	Horting,	Peale,	Vallbus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,

Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Watkins,
Coleman,	Kline,	Reese,	Webster,
Coolahan,	Kroll,	Reising,	Weidemann,
Corrigan,	LaRue,	Richter,	Weiss, D. H.,
Costanzo,	Leisey,	Robinson,	Weiss, S. A.,
Davies,	Levy,	Rothenberger,	Welliver,
Decker,	Lewis,	Royer,	Welsh,
Dickinson,	Long,	Ruffennach,	Westrick,
Donohoe,	Longaker,	Rush,	Whalen,
Dougherty,	Lopresti,	Sarraf,	Whitenight,
Downey,	Lovett,	Scanlon,	Wilson,
Dubbs,	Lyons,	Schor,	Winner,
Dyson,	Mallen,	Schrock,	Wood,
Eckels,	Marino,	Schrope,	Woodside,
Elpern,	Matthews, H. T.,	Schumacher,	Wright,
Falkenstein,	Matthews, J. F.,	Serrill,	Yanoshat,
Finnerty,	McArdle,	Shaw,	Yeakel,
Fiss,	McCullough,	Shea,	Yourishin,
Fitch,	McDermott,	Shepard,	Zappala,
Flanagan,	McDevitt,	Shoemaker,	Furman,
Flannery,	McElroy,		

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1055, entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as added prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—202.

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allen,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Simpson,
Arnold,	Gillette,	McShane,	Skale,
Atkins,	Gorski,	Melchiorre,	Sloan,
Aukerman,	Habbyshaw,	Mellott,	Smith, James A.,
Baine,	Haberlen,	Merrell,	Smith, John A.,
Baker, F. T.,	Hagerty,	Mihm,	Snyder,
Baker, J. J.,	Hall,	Moomaw,	Spengler,
Balthaser	Hamilton, F. P.,	Mooney,	Sproul,
Bierly,	Hamilton, R. S.,	Moran,	Stank,
Blank,	Harkins,	Moul,	Stewart,
Bohn,	Harmuth,	Muir,	Stockham,
Boles,	Hays,	Munley,	Strode,
Boltz,	Hering,	Murrin,	Terry,
Boose,	Hess,	Nagel,	Thomas,
Boyer,	Hetrick,	O'Brien,	Thompson,
Bradley,	Hindman,	O'Connor,	Toole,
Brancato,	Hirsch,	O'Keefe,	Tronzo,
Brigerman,	Holland,	Ominsky,	Trout,
Broad,	Holmes,	O'Neill,	Tumelty,
Brown,	Holstrom,	Ostroff,	Turner,
Brownfield,	Hontz,	Patterson, C. S.,	Valibus,
Burrows,	Horting,	Peale,	VanAllsburg,
Cadwalader,	Huntley,	Pearson,	VanSickle,
Caesar,	Imbrie,	Perry,	Vogt,
Caputo,	Jirolanio,	Pershing,	Wagner,
Chervenak,	Kane,	Piole,	Wall,
Coakley,	Keenan,	Powers,	Walsh,
Cohen, H. B.,	Kelso,	Preston,	Watkins,
Cohen, R. E.,	Kilroy,	Readinger,	Webster,
Coleman,	Kline,	Reese,	Weidemann,
Coolahan,	Kroll,	Reising,	Weiss, D. H.,
Corrigan,	LaRue,	Richter,	Weiss, S. A.,
Costanzo,	Leisey,	Robinson,	Welliver,
Davies,	Levy,	Rothenberger,	Welsh,
Decker,	Lewis,	Royer,	Westrick,
Dickinson,	Long,	Ruffennach,	Whalen,
Donohoe,	Longaker,	Rush,	Whitenight,
Dougherty,	Lopresti,	Sarraf,	Wilson,
Downey,	Lovett,	Scanlon,	Winner,
Dubbs,	Lyons,	Schor,	Wood,
Dyson,	Mallen,	Schrock,	Woodside,
Eckels,	Marino,	Schrope,	Wright,
Elpern,	Matthews, H. T.,	Schumacher,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Serrill,	Yeakel,
Finnerty,	McArdle,	Shaw,	Yourishin,
Fiss,	McCullough,	Shea,	Zappala,
Fitch,	McDermott,	Shepard,	Furman,
Flanagan,	McDevitt,	Shoemaker,	

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2169, (Senate Bill No. 831), entitled:

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to Article fourteen of the Constitution to abolish the County of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the county election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. TURNER. Mr. Speaker, I would ask whether there is any member of the House who can explain this bill.

The SPEAKER. Will the gentleman from Philadelphia, Mr. Ominsky, explain the bill to the gentleman from Delaware?

Mr. OMINSKY. Mr. Speaker and members of the House, Senate Bill 831 is really an enabling act which provides that the Secretary of the Commonwealth be authorized to advertise the constitutional amendment which was twice passed by the Legislature for the 1937 general election, so that the people may vote on it and in that way save a year's time, whereby the consolidation of the city and county of Philadelphia may be made possible.

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker I would like to ask the gentleman from Philadelphia whether I understood him right, that this had been voted upon by the people of Philadelphia in the election of 1937.

Mr. OMINSKY. No, Mr. Speaker, I believe I tried to make myself clear that this bill will enable the people of Philadelphia to vote on the consolidation amendment in the election of 1937.

Mr. TURNER. Mr. Speaker, is it not true that there is a provision in the Constitution which says that you can only vote upon amendments once in five years?

Mr. OMINSKY. Mr. Speaker, in answer to that I would say that there is such a provision, but the provision is not definite and there is some legal doubt about it.

Mr. TURNER. Mr. Speaker, has not that provision been interpreted by the Supreme Court of Pennsylvania to mean that you can only submit amendments to the people for a vote once in every five years?

Mr. OMINSKY. Mr. Speaker, I believe that is correct. It has been so decided in the case of Armstrong versus King.

Mr. TURNER. Mr. Speaker, then if the Supreme Court has decided that Article XVII, Section 1, which reads, "But no amendment or amendments shall be submitted oftener than once in five years",—if the Supreme Court has interpreted that to mean that you can only submit an amendment every five years, how is an act of the Legislature going to overcome the decision of the Supreme Court which has held for a considerable length of time?

Mr. OMINSKY. Mr. Speaker, on legal advice, I understand that the principle of stare decisis does not apply to the intrepretation of constitutional amendments.

Mr. TURNER. Mr. Speaker, I think that that might be very true, judging from some of the things which we have seen in the United States Supreme Court recently, but nevertheless while the Supreme Court may decide that it will not follow its previous decisions, how can an act of the Legislature change the decisions of the Supreme Court on a question of this kind, which is an interpretation of the Constitution.

Mr. OMINSKY. Mr. Speaker, in answer to the lengthy question or statement of the gentleman from Delaware, Mr. Turner,—

Mr. TURNER. It was a question, not a statement, Mr. Speaker.

Mr. OMINSKY. Mr. Speaker, I wish to say this, that the intent of the Legislature can always be interpreted by the Supreme Court of Pennsylvania. We feel that the constitutional amendment to provide for the consolidation of the city and county government of Philadelphia is so important because of the saving that we intend to make, that it ought to be submitted a year before the constitutional limitation provides, and we feel that this bill enacted by this Legislature will give the means whereby the Secretary of the Commonwealth can proceed with the advertisement of the constitutional provision so that it can be voted upon in November of 1937. We also feel that if anyone wishes to question this act that the Supreme Court may be asked to interpret the provision of the Constitution before this session is over, so that we may get an interpretation, or, let us say, a reinterpretation of the provision of the Constitution to which the gentleman from Delaware, Mr. Turner, has alluded.

POINT OF ORDER

Mr. TURNER. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from Delaware will state his point of order.

Mr. TURNER. Mr. Speaker, the bill which is now before the House is unconstitutional.

The SPEAKER. This being a constitutional point of order, raised by the gentleman from Delaware, the Chair submits the question to the House. The Chair lays before the House the constitutional point of order raised by the gentleman from Delaware.

On the question,

Will the House sustain the point of order on the constitutionality of the bill?

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from York will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, the rule requires that the raising of a constitutional question be in writing, signed by five members.

The SPEAKER. The Chair rules that the point of order is not well taken and wishes to read Rule 4 of the House which is as follows:

"He shall decide all questions of order. An appeal from his decision shall be made by two members, or the Speaker may, in the first instance, submit the question to the House. All questions of order involving the determination of constitutional law shall be submitted to the House on the request of five members."

In this instance the Speaker is referring the question to the members of the House.

"The constitutionality of a bill is a question for the House itself to determine and not for the Speaker to decide." Cooley's Constitutional Limitations, vol. 1, chapter 4, page 99, says:

"All the decisions for the construction of the Constitution must be made by the body upon whom the duty is imposed, or from whom the act is required."

For this reason the Speaker has submitted the question to the House.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. HERBERT B. COHEN. Mr. Speaker, will the Chair advise the House when a situation will arise that necessitates the question of constitutionality being raised in writing and by the signature of five members?

The SPEAKER. The Chair is of the opinion that the Chair can rule upon a constitutional point of order raised by any member of the House, but in case five members submit the question the Chair has no alternative except to submit it to the House. The Chair believes that it is a question that should be decided by the House in every instance.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, in my humble legal mind there is clearly no doubt as to the constitutionality of this act. As I un-

derstand, the decisions interpreting the language of the Article of the Constitution which is now being questioned, are to the effect that amendments can be submitted to the Constitution but once in five years. That particular Article of the Constitution is susceptible to two interpretations, one interpretation being the interpretation at which the Supreme Court arrives, and the second interpretation being that the same amendment can not be submitted more than once in five years. The effect of the present Supreme Court interpretation as to the applicability of the Article of the Constitution in question has resulted in what is commonly known as the "time lock provision" of the Constitution of the Commonwealth of Pennsylvania. That time lock provision has hampered the Commonwealth of Pennsylvania in the exercise of its franchise of government to such an extent and beyond any need that the Constitutional Convention of 1874 considered. A more liberal interpretation and an interpretation which is more fitting to our present economic and social needs would be one that would restrict the voting on constitutional amendments more than once every five years, where those amendments are identical to amendments which have been voted on at a previous election. To allow the time lock provision to remain is to hamper the function of government. We in this House have already passed resolutions to amend the Constitution to obviate the time lock. However, the liberal thought feels that since the rule of stare decisis does not apply to the interpretation of Constitutional amendments, that this question can be raised de novo, and by the enactment of this particular constitutional amendment we feel that the Supreme Court will liberalize the rather reactionary conclusion to which they arrived previously, and give to the people of the Commonwealth an apportunity to have a Constitution susceptible to amendments each and every year as long as the same amendment is not introduced more than once in five years. There is no doubt in my mind that that is the conclusion to which the Supreme Court of the Commonwealth of Pennsylvania will arrive and I say to the members of this House that the bill upon which we are voting is just as sound constitutionally as any of the measures which we have passed this session.

Mr. TURNER. Mr. Speaker and members of the House, it is rather amusing to note that whenever there is any question involving the Constitution or any legal impediment in the way of those who desire to find short cuts to the accomplishment of their purpose, that they can always find ways to bring into the argument questions of liberal interpretation and reactionary interpretation of the courts or the construction of legislation.

Now, I do not like to say that I do not believe my friend on the other side, but I have too much respect for his legal attainments to believe that he sincerely feels that this act is constitutional. We have sat here in this House year in and year out and we have put through amendments and we have figured the time when they could be acted upon by the people under the construction of the Constitution, which the Supreme Court has placed upon it in a number of decisions, and which has been the rule of law of this Commonwealth for a great number of years. The question is not a question of the construction of the Constitution of the gentleman from York, nor of myself. This section of the Constitution says: "But no amendment or amendments shall be submitted oftener than once in five years." The Supreme Court has consistently held, and both the Administrative and Legislative authorities of the state have acceded to the construction of that section of the Constitution by the Supreme Court to mean that you may only submit amendments to the Constitution every five years. If the gentleman from York were correct in his surmise, why then do we not pass through and submit an amendment to the people providing for an income tax? Why did we not in 1933 and in 1935, as the gentleman from York has said, have an amendment to the Constitution submitted to the Legislature, passing this House, providing for a change in the Constitution to take off what is commonly termed the time lock? Whether that time lock is wrong, or whether it is right that we should submit them every year or once in five years, is not the question before the House and is not the question before this Legislature. The pure question here is, what does the Constitution say and what has the Supreme Court said thereon? While it is true that the Supreme Court has at times, both in the state and in the nation, changed its decisions, there has always been some reason ascribed by the Supreme Court, but I can see no way by which they can alter or change the clear intent and the clear meaning of their decisions in the past in this instance.

I think we all understand that the people of Philadelphia are anxious to consolidate the city and county government. I think that the Republicans on this side of the House, as well as the Democrats on the other side of the House, have been in favor of that consolidation, but the real question here before us is this: Are we going to abide by the Constitution, or are we because of some specious necessity as it is raised in the minds of the people who particularly want this thing, are we in that instance going to waive aside the Supreme Court and what they have said is the real intent of this article of the Constitution, and to say in this particular instance that we are going to advertise this year and we are going to go ahead. If the gentleman from York is right in his interpretation, if the gentlemen on the other side of the House are so sincere in their belief that this time lock provision does not hold good in this case, then they do not need this piece of legislation. The Secretary of the Commonwealth should then advertise this measure for submission to the people of the state of Pennsylvania for an amendment to the Constitution, but to come here with a bill which the gentleman must clearly admit has been declared in the past unconstitutional, and now to say that an emergency exists, and that the Supreme Court will turn about-face on all its decisions in the past in the interpretation of this section of the Constitution, and to say now that because it is necessary to hustle this through we are going to forget about all the other amendments to the Constitution that were held back and we are now holding back, that in Philadelphia that cannot be voted upon until 1938, and say that it is constitutional is something beyond the belief not only of any lawyer in this House but I think the laymen in this House themselves can readily understand the issue and the problem that is being presented here. I have no particular reason to oppose this measure, as to the intent of the measure itself, but I cannot stand here as a member of the Legislature and permit these proceedings which continually seek to find short cuts, which continually seek to change the whole procedure in the state, which continually seek to change ordinary custom and decisions

of the courts in order to accomplish some particular specious piece of Legislation which they desire, without raising this question and I ask the members of the House to vote to sustain my point or order.

On the question recurring,

Will the House sustain the point of order on the constitutionality of the bill?

The yeas and nays were required by Mr. TURNER and Mr. McDEVITT and were as follows:

YEAS—48.

Atkins,	Huntley,	Perry,	Turner,
Baker, F. T.,	Imbrie,	Rothenberger,	VanAllsburg,
Boose,	Kane,	Royer,	Wall,
Boyer,	Kline,	Schrock,	Watkins,
Cadwalader,	Leisey,	Schumacher,	Webster,
Davies,	Longaker,	Serrill,	Weidemann,
Eckels,	Lyons,	Simpson,	Wilson,
Fiss,	Matthews, J. F.	Snyder,	Winner,
Gillette,	McDevitt,	Sproul,	Wood,
Habbyshaw,	McKinney,	Stewart,	Woodside,
Hall,	Merrell,	Strode,	Yeakel,
Hamilton, R. S.,	Muir,	Trout,	

NAYS—138

Achterman,	Elpern,	Matthews, H. T.	Scanlon,
Allen,	Falkenstein,	McArdle,	Schor,
Allmond,	Finnerty,	McCullough,	Schrope,
Arnold,	Fitch	McDermott,	Shepard,
Aukerman,	Flanagan,	McElroy,	Shoemaker,
Baine,	Flannery,	McFall,	Shugarts,
Baker, J. J.,	Flinchbaugh,	McGee,	Simon,
Bierly,	Ganser,	McShane,	Skale,
Blank,	Gerard,	Melchiorre,	Smith, James A.,
Bohn,	Gorski,	Mellott,	Smith, John A.,
Boles,	Haberlen,	Mihm,	Spengler,
Boltz,	Hagerty,	Moomaw,	Stank,
Bradley,	Hamilton, F. P.,	Mooney,	Thomas
Brancato,	Harkins,	Moran,	Thompson,
Brigerman,	Harmuth,	Moul,	Toole,
Broad,	Hays,	Munley,	Tronzo,
Brown,	Hering,	Murrin,	Tumelty,
Brownfield,	Hess,	Nagel,	Valihus,
Caesar,	Hetrick,	O'Brien,	VanSickle,
Caputo,	Hindman,	O'Connor,	Vogt,
Chervenak,	Hirsch,	O'Keefe,	Wagner,
Coakley,	Holland,	Ominsky,	Walsh,
Cohen, H. B.,	Holmes,	O'Neill,	Weiss, D. H.,
Cohen, R. E.,	Holstrom,	Ostroff,	Weiss, S. A.,
Coolahan,	Hontz,	Pershing,	Welliver,
Corrigan,	Horting,	Piole,	Welsh,
Costanzo,	Keehan,	Powers,	Westrick,
Decker,	Kelso,	Preston,	Whalen,
DeNote,	Kilroy,	Reese,	Whitenight,
Dickinson,	Kroll,	Reising,	Wright,
Donohoe,	LaRue,	Richter,	Yanoshak,
Dougherty,	Levy,	Robinson,	Yourishin,
Downey,	Lewis,	Ruffennach,	Zappala,
Dubbs,	Lopresti,	Sarraf,	Furman,
Dyson,	Marino,		

So the question was determined in the negative and the point of order was not sustained.

On the question recurring,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker and members of the House, so that there won't be any question at all about our attitude on this particular bill, may I point out that we have already voted twice on this particulay resolution and voted to pass it. In addition, we have at this session passed an act which provides for the appointment of a commission to study the submission of a new charter. Ten members have already been appointed. The only ones who have not been appointed are the members of the General Assembly. That committee cannot report to the Legislature before the 1939 Session. I frankly do not understand the reason for such precipitous action as this. You from Philadelphia who have read the newspapers and have read the literature from various civic organizations know that everybody is frankly puzzled over this plan to submit a constitutional amendment this year, when it has been clearly recognized that such an act would be unconstitutional. We are in favor of the city-county merger, but we are for it in a proper and legal fashion. There is no sense of going to all the trouble of passing proposed amendments and what not unless they are going to be done in the proper manner. I cannot see where this amendment will be of any possible benefit to the people of Philadelphia before the first of January, 1940. Why are we taking this action now? Why are we taking a step in direct defiance of the decisions of the Supreme Court upon the Constitution? Why don't we let it take an orderly course and submit it either next year or in 1939? The idea appears to be that we will have a city and county merger, that we will have a new charter, as they go hand in hand. I think it would be an outrageous situation if we should take some steps which would embarrass that charter and also possibly embarrass the city-county merger, which we are all for. I would like to appeal to the House to protect the people of Philadelphia who really want a city-county merger, and I ask you not to take some precipitous action which might possibly ruin something that we all want.

Mr. OMINSKY. Mr. Speaker and members of the House, it had not been my intention to speak again on this particular measure because the question of legality has already been decided by this House, but I feel in fairness to the measure as well as to those who are interested in this bill, as well as in the City Charter Commission,—I feel that this bill is necessary to the work of the City Charter Commission of the City of Philadelphia. We feel that both of those provisions go hand in hand. We feel that if we pass this bill and it is made possible for the people of Philadelphia to vote on the Constitutional amendment merging the city and county, it will make it much easier for the City Charter Commission to function, and if the City Charter Commission will be ready before 1939, we feel that the Legislature will take steps to enact the measure into law by that time.

I just wish to point out one more situation which has not been brought up thus far. Much has been said about the five year time lock on constitutional limitations. May I say this, that the Constitution of Pennsylvania has been amended on different occasions oftener than once in five years. If you will look at your constitutional amendments you will note that in 1909 a Constitutional amendment was voted upon and enacted into law; that in 1911, 1913, 1915, 1918, 1920, and 1923, in all these years the Legislature passed Constitutional amendments which were submitted to the people of Pennsylvania, were voted upon and never questioned until the decision of the Supreme Court in the case of Armstrong vs. King. May I say this, as far as the interpretation of the Constitution by the Supreme Court is concerned, that if the Supreme Court of the United States can change its attitude on the constitutionality of any bill or any measure, if recently the Supreme Court of Pennsylvania has changed its attitude on another measure which the Legislation had passed, I feel certain that if they use the rule of reason in this particular case they cannot do anything but declare this act constitutional and reverse itself on the prior decisions

of that court. Therefore, I ask the members of the House to vote "aye" on this measure.

Mr. McDEVITT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Ominsky.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. OMINSKY. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker, I would like to ask the gentleman if I understood him correctly in stating that there would be a special session prior to 1939 and the Charter Commission might report at that time and enact a new charter. Is that correct?

Mr. OMINSKY. Mr. Speaker, in answer to the question of the gentleman from Philadelphia, I wish to say that I did not say that there will be a special session. I said that if it would be made possible and necessary in the other workings of the Commonwealth of Pennsylvania, that there would be a special session, this question will be submitted at the time prior to 1939.

Mr. McDEVITT. Mr. Speaker, when the gentleman says that the question will be submitted, does he mean a new charter?

Mr. OMINSKY. Mr. Speaker, a new charter as well as the consolidation proposition of the city and county of Philadelphia.

Mr. McDEVITT. Mr. Speaker, may I ask the gentleman from Philadelphia if the new charter would be effective before January 1, 1940?

Mr. OMINSKY. Mr Speaker, that is something that I cannot say at this time. It will depend on the recommendation of the City Charter Commission.

Mr. McDEVITT. Mr Speaker, unless the charter was to be effective before January 1, 1940, may I ask what would be the advantage in the Commission reporting earlier than the 1939 session?

Mr. OMINSKY. Mr. Speaker, if the Commission in its wisdom will feel that the city charter should be submitted and become effective before 1940. I believe that the Legislation will take the recommendation of the City Charter Commission.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution, the yeas and nays were taken and were as follows, viz:

YEAS—137.

Achterman,	Falkenstein,	Matthews, H. T.,	Schor,
Alexander,	Finnerty,	McArdle,	Schrope,
Allen,	Fitch,	McCullough,	Shaw,
Allmond,	Flanagan,	McDermott,	Shea,
Arnold,	Flannery,	McElroy,	Shepard,
Aukerman,	Flinchbaugh,	McFall,	Shoemaker,
Baine,	Ganser,	McGee,	Shugarts,
Baker, J. J.,	Gerard,	McShane,	Siegel,
Balthaser,	Gorski,	Melchiorre,	Simon,
Bierly,	Haberlen,	Mellott,	Skale,
Blank,	Hagerty,	Mihm,	Smith, James A.,
Bohn,	Hamilton, F. P.,	Moomaw,	Smith, John A.,
Boles,	Harkins,	Mooney,	Spengler,
Boltz,	Harmuth,	Moran,	Stank,
Bradley,	Hays,	Moul,	Thomas,
Brancato,	Hering,	Munley,	Thompson,
Brigerman,	Hess,	Murrin,	Tooie,
Broad,	Hetrick,	Nagel,	Tronzo,
Brownfield,	Hindman,	O'Brien,	Tumelty,
Caesar,	Hirsch,	O'Connor,	Valibus,
Caputo,	Holland,	O'Keefe,	VanSickle,
Chervenak,	Holmes,	Ominsky,	Vogt,
Coakley,	Holstrom,	O'Neill,	Wagner,
Cohen, H. B.,	Hontz,	Ostroff,	Walsh,
Cohen, R. E.,	Horting,	Pearson,	Weiss, D. H.,
Coleman,	Jirolanio,	Piole,	Weiss, S. A.,
Coolahan,	Keenan,	Powers,	Welliver,
Corrigan,	Kelso,	Preston,	Welsh,
Costanzo,	Kilroy,	Readinger,	Westrick,
Decker,	Kroll,	Reese,	Whalen,
DeNote,	LaRue,	Reising,	Whitenight,
Dickinson,	Levy,	Richter,	Wright,
Donohoe,	Lewis,	Robinson,	Yanoshat,
Downey,	Long,	Ruffennach,	Yourishin,
Dubbs,	Lopresti,	Rush,	Zappala,
Dyson,	Lovett,	Sarraf,	Furman,
Elpern,	Marino,	Scanlon,	

NAYS—50

Atkins,	Imbrie,	Perry,	Trout,
Baker, F. T.,	Kane,	Rothenberger,	Turner,
Boose,	Kline,	Royer,	VanAllsburg,
Boyer,	Leisey,	Schrock,	Wall,
Cadwalader,	Longaker,	Schumacher,	Watkins,
Davies,	Lyons,	Serrill,	Webster,
Eckels,	Mallen,	Snyder,	Weidemann,
Fiss,	Matthews, J. F.	Sproul,	Wilson,
Gillette,	McDevitt,	Stewart,	Winner,
Habbyshaw,	McKinney,	Stockham,	Wood,
Hall,	Merrell,	Strode,	Woodside,
Hamilton, R. S.,	Muir,	Terry,	Yeakel,
Huntley,	Peale,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL ON THIRD READING

Mr. VAN SICKLE. Mr. Speaker, I desire to call up at this time House Bill No. 2011, Printer's No. 649, on page 26 of today's calendar, bill on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. VAN SICKLE.

The House resumed the consideration on third reading of House Bill No. 2011, entitled:

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on state highways and imposing liability on the Commonwealth therefor

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

MOTION TO LAY BILL ON TABLE

Mr. GORSKI. Mr. Speaker, I move that the bill be laid upon the table.

On the question,

Will the House agree to the motion?

Mr. VAN SICKLE. Mr. Speaker, I ask for a roll call.

Mr. JIROLANIO. Mr. Speaker, I second the request for a roll call.

MOTION WITHDRAWN

Mr. GORSKI. Mr. Speaker, I withdraw my motion to lay the bill upon the table.

Mr. BROWN. Mr. Speaker I desire to interrogate the gentleman from Northampton, Mr. Van Sickle.

The SPEAKER. Will the gentleman from Northampton permit himself to be interrogated?

Mr. VAN SICKLE. I will, Mr. Speaker.

Mr. BROWN. Mr. Speaker I would like to ask the gentleman from Northampton, as I have some clients who are much interested in this bill, what form of action these poor people would bring to recover their money.

Mr. VAN SICKLE. Mr. Speaker, in answer to the question propounded by the gentleman from Allegheny, Mr. Brown, I would say that I am sure that in Northampton County we have lawyers enough to determine on the proper form of action to be brought.

Mr. BROWN. Mr. Speaker I should like to know from the gentleman what action could be brought so that I can inform my clients.

Mr. VAN SICKLE. Mr. Speaker, although I feel that I should have a retainer because all information is worth that which is paid for it and keeping that in mind, I would answer that quantum meruit on an assumpsit basis would be the proper action.

Mr. BROWN. Mr. Speaker I should like to ask the gentleman whether or not quantum meruit is a contractual action.

Mr. VAN SICKLE. Mr. Speaker it is contractual in nature but it may be implied.

Mr. BROWN. Mr. Speaker does the gentleman from Northampton think that the Legislature can imply a contractual action.

Mr. VAN SICKLE. Mr. Speaker may I call the attention of the gentleman from Allegheny to Section 2 of the act which says, "Such suits shall be subject to the same rules of practice pleading and evidence as in other and similar cases between individuals." In other words it will be up to the county courts to decide whether or not these people have a proper case.

Mr. Speaker and members of the House, House Bill 2011 simply does this: It gives the right to people who have performed work for the Highway Department of the state of Pennsylvania and who have never received any compensation for that work to bring suit against the Commonwealth of Pennsylvania in order to establish their claims. Under the law and under the rules of evidence it will be necessary for them to make out a case showing the liability of the Commonwealth of Pennsylvania. I am sure that every member of this House feels that if the Commonwealth of Pennsylvania owes money they should pay that money the same as any individual, and all this bill does is simply to give the people an opportunity of going into court in an effort to secure their just claims, and I ask the members of this House to vote for the bill.

Mr. HERBERT B. COHEN. Mr. Speaker and members of the House, I know that the gentleman from Northampton was fearful of alienating some Republican votes that he might possibly have gotten for this bill. So he hesitated to say that these obligations arose under the Pinchot Administration.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Flannery,	McGee,	Shugarts,
Alexander,	Flinchbaugh,	McKinney,	Siegel,
Allen,	Ganser,	McShane,	Simon,
Allmond,	Gerard,	Melchiorre,	Simpson,
Arnold,	Gillette,	Mellott,	Skale,
Atkins,	Haberlen,	Merrell,	Sloan,
Aukerman,	Hagerty,	Mihm,	Smith, James A.,
Baine,	Hall,	Moomaw,	Smith, John A.,
Baker, F. T.,	Hamilton, F. P.,	Mooney,	Snyder,
Baker, J. J.,	Hamilton, R. S.,	Moran,	Spengler,
Balthaser,	Harkins,	Moul,	Sproul,
Bierly,	Harmuth,	Muir,	Stank,
Blank,	Hays,	Munley,	Stewart,
Bohn,	Hering,	Murrin,	Stockham,
Boies,	Hess,	Nagel,	Strode,
Boltz,	Hetrick,	O'Brien,	Thomas,
Boose,	Hindman,	O'Connor,	Thompson,
Boyer,	Hirsch,	O'Keefe,	Toole,
Bradley,	Holland,	Ominsky,	Tronzo,
Brancato,	Holmes,	O'Neill,	Trout,
Brigerman,	Holstrom,	Ostroff,	Tumelty,
Broad,	Hontz,	Patterson, C. S.,	Turner,
Brown,	Horting,	Peale,	Valibus,
Brownfield,	Huntley,	Pearson,	VanAllsburg,
Burrows,	Imbrie,	Perry,	VanSickle,
Cadwalader,	Jirolanio,	Pershing,	Vogt,
Caesar,	Kane,	Piole,	Wagner,
Caputo,	Keenan,	Powers,	Wall,
Chervenak,	Kelso,	Preston,	Walsh,
Coakley,	Kilroy,	Readinger,	Watkins,
Cohen, H. B.,	Kline,	Reese,	Webster,
Coleman,	Kroll,	Reising,	Weidemann,
Coolahan,	LaRue,	Richter,	Weiss, D. H.,
Corrigan,	Leisey,	Robinson,	Weiss, S. A.,
Costanzo,	Lewis,	Rothenberger,	Welliver,
Davies,	Long,	Royer,	Welsh,
Decker,	Longaker,	Ruffennach,	Westrick,
DeNote,	Lopresti,	Rush,	Whalen,
Dickinson,	Lovett,	Sarraf,	Whitenight,
Donohoe,	Lyons,	Scanlon,	Wilson,
Dougherty,	Mallen,	Schor,	Winner,
Downey,	Marino,	Schrock,	Wood,
Dubbs,	Matthews, H. T.,	Schrope,	Woodside,
Eckels,	Matthews, J. F.,	Schumacher,	Wright,
Elpern,	McArdle,	Serrill,	Yanoshat,
Falkenstein,	McCullough,	Shaw,	Yeakel,
Flaherty,	McDermott,	Shea,	Yourishin,
Fiss,	McDevitt,	Shepard,	Zappala,
Fitch,	McElroy,	Shoemaker,	Furman,
Flanagan,	McFall,		

NAYS—7

Cohen, R. E.,	Gorski,	Levy,	Terry,
Dyson,	Habbyshaw,		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2125, (Senate Bill No. 64), entitled:

An Act to establish a separate orphans' court in and for the County of Dauphin

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend sec. 2, page 2, lines 7 to 10, by striking out the following: "except that he" in line 7, all of lines 8 and 9, and "monwealth" in line 10.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1325 as follows:

An Act to add section 48.1 to the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substituton of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estate of decedents" by providing for the apportionment of estate taxes in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" is hereby amended by inserting between sections forty-eight and forty-nine a new section to read as follows

Section 48.1 (a) Whenever it appears upon any accounting or in any appropriate action or proceeding that an executor administrator temporary administrator trustee or other person acting in a fiduciary capacity has paid an estate tax levied or assessed under the provisions of the act approved the seventh day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 859) entitled "A supplement to the act approved the twentieth day of June one thousand nine hundred and nineteen (Pamphlet Laws five hundred and twenty-one) entitled 'An act providing for the imposition and collection of certain taxes upon the transfer of property passing from a decedent who was a resident of this Commonwealth at the time of his death and of property within this Commonwealth of a decedent who was a non-resident of the Commonwealth at the time of his death and making it unlawful for any corporation of this Commonwealth or national banking association located therein to transfer the stock of such corporation or banking association standing in the name of any such decedent until the tax on the transfer thereof has been paid and providing penalties and citing certain acts for repeal' imposing additional taxes equal to Federal credits" or its amendments or under any law hereafter enacted or under the provisions of any estate tax law of the United States heretofore or hereafter enacted upon or with respect to any property required to be included in the gross estate of a decedent under the provisions of any such law the amount of the tax so paid except in a case where a testator otherwise directs in his will shall be equitably prorated among the persons interested in the estate to whom such property is or may be transferred or to whom any benefit accrues Such proration shall be made by the orphans' court in the proportion as near as may be that the value of the property interest or benefit of each such person bears to the total value of the property interests and benefits received by all such persons interested in the estate except that in making such proration allowances shall be made for any exemptions granted by the act imposing the tax and for any deductions allowed by such act for the purpose of arriving at the value of the net estate and except that in cases where a trust is created or other provision made whereby any person is given an interest in income or an estate for years or for life or other temporary interest in any property or fund the tax on both such temporary interest and on the remainder thereafter shall be charged against and be paid out of the corpus of such property or fund without apportionment between remainders and temporary estates For the purposes of this section the term "persons interested in the estate" shall with respect to both state and federal taxes include all persons who may be entitled to receive or who have received any property or interest which is required to be included in the gross estate of a decedent or any benefit whatsoever with respect to any such property or interest whether under a will or intestacy or by reason of any transfer trust estate interest right power or relinquishment of power taxable under any of the aforementioned laws providing for the levy or assessment of estate taxes

The tax shall be paid by the executor administrator or other fiduciary as such out of the estate before its distribution In all cases in which any property required to be included in the gross estate does not come into the possession of the executor administrator or other fiduciary as such he shall recover from whomever is in possession or from the persons interested in the estate the proportionate amount of such tax payable by the persons interested in the estate with which such persons are chargeable under the provisions of this section and the orphans' court may by order direct the

payment of such amount of tax by such persons to the executor administrator or other fiduciary

No executor administrator or other person acting in a fiduciary capacity shall be required to transfer pay over or distribute any fund or property which may have either a federal or a state tax imposed upon it or which may be liable for the payment of any federal or state tax until the amount of such tax or taxes due from the devisee legatee distributee or other person to whom such property is transferred is paid or if the apportionment of tax has not been determined adequate security is furnished by the transferee for such payment

(b) The orphans' court upon making a determination as provided in subdivision (a) of this section shall make a decree or order directing the executor administrator or other fiduciary to charge the prorated amounts against the persons against whom the tax has been so prorated in so far as he is in possession of property or interests of such persons against whom such charge may be made and summarily directing all other persons against whom the tax has been so prorated or who are in possession of property or interests of such persons to make payment of such prorated amounts to such executor administrator or other fiduciary

Section 2 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McDevitt,	Shoemaker,
Alexander,	Flannery,	McElroy,	Shugarts,
Allen,	Flinchbaugh,	McFall,	Siegel,
Allmond,	Ganser,	McGee,	Simon,
Arnold,	Gerard,	McKinney,	Simpson,
Atkins,	Gillette,	McShane,	Skale,
Aukerman,	Gorski,	Melchiorre,	Sloan,
Baine,	Habbyshaw,	Mellott,	Smith, James A.
Baker, F. T.,	Haberlen,	Merrell,	Smith, John A.
Baker, J. J.,	Hagerty,	Mihm,	Snyder,
Balthaser,	Hall,	Moomaw,	Spengler,
Bierly,	Hamilton, F. P.,	Mooney,	Sproul,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boles,	Harmuth,	Muir,	Stockham,
Boltz,	Hays,	Munley,	Strode,
Boose,	Hering,	Murrin,	Terry,
Boyer,	Hess,	Nagel,	Thomas,
Bradley,	Hetrick,	O'Brien,	Thompson,
Brancato,	Hindman,	O'Connor,	Toole,
Brigerman,	Hirsch,	O'Keefe,	Tronzo,
Broad,	Holland,	Ominsky,	Trout,
Brown,	Holmes,	O'Neill,	Tumelty,
Brownfield,	Holstrom,	Ostroff,	Turner,
Burrows,	Hontz,	Patterson, C. S.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Perry,	Vogt,
Chervenak,	Jirolanio,	Pershing,	Wagner,
Coakley,	Kane,	Piole,	Wall,
Cohen, H. B.,	Keenan,	Powers,	Walsh,
Cohen, R. E.,	Kelso,	Preston,	Watkins,
Coleman,	Kilroy,	Readinger,	Webster,
Coolahan,	Kline,	Reese,	Weidemann,
Corrigan,	Kroll,	Reising,	Weiss, D. H.,
Costanzo,	LaRue,	Richter,	Weiss, S. A.,
Davies,	Leisey,	Robinson,	Welliver,
Decker,	Levy,	Rothenberger,	Welsh,
DeNote,	Lewis,	Royer,	Westrick,
Dickinson	Long,	Ruffennach,	Whalen,
Donohoe,	Longaker,	Rush,	Whitenight,
Dougherty,	Lopresti,	Sarraf,	Wilson,
Downey,	Lovett,	Scanlon,	Winner,
Dubbs,	Lyons,	Schor,	Wood,
Dyson,	Mallen,	Schrock,	Woodside,
Eckels,	Marino,	Schrope,	Wright,
Elpern,	Matthews, H. T.,	Schumacher,	Yanoshat,
Falkenstein,	Matthews, J. F.,	Serrill,	Yeakel,
Finnerty,	McArdle,	Shaw,	Yourishin,
Fiss,	McCullough,	Shea,	Zappala,
Fitch,	McDermott,	Shepard,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS AND AMENDMENTS TAKEN FROM TABLE

Mr. BROWN. Mr. Speaker, I move that House Bill No. 2172, Senate Bill No. 639, Printer's No. 332, together with the amendments which were laid upon the table be taken from the table.

The motion was agreed to.

On the question recurring,

Will the House agree to the amendments offered by the gentleman from Allegheny, Mr. WEISS, to Section 6 of this bill?

AMENDMENTS WITHDRAWN

Mr. BROWN. Mr. Speaker, with the consent of the sponsor of the amendments, the gentleman from Allegheny, Mr. Weiss, I wish to withdraw the amendments.

On the question recurring,

Will the House agree to the section as amended?

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to my amendments to Section 6 be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Brown vote on the amendments?

Mr. BROWN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the amendments?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to Section 5 be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to Section 4 be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to Section 3 as amended be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to my amendments to Section 3 be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to Section 2 be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The motion was agreed to.

Mr. BROWN. Mr. Speaker, I move that the vote by which the House agreed to Section 1 be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question recurring.

Will the House agree to the first section?

BILL RECOMMITTED

Mr. BROWN. Mr. Speaker, I move that this bill be recommitted to the Committee on Labor for the purpose of amendment.

The motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. YOURISHIN asked and obtained permission for the Committee on Labor to meet during the session of the House.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1557 as follows:

A Joint Resolution proposing an amendment to Article nine Section eight of the Constitution of the Commonwealth of Pennsylvania

Section 1 Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met That the following amendment to the Constitution of the Commonwealth of Pennsylvania be and the same is hereby proposed in accordance with the eighteenth Article thereof

That Article nine Section eight of the Constitution of Pennsylvania is hereby amended to read as follows

Section 8 The debt of any county city borough township school district or other municipality or incorporated district except as provided herein and in section fifteen of this article shall never exceed ten (10) per centum upon the average assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased and the debt of the city and county of Philadelphia shall never exceed fifteen (15) per centum upon the average annual assessed value of the taxable realty therein for the nine years immediately preceding the time any debt is incurred or increased nor shall any county city borough township school district or other municipality or incorporated district incur any new debt or increase its indebtedness to an amount exceeding two (2) per centum upon such average annual assessed valuation of taxable realty for the nine immediately preceding years without the consent of the electors thereof at a public election in such manner as shall be provided by law

In ascertaining the borrowing capacity of the city and county of Philadelphia at any time there shall be deducted from such debt so much of the debt of said city and county as shall have been incurred or is about to be incurred and the proceeds thereof expended or about to be expended upon any public improvement or in the construction purchase or condemnation of any public utility or part thereof or facility therefor to the extent that such public improvement or public utility or part thereof whether separately or in connection with any public improvement or public utility or part thereof may yield or may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon

The method of determining such amount so to be deducted may be prescribed by the General Assembly

In incurring indebtedness for any purpose the city and county of Philadelphia may issue its obligations maturing not later than fifty (50) years from date thereof with provision for a sinking fund sufficient to retire said obligations at maturity the payment to such sinking fund to be in equal or graded annual or other periodical installments Where any indebtedness shall be or shall have been incurred by said city and county of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character from which income or revenue is to be derived by said city and county or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city and county such obligations may be in an amount sufficient to provide for and may include the amount of the interest and sinking fund charges [securing] accruing and which may accrue thereon throughout the period of construction and until the expiration of one year after the completion of work for which said indebtedness shall have been incurred but not in excess of five years from the time of the incurring of such indebtedness and said city and county shall not be required to levy a tax to pay said interest and sinking fund charges as required by Section ten Article nine of the Constitution of Pennsylvania until the expiration of said period of one year after the completion of said work Provided however that any city county borough township or other municipality or incorporated district may with the consent of the electors thereof increase its indebtedness to the extent of three (3) per centum over and beyond any limitation fixed herein toward the sole purpose of constructing or completing sewage treatment works

On the question,

Will the House agree to the bill on third reading?

It was agreed to,

On the question,

Shall the bill pass finally?

Mr. McDEVITT. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Skale.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SKALE. I will, Mr. Speaker.

Mr. McDEVITT. Mr. Speaker I would like to ask the gentleman from Philadelphia first of all if this proposed amendment to the Constitution would not be state-wide in its application.

Mr. SKALE. Mr. Speaker in answer to the gentleman from Philadelphia I would say that it is.

Mr. McDEVITT. Mr. Speaker insofar as it refers to the borrowing capacity of the city of Philadelphia and aside from the extra three percent for the construction and building of sewage treatment works, would it increase or decrease the borrowing capacity of the city of Philadelphia.

Mr. SKALE. Mr. Speaker in answer to the gentleman from Philadelphia I would say that it would not exceed the present indebtedness, that at the present time under the figures submitted to me for the year 1936 and for the year 1937 it would give the city of Philadelphia a greater borrowing capacity but would not exceed the present city indebtedness.

Mr. McDEVITT. In other words, Mr. Speaker, do I understand the gentleman to state that the figure would be approximately the same as the present debt.

Mr. SKALE. Mr. Speaker, no, it would be considerably less than the present indebtedness. In other words, the present indebtedness of the city of Philadelphia would be about a hundred and twelve million dollars in excess of the borrowing capacity under this proposed amendment.

Mr. McDEVITT. Mr. Speaker what is the reason for the limitation if we already over-borrowed?

Mr. SKALE. Mr. Speaker the reason for it is this, this bill provides for a basic valuation over a period of the nine preceeding years' average and the purpose of it is this: It provides that during the peak years of prosperity when valuations are much higher and when building construction moves along on its own impetus and employment is at its peak, then the city does not have to borrow money for public works but when the period of depression comes along and public works are required for the purpose of producing employment, this would give the city the opportunity to borrow money for such a purpose.

Mr. McDEVITT. Mr. Speaker I would like to ask the gentleman also if the purpose of the provision on the last page of the bill which would permit an excess of three percent over and beyond the limitation fixed therein for the sole purpose of constructing and building sewage treatment works is not for the purpose of permitting the city to make these necessary improvements and for the purpose of giving it this excess three percent borrowing capacity.

Mr. SKALE. Mr. Speaker the purpose, of course, is clearly stated in the bill, but it can only be done with the approval of the electorate.

Mr. McDEVITT. Notwithstanding that, Mr. Speaker, is not the provision useless insofar as the city of Philadelphia is concerned if the city is already over-borrowed as far as the provisions of this proposed amendment are concerned.

Mr. SKALE. Mr. Speaker this bill being state-wide the situation is practically the same in most of the counties throughout the state of Pennsylvania, but we hope that under the provisions of this bill that the time will arrive much sooner when the cities and counties will be able to take advantage of the propositions in this bill.

On the question recurring,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—180

Achterman,	Elpern,	McDermott,	Simon,
Alexander,	Finnerty,	McDevitt,	Simpson,
Allen,	Fiss,	McFall,	Skale,
Allmond,	Flanagan,	McGee,	Sloan,
Arnold,	Flannery,	McKinney,	Smith, James A.,
Atkins,	Flinchbaugh,	McShane,	Smith, John A.,
Aukerman,	Ganser,	Mellott,	Snyder,
Baine,	Gerard,	Merrell,	Spengler,
Baker, J. J.,	Gillette,	Mihm,	Sproul,
Balthaser,	Gorski,	Moomaw,	Stank,
Bierly,	Haberlen,	Mooney,	Stewart,
Blank,	Hall,	Moul,	Stockham,
Bohn,	Hamilton, F. P.,	Muir,	Strode,
Boles,	Hamilton, R. S.,	Munley,	Terry,
Boltz,	Hays,	Murrin,	Thomas,
Boose,	Hering,	Nagel,	Thompson,
Boyer,	Hess,	O'Brien,	Toole,
Bradley,	Hetrick,	O'Connor,	Trout,
Brancato,	Hindman,	Ominsky,	Tumelty,
Brigerman,	Holmes,	O'Neill,	Turner,
Broad,	Holstrom,	Ostroff,	VanAllsburg,
Brown,	Hontz,	Patterson, C. S.,	VanSickle,
Brownfield,	Horting,	Peale,	Vogt,
Burrows,	Huntley,	Pearson,	Wagner,
Cadwalader,	Imbrie,	Perry,	Wall,
Caesar,	Jirolanio,	Pershing,	Walsh,
Caputo,	Kane,	Powers,	Watkins,
Chervenak,	Keenan,	Preston,	Webster,
Coakley,	Kelso,	Readinger,	Weidemann,
Cohen, H. B.,	Kilroy,	Reese,	Weiss, D. H.,
Cohen, R. E.,	Kline,	Reising,	Weiss, S. A.,
Coleman,	Kroll,	Richter,	Welliver,
Coolahan,	LaRue,	Robinson,	Welsh,
Corrigan,	Leisey,	Rothenberger,	Westrick,
Costanzo,	Lewis,	Royer,	Whalen,
Davies,	Long,	Ruffennach,	Whitenight,
Decker,	Longaker,	Schor,	Wilson,
DeNote,	Lopresti,	Schrope,	Wood,
Dickinson,	Lyons,	Schumacher,	Wright,
Donohoe,	Mallen,	Serrill,	Yanoshat,
Dougherty,	Matthews, H. T.,	Shaw,	Yeakel,
Downey,	McArdle,	Shea,	Yourishin,
Dubbs,	Levy,	Shoemaker,	Zappala,
Dyson,	Matthews, J. F.,	Shugarts,	Furman,
Eckels,	McCullough,	Siegel,	

NAYS— 3

Habbyshaw,	Winner,	Woodside,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, that the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'NEILL asked and obtained permission for the Committee on Insurance to meet during the session of the House.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1201, (Senate Bill No. 366), as follows:

An Act to amend sections three four six and seven of and to add section 9.1 to the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects removing the date by which projects must be commenced removing certain restrictions against the construction of projects making such Authority perpetual and fixing the quorum of the Authority providing for the leasing of projects by the Authority to the Commonwealth clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of any of the assets belonging to the Authority and clarifying certain provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assemlby met and it is hereby enacted by the authority of the same That sections three four six and seven of and to add section 9.1 to the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and

collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant asign convey or lease to the Authority lands of the Comonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" are hereby amended to read as follows:

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies and the President pro tempore of the Senate and their respective successors in office and two citizens of Pennsylvania one to be appointed by the Governor and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to reimbursement for all necessary expenses incurred in connection with the performance of their duties as members Any vacancy happening among the appointed members of the Authority shall be filled by appointment by the Governor or President pro tempore of the Senate [making the original appointment] as the case may be

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth [at the seat of the State government] State arsenals armories and military reserves State airports and landing fields [State tuberculosis sanatoria additions to present] State [hospitals normal schools teachers colleges penal or correctional] institutions of every kind and character (heretofore or hereafter constructed) and improvements to land grant colleges State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State-owned land and [low head] dams and improvements to river embankments (any and all the foregoing being herein called "projects") [Provided however That no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby shall be exercised in the construction improvement maintenance extension or operation of any project or projects which in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] and the Authority is hereby granted and shall have and may exercise all powers necessary or cenvenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers .

(a) To have perpetual existence [for a period of thirty-two years] as a corporation.

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest there necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority.

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations.

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof.

(j) To make contracts of every name and nature and execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have the power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however that the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligatons.

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a need to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) an-

point a trustee to represent the bondholder for the purposes herein provided. Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders.

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds have been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustees the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority including the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or other charges or income revenues and receipts and to require the Authority to carry out any of its covenants and agreements with the bondholders and to perform its and their duties under this act Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise dispose of any of the assets of whatever kind and character belonging to the Authority. It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary.

[Six] Five members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action shall only be taken by vote of a majority of the members of the Authority unless in any case the by-laws shall require a larger number The board shall have full authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper.

Section 9.1 Contracts to Lease and Leases by Department from Authority The Department shall have power and authority with the approval of the Governor to enter into contracts with the Authority to lease as lessee from the Authority any or all of the projects undertaken by the Authority for a term with respect to each project constructed not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of the said project the Department shall have power and authority with the approval of the Governor to lease as lessee any or all of the projects completed by the Authority for a term with respect to each project leased not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority.

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the House agree to the bill on third reading?

Mr. GORSKI. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend title, Page 2, line 12 by striking out after the word perpetual and before the word fixing the word "and"

Amend Section 1, Page 2, line 5 by striking out the following: "and to add section 9.1 to"

Amend Section 1, Page 4, line 18 by striking out "State-owned" and inserting in lieu thereof the word "State"

Amend section 1, Page 7, line 3 by adding at the end thereof the word "to"

Amend Section 1, Page 8, line 20 by striking out the word "bondholder" and inserting in lieu thereof the word "bondholders"

Amend Page 12 by inserting between lines 13 and 14 the following: "Section 2. That said act is hereby amended by adding thereto Section 9.1, to read as follows"

Amend Page 12, line 28 by striking out the figure 2 and inserting in lieu thereof the figure 3.

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

RESOLUTIONS

RECALLING HOUSE BILL No. 390 FROM THE GOVERNOR

Mr. GERARD offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 3, 1937.

Resolved (if the Senate concur), that House Bill No. 390, Printer's No. 706, entitled "An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties", be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

CONGRATULATIONS

Mr. CAESAR offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, April 28, 1937.

Whereas, on Tuseday morning, April 27th, at about 5:00 A. M., there was considerable commotion in room 506 of the Harrisburger Hotel; and

Whereas, The commotion was climaxed by a darting figure rushing down the corridors and down the steps; he giving up the elevator as being too slow a mechanism; and

Whereas, No one could explain the situation until word was received that one of the members of the House of Representatives was endeavoring to outrun or outfly the stork and he did; therefore be it

Resolved, That the House of Representatives extend to Honorable Arthur R. Schor, and his wife, its congratulations upon the birth of a son to them; and be it further

Resolved, That a copy of this resolution be transmitted to the happy and proud parents.

BIRTHDAY CONGRATULATIONS

Messrs. WRIGHT, BIERLY, BOHN, FLANNERY, TOOLE, VALIBUS and WHALEN offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 3, 1937.

Whereas This day has been noted as the anniversary of the birth of Honorable John Yourishin of the First District of Luzerne County, and Secretary-Treasurer of the United Mine Workers of District No. 7 for the past twenty years, and

Whereas Since the session of 1932 he has given untiring effort toward the enactment of legislation which would prove helpful to the laboring people of this Commonwealth, and

Whereas In this session, as Chairman of the Committee on Labor, he has given outstanding service in that important phase of the legislative program, and

Whereas We deem it fitting and proper at this time to extend our best wishes to our colleague, therefore be it

Resolved That the House extend to Honorable John Yourishin its congratulations on this anniversary date, and wish him many happy returns of the day, with continued success and prosperity in his work, and be it further

Resolved That the Chief Clerk of the House of Representatives transmit a copy of this resolution to Mr. Yourishin.

Mr. DAVID A. WEISS offered a resolution which was filed with the Clerk under the rules.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 1131, 1134, 1137 1139, 1140, 1142, 1143 and 1150.

Commonwealth of Pennsylvania.
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 1131, Printer's No. 354, entitled "An Act making an appropriation from the Manufacturing Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Manufacuring Fund."

House Bill No. 1134, Printer's No. 332, entitled "An Act making an appropriation from the Banking Department Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Banking Department Fund."

House Bill No. 1137, Printer's No. 340, entitled "An Act making an appropriation from the Motor License Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Motor License Fund."

House Bill No. 1139, Printer's No. 333, entitled "An Act making an appropriation from the Fish Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Fish Fund."

House Bill No. 1140, Printer's No. 334, entitled "An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue for the payment of the Loan and Transfer Agent of the Commonwaelth.

House Bill No. 1142, Printer's No 331, entitled "An Act making an appropriation from the Game Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the Game Fund."

House Bill No. 1143, Printer's No. 355, entitled "An Act making an appropriation from the State Stores Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Stores Fund."

House Bill No. 1150, Printer's No. 345, entitled "An Act making an appropriation from the State Workmen's Insurance Fund to the State Employes' Retirement Board to meet the obligations of the Commonwealth to the State Employes' Retirement System with respect to State employes receiving compensation from the State Workmen's Insurance Fund."

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILLS Nos. 257, 713, 1128, 1156, 1239, 1295, 1302, 1303, 1359, 1361, 1625, 1635, 1659, 1685, 2067 and 2162.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 257, Printer's No. 579, entitled "An Act to amend clause (b) of section four article two of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by providing that the city controller shall act as mayor in case of a vacancy or disability of the mayor to act in lieu of the succession of the officers of such cities heretofore provided by law in such case."

House Bill No. 713, Printer's No. 305, entitled "An Act to amend the act approved the ninth day of April one thousand nine hundred and twenty-nine (P. L. 177) entitled 'An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' defining the powers and duties of the Department of Internal Affairs in respect to the Pennsylvania System of Coordinates."

House Bill No. 1128, Printer's No. 606, entitled "An Act requiring unemployment relief orders issued by the State Veterans' Commission to be presented for payment within a certain period otherwise to be cancelled and the moneys appropriated for their payment to be escheated to the Commonwealth and credited to the current appropriation to such commission for unemployment relief purposes."

House Bill No. 1156, Printer's No. 703, entitled "An Act to provide for the permanent personal registration of electors in boroughs towns and townships as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors requiring the county commissioners of the various counties to act as a registration commission therefor and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace ocers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties."

House Bill No. 1239, Printer's No. 296, entitled "An Act relating to counties of the first class and the duties of the prothonotaries of the several courts of common pleas in connection with the collection of certain taxes on writs and on entries and transcripts of judgments payable to the Commonwealth and making provision for the disposition of the compensation therefor heretofore received by such prothonotaries."

House Bill No. 1295, Printer's No. 341, entitled "An Act to amend sections one and two of the act approved the seventh day of June one thousand nine hundred and eleven (P. L. 667) entitled 'A supplement to an act entitled 'An act for the government of cities of the second class' approved the seventh day of March one thousand nine hundred and one regulating the certification recording advertising and proof of passage of legislative acts of councils and prescribing the effect of the production thereof when required as evidence' by allowing council to shorten the publications provided for."

House Bill No. 1302, Printer's No. 373, entitled "An Act to amend sections two and three paragraph (c) of section seven and section eight of the act approved the twenty-fifth day of May one thousand nine hundred and thirty-three (P. L. 1041) entitled 'An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons municipalities and entities engaged in the transportation of garbage and in the disposal of garbage through the construction keeping maintenance or conduct of garbage disposal plants conferring powers and imposing duties on the county commissioners of such counties and otherwise providing for the administration of the act and imposing penalties' by excepting from its provisions in certain cases the need for securing a license."

House Bill No. 1304, Printer's No. 614, entitled "An Act to amend section eight of the act approved the sixteenth day of May one thousand eight hundred and ninety-one (P. L. 75) entitled 'An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom the assessment of the damages costs and expenses thereof upon the property benefited and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom' as amended by providing for a temporary improvement or paving the assessment of costs and expenses upon property benefited thereby and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment."

House Bill No. 1359, Printer's No. 641, entitled "An Act to amend section one thousand and nine of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled 'An act concerning townships of the first class amending revising consolidating and changing the law relating thereto' extending the time within which appeals from auditors' reports may be taken."

House Bill No. 1361, Printer's No. 642, entitled "An Act to amend section five hundred and fifty-three of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' extending the time within which appeals from auditors' reports may be taken."

House Bill No. 1625, Printer's No. 459, entitled "An Act providing for and regulating joint purchases by counties (other than counties of the rst and second classes) cities

of the third class boroughs towns townships school districts and poor districts."

House Bill No. 1635, Printer's No. 639, entitled "An Act to amend the act approved the first day of May one thousand nine hundred thirty-three (P. L. 284) entitled as amended 'An act imposing a State tax payable by those herein defined as manufacturers and by others on malt or brewed beverages used sold transported or delivered within the Commonwealth prescribing the method and manner of evidencing the payment and collection of such tax conferring powers and imposing duties on the Department of Revenue and those using or engaged in the sale at retail or wholesale or in the transportation of malt or brewed beverages taxable hereunder and providing penalties' as amended and reenacted by imposing an additional reciprocal tax by providing for the assessment and revision of and appeal from additional taxes and by making further provision with regard to refunds evidence of payment of the tax and penalties."

House Bill No. 1659, Printer's No. 427, entitled "A Joint Resolution authorizing the appointment of a commission to make a thorough and impartial investigation into the operation of the oil industry in this Commonwealth with special reference to the adequate efficient and economical supplying of lubricating oils and gasoline to the people of this Commonwealth conferring upon the commission full power to issue subpoenas requiring the commission to make a report of its findings to the Governor together with its recommendations as to such regulatory legislation as may be needful to correct any abuses and evils with such industry which are prejudicial to the interests of the citizens of this Commonwealth authorizing the commission to employ counsel and employes and making an appropriation."

House Bill No. 1685, Printer's No. 424, entitled "An Act to amend section one thousand fifty-seven of the act approved the fourth day of May one thousand nine hundred and twenty-seven (P. L. 519) entitled 'An act concerning boroughs and revising amending and consolidating the law relating to boroughs' further defining the powers of controllers with respect to accounts of borough departments bureaus and officers and imposing certain duties in reference thereto on banks banking institutions and trust companies."

House Bill No. 2067, Printer's No. 484, entitled "An Act to amend section five hundred and two of the act approved the first day of May one thousand nine hundred and thirty-three (P. L. 103) entitled 'An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' prohibiting auditors from becoming surety for certain officers."

House Bill No. 2162, Printer's No. 631, entitled "An Act making an appropriation to the State Emergency Relief Board for direct relief work relief and expenses defining the purposes for which such moneys may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State departments prohibiting political activity by employes of the State Emergency Relief Board and prescribing penalties."

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, whic was read as follows:

APPROVAL OF HOUSE BILLS Nos. 108 and 1574.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed the following:

House Bill No. 108, Printer's No. 644, entitled, "An Act creating a court of record for the County of Philadelphia to be known as the Family Court conferring defining prescribing and regulating the jurisdiction and powers of said cout and of the judges thereof and prescribing the procedure therein providing for the appointment election and selearies of the judges of said court and for the appointment of the officers clerks and employes thereof providing for the costs and expenses thereof providing for th transfer to said court of the jurisdiction in certain proceedings now vested in the orphans' court the municipal court of Philadelphia and other courts and for the transfer of certain actions pending in said courts and repealing existing laws.'

House Bill No. 1574, Printer's No. 733, entitled: "An Act relating to milk and the products thereof creating a Milk Control Commission establishing its jurisdiction powers and duties regulating the production transportation manufacturing processing storage distribution delivery and sale of milk and certain products thereof providing for the licensing of milk dealers and the payment of fees therefor requiring milk dealers to file bonds to secure payment for milk to producers and certain milk dealers authorizing the holding of hearings and the issuance of subpoenas by the commission conferring jurisdiction upon courts to punish contempts and to prohibit violations of this act and of rules regulations and orders of the commission authorizing the commission to adopt rules regulations and orders and to enter into interstate and Federal compacts requiring persons who weigh measure sample or test milk to procure permits or certificates to take examinations to pay fees therefor to furnish certain notices records and statements and to use certain methods of weighing measuring sampling and testing authorizing the commission to examine the business papers and premises of milk dealers and producers requiring the keeping of records and the filing of reports by milk dealers and permitting with limitations the use of information obtained thereby authorizing the commission to fix prices for milk and certain milk products subject to the approval of the Governor and conferring certain powers upon the Governor with respect thereto providing for appeals to the courts from decisions of the commission and for the burden of proof upon such appeals prescribing penalties fines and imprisonment for violations of this act and rules regulations and orders of the commissions defining perjury defining remedies repealing legislation supplied and superseded by this act and saving rights duties and proceedings thereunder and making appropriations"

GEORGE H. EARLE.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF HOUSE BILL No. 1028.

Comonwealth of Pennsylvania,
Governors Office, Harrisburg, April 30, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed House Bill No. 1028, Printer's No. 705, entitled, "An Act to amend the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 216) entitled 'An act relating to dentistry defining and providing for the licensing and registration of dentists and dental hygienists and for the revocation and suspension of such licenses and registrations subject to appeal and for their reinstatement defining the powers and duties of the State Dental Council and Examining Board and the Department of Public Instruction providing penalties and repealing existing laws' by limiting the scope of practice as a dental hygienist providing additional causes for the revocation and suspension of licenses and registrations making appeals from actions of the board a supersedeas in the discretion of the court making addi-

tional penal provisions and further regulating the practice of dentistry and as dental hygienists."

GEORGE H. EARLE.

SENATE MESSAGES

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL No. 1692.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, non-concurred in by the House of Representatives, to House Bill No. 1692 entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city.

Mr. CLIFF S. PATERSON. Mr. Speaker, I move that the House insist upon its non-concurrence in the amendments made and insisted upon by the Senate and that a Committee of Conference be appointed.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON HOUSE BILL No. 1692.

The SPEAKER. The Chair appoints as a Committee of Conference on House Bill No. 1692, Messrs. Cliff S. Patterson, Harkins and Weidemann.

Ordered, That the Clerk inform the Senate accordingly.

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1477.

An Act authorizing the authorities in any city of the first clas to stipulate certain methods for the payment of local assessments.

With the information that the Senate has passed the same without amendment.

APPOINTMENT OF CONFERENCE COMMITTEE ON SENATE BILL No. 177.

The Clerk of the Senate being introduced, informed that the Senate insists on its concurrence in the amendments made and insisted upon by the House of Representatives to Senate Bill No. 177, entitled:

An Act prohibiting persons and officers from hiring and inducing minors to purchase spirituous vinous or brewed and malt liquors and prohibiting minors from purchasing or attempting to purchase the same.

And has appointed Messrs. Haluska, Cavalcante and Buckman a Committee of Conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

Mr. MOOMAW. Mr. Spaker, I move that the House insist upon its amendments non-concurred in by the Senate to Senate Bill No. 177, and that a Committee of Conference be appointed.

The motion was agreed to.

COMMITTEE OF CONFERENCE APPOINTED ON SENATE BILL No. 177.

The SPEAKER. The Chair appoints as a Committee of Conference on Senate Bill No. 177, Messrs. Moomaw, Allen and Webster.

Ordered, That the Clerk inform the Senate accordingly.

COMMUNICATIONS FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1273.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1937

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1273, Printer's No. 428, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND MESSAGE LAID ON TABLE.

Mr. LONGAKER. Mr. Speaker, I move that the bill together with the communication be laid upon the table.

The motion was agreed to.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1130.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House Bill No. 1130, Printer's No. 643, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND MESSAGE LAID ON TABLE.

Mr. SIEGEL. Mr. Speaker, I move that the bill together with the communication be laid on the table.

The motion was agreed to.

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 528.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 28, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate, recalling from the Governor House

Bill No. 528, Printer's No. 91, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. JIROLANIO. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from York, Mr. Cohen vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Northampton, Mr. Jirolanio vote on the final passage of this bill?

Mr. JIROLANIO. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. HERBERT B. COHEN. Mr. Speaker, I ask unanimous consent to offer amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend section 1, page 2, line 5 by striking out after the word "Containing" and before the word "square" the following: "[10.250]" and inserting in lieu thereof the following "10,250"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House ?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE.

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 942. (HOUSE BILL No. 2236).

And Act to amend subsection third of section one of the act approved the ninth day of July one thousand nine hundred and one (P. L. 614) entitled "An act relating to the service of certain process in actions at law and the effect thereof and providing who shall be made parties to certain writs" as amended by providing for the service of summons and writs of scire facias in personal actions in any action for damages arising from the ownership possession occupancy control maintenance and use of real estate and the footways and curbs adjacent thereto in counties other than that wherein the real estate footways and curbs are located and the writ issues.

Referred to the Committee on Judiciary General.

SENATE BILL No. 951. (HOUSE BILL No. 2237.)

An Act providing for the service of process in civil actions on non-resident owners tenants or users of real estate located within the Commonwealh of Pennsylvania and the footways and curbs adjacent thereto or any such resident of this Commonwealth who shall subsequently become a non-resident and making the ownership possession occupancy control maintenance and use of such real estate footways and curbs the equivalent of the appointment of the Secretary of the Commonwealh of Pennsylvania as the agent of said non-resident upon whom civil service may be served and providing for further notice to the defendants in any such action.

Referred to the Committee on Judiciary General.

SENATE BILL No. 957. (HOUSE BILL No. 2238.)

An Act changing the procedure in civil actions hereafter brought in any of the Courts of Common Pleas of Philadelphia County providing for trial without jury and for the filing of agreements therefor providing for the payment of jury fees.

Referred to the Committee on Judiciary General.

SENATE BILL No. 995. (HOUSE BILL No. 2239,)

An Act to further amend the act approved the fifth day of May one thousand nine hundred and thirty-three (P. L. 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain right powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" providing that certain proceedings by corporations must show that all contributions for unemployment compensation have been paid.

Referred to the Committee on Corporations.

SENATE BILL No. 1005. (HOUSE BILL No. 2240.)

An Act to amend section one of an act approved the thirtieth day of March one thousand nine hundred and thirty-seven number forty-one entitled "An act to amend section five A of article nineteen of the act approved the twenty-fifth day of June one thousand nine hundred and nineteen (P. L. 581) entitled 'An act for the better government of cities of the first class of this Commonwealth' as amended by changing the number and method of appointment of the civil service commissioners in said cities" abolishing the civil service commission as constituted and provided for by section five A of article nineteen of the said act approved the twenty-fifth day of June one thousand nine hundred and nineteen as amended by the act approved the thirteenth day of April one thousand nine hundred and twenty-seven (P. L. 503).

Referred to the Committee on Cities.

SENATE BILL No. 1021. (HOUSE BILL No. 2241.)

An Act providing for the creation of sewer districts in cities of the first class for the construction of sewers and sewer systems and providing the method of assessing the expenses of such construction upon properties abutting such sewer or served and accommodated thereby.

Referred to the Committee on Cities.

BILL INTRODUCED AND REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2242.

An Act to amend section six of the act approved the twenty-first day of May, one thousand nine hundred thirty-one, (P. L. 149) entitled "An act imposing a State tax, payable by those herein defined as distributors, on liquid fuels used or sold and delivered within the Commonwealth, which are ordinarily, practically, and commercially usable in internal combustion engines for the generation of power; providing for the collection and lien of the tax, and the distribution and use of the proceeds thereof; requiring such distributors to secure permits, to file corporate surety bonds and reports, and to retain certain records; imposing duties on retail dealers, common carriers, county commissioners, and such distributors; providing for rewards; imposing certain costs on counties; conferring powers and imposing duties on certain State officers and departments; providing for refunds; imposing penalties; and making an appropriations," by making further provision regarding the discount allowed to distributors if reports are filed and taxes paid on time.

Referred to the Committe on Ways and Means.

BILL SIGNED BY THE SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HOUSE BILL No. 1477.

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

COMMUNICATION

VALLEY FORGE PARK

The SPEAKER laid before the House the following communication which was read by the Clerk:

Commonwealth of Pennsylvania,
Valley Forge Park Commission,
Valley Forge, Pa., April 30, 1937.

Hon. Roy E. Furman,
Speaker of the House of Representatives,
Harrisburg, Penna.

Dear Sir:—

I have been instructed by the Valley Forge Park Commission to invite your honorable body to visit Valley Forge Park during the week of May 3rd to 10th.

At this time the Dogwood is in bloom and it is a sight well worth seeing and in addition your Commission is most desirous of having you visit this historic Shrine and to view the condition of the Reservation during the tenure of its office.

Respectfully,

W. R. TUCKER, JR.
Secretary

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

RESOLUTION

USE OF HALL OF HOUSE GRANTED

Mr. HERBERT B. COHEN offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 3, 1937.

Resolved That the use of the Hall of the House of Representatives be granted for Tuesday, May 4, 1937, at 12 o'clock noon for the purpose of administering the oath of office to Honorable Warren R. Roberts, the Auditor General elect of this Commonwealth.

REPORT FROM COMMITTEE ON RULES

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer a report from the Committee on Rules.

The report was read by the Clerk as follows:

In the House of Representatives, May 3, 1937.

Resolved (if the Senate concur) That this regular session of the General Assembly adjourn sine die, Friday, May twenty-first, 1937, at 12 o'clock noon.

Signed by the House Committee on Rules:

ROY E. FURMAN
HERBERT B. COHEN
JOSEPH A. SIMON
JOHN J. O'KEEFE
LEO A. ACHTERMAN
JOSEPH OMINSKY

On the question,

Will the House adopt the report?

It was adopted.

Ordered, That the Clerk present the same to the Senate for concurrence.

REPORTS FROM COMMITTEES

Mr. MURRIN, from the Committee on Military Affairs, reported as amended, House Bill No. 524, entitled:

An Act to amend section nine of the act, approved the thirty-first day of May, one thousand nine hundred and thirty-three (P. L. 1108), entitled "An act providing for the appointment, promotion, reduction, removal and reinstatement of paid officers, firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureaus of electricity in cities of the second and third class; defining the powers and duties of civil service commissions for such purposes; and fixing penalties," by providing for preferences to veterans in the appointment of such officers, firemen, operators and inspectors.

Mr. MURRIN, from the Committee on Military Affairs, reported as amended, House Bill No. 525, entitled:

An Act to amend clause A of section three hundred two of the act, approved the twenty-ninth day of November, one thousand nine hundred and thirty-three (P. L. 15, 1933-34), entitled as amended "An act to regulate and restrain the sale, manufacture, possession, transportation, importation, traffic in, and use of alcohol, and alcoholic and malt or brewed beverages; conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents, the Department of Public Instruction, other officers of the State government, courts, and district attorneys; authorizing the establishment and operation of State stores for the sale of such beverages not for consumption on the premises, and the granting of licenses, subject to local option, to sell such beverages for consumption on and off the premises; forbidding importation or bringing of such beverages into the State except as herein provided; prohibiting certain sales or practices in, connection with, and transactions in such beverages by licensees and others; making disposition of the receipts from State stores and of fees; and imposing penalties," as reenacted and amended; providing further preferences to veterans in civil service examinations.

Mr. COAKLEY, from the Committee on Insurance, reported as committed, House Bill No. 2224. (Senate Bill No. 756), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualificatio regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority.

Mr. YOURISHIN, from the Committee on Labor, re-reported as amended, House Bill No. 2172, (Senate Bill No. 639), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing for exclusive judicial review and prohibiting injunctions against the Board providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties.

Mr. MORAN, from the Committee on Municipal Corporations, re-reported as committed, House Bill No. 732, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police omen Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants in counties cities (except cities of the first class) boroughs towns and townships maintaining a uniformed police force creating a civil service commission in each county city borough town and township defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townhips impoing penalties and repealing inconsistent laws.

Mr. MURRIN, from the Committee on Military Affairs, reported as amended, House Bill No. 523, entitled:

An Act to amend section two of the act, approved the eleventh day of May, one thousand nine hundred and twenty-three (P. L. 203), entitled "An act providing that any persons who was engaged in the military or naval service of the United States during any war in which the United States was engaged, and having an honorable discharge therefrom, shall receive credit for the experience and training derived from such service in civil service examinations," by giving such persons certain additional preference in civil service examinations.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Checks for mileage are now ready in the Chief Clerk's office. They represent mileage for seventeen weeks. Also, the members will find a new House Bulletin in their postoffice boxes.

The SPEAKER. The Chair wishes to interrogate the gentleman from Washington, Mr. Patterson.

The Chair now yields to his counsel, the gentleman from York, Mr. Cohen.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to interrogate the gentleman from Washington, Mr. Patterson.

The SPEAKER. The gentleman will proceed.

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to ask the gentleman how it feels to be fifty years old today.

The SPEAKER. The gentleman from Washington, Mr. Patterson, yields to the gentleman from Blair, Mr. Perry.

Mr. PERRY. Mr. Speaker in answer to the interrogation of the gentleman from York, Mr. Patterson has asked me to advise the members of the House that he has found the first forty-nine years the hardest but that he has hopes for the next thirty.

Mr. TURNER. Mr. Speaker and members of the House I sincerely regret that the gold pass which friends of Mr. Patterson sent over was not quite in order. It was understood that this pass should be for the man from Allegheny County, but it said that he was over fifty years of age. I told them that that was incorrect, but they said they noticed his youthful appearance and they thought it was all right. I sent it back and they said it would be here again tomorrow. It is a gold and diamond studded for the champion good fellow of his age. I can only say, Mr. Speaker, that I felicitate the gentleman from Washington and hope when I get to be fifty years of age,— I hope if I ever become fifty years of age again— I mean if I look to be fifty—that is if I look like Cliff Patterson, or if I were fifty—Oh Heck.

ANNOUNCEMENTS

Public hearings:

Tuesday, May 4th at 10 a. m. on House Bill 1211 in the House Caucus Room before the Committee on Ways and Means.

Tuesday, May 4th at 4 p. m. on House Bill No. 1753 in the House Caucus Room before the Committee on State Government.

Tuesday, May 4th at 4 p. m. on House Bill No. 1800 in Room 101, on the first floor to the left of the main entrance before the Committee on State Boards.

Committee meetings for tomorsow:

Agriculture at 10 a. m. in Room 521.
Banking at 10:30 a. m. in Room 325.
Corporations at 12:30 p. m. in Room 245.
Counties after the session in Room 324.
Elections at 11 a. m. in Room 301.
Game at 10:30 a. m. in Room 546.

Judiciary General at 11 a. m. in Room 325.
Labor after the session in Room 521.
Military Affairs at 12:30 p. m. in Room 101.
Motor Vehicles at 11 a. m. in Room 323.
Municipal Corporations at 12 noon in Room 301.

ADJOURNMENT

Mr. DUBBS. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:30 p. m.

The motion was agreed to, and (at 12:35 p. m.) the House adjourned until Tuesday, May 4, 1937, at 1:30 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., TUESDAY, MAY 4, 1937. No. 52.

SENATE

TUESDAY, MAY 4, 1937.

The Senate met at one o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, LL.D. offered the following prayer:

Unto Thee we lift up our eyes, O Thou that dwellest in the Heavens! Ye, Thou art near! With Thee are mercy and plenteous grace.

We pray for all who labor in the public cause. Bless especially, the varied new ministries of State, and those whom they would serve.

Attend with Thy blessing, those who by the choice of a free people are at this season entering upon their important tasks.

Bestow Thy Grace upon the transactions of this day. May we seek only Thy glory, in the honor, peace and happiness of our Commonwealth.

We pray, in the Name of Him who came, not to be ministered unto, but to minister. Amen.

JOURNAL APPROVED

The PRESIDENT—A quorum of the Senate being present, the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. RICE, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING HOUSE BILLS Nos. 639, 657, 1189 and 1200

ENDORSING HOUSE BILL No. 896, SENATE BILL No. 402

Petition from Warren Curlin Grange, Bradford County opposing House Bills No. 639, No. 657, No. 1189 and No. 1200 and endorsing House Bill No. 896, Senate Bill No. 402.

Which was referred to the Committee on Highways.

OPPOSING TAX ON FUEL OIL

Communication from F. J. Heffner, of Sinking Spring, Pa., opposing the Tax on Fuel Oil.

Which was referred to the Committee on Finance.

COMMUNICATION FROM VALLEY FORGE PARK COMMISSION

The Chair cleared his table and laid before the Senate the following communication:

COMMONWEALTH OF PENNSYLVANIA
VALLEY FORGE PARK COMMISSION

Valley Forge, Pa. April 30, 1937.

Hon. Thomas Kennedy,
Lieutenant Governor,
President of the Senate,
Harrisburg, Pa.

Dear Sir:

I have been instructed by the Valley Forge Park Commission to invite your honorable body to visit Valley Forge Park during the week of May 3rd to 10th.

At this time the Dogwood is in bloom and it is a sight well worth seeing, in addition your Commission is most desirous of having you visit this historic shrine and to view the condition of the Reservation during the tenure of its office.

Respectfully,

W. R. Tucker, Jr.
Secretary.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows, and referred to the Committee on Executive Nominations.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office,
Harrisburg, May 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from date of confirmation:

ALLEGHENY COUNTY

Mrs. Jeannette J. Blumenstein, McKeesport.
Harry L. Neff, 106 Federal St., Pittsburgh.

BERKS COUNTY

Chester A. Mohn, Bernville.

PHILADELPHIA COUNTY

J. W. Kane, 1012 Chestnut St., Philadelphia.

SOMERSET COUNTY

F. P. Petonic, Windber.

WESTMORELAND COUNTY

Miss Sara E. Zimmerman, Greensburg.

YORK COUNTY

Earl L. Lehman, Mount Wolf.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives being introduced, presented for concurrence bills of the House of Representatives as follows:

House Bill No. 1055 (Senate Bill No. 1146), entitled:

An Act to further amend clause twenty-three of section one thousand two hundred and ten of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "Public School Code," as added, prohibiting the payments of appropriations to school districts failing to pay minimum salaries and increments prescribed for members of teaching and supervisory staffs.

Which was committed to the Committee on Education.

House Bill No. 1325 (Senate Bill No. 1147), entitled:

An Act to add Section 48.1 to the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 447), entitled "Fiduciaries Act of 1917," by providing for the apportionment of estate taxes in certain cases.

Which was committed to the Committee on Judiciary General.

House Bill No. 1411 (Senate Bill No. 1148), entitled:

An Act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and seventeen (P. L. 21), entitled "Optometrists' Licensure Law," by conferring certain powers on the State Board of Optometrical Examiners; further regulating and providing for the licensing of branch offices; prescribing additional grounds for refusing, cancelling, revoking or suspending licenses; and making certain changes as to persons who are and those who are not subject to the provisions of the act.

Which was committed to the Committee on State Boards.

House Bill No. 1557 (Senate Bill No. 1149), entitled:

A Joint Resolution proposing an amendment to Article nine, Section eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

House Bill No. 2011 (Senate Bill No. 1150), entitled:

An Act authorizing certain persons to bring suit against the Commonwealth to recover wages and compensation due for certain work performed on state highways; and imposing liability on the Commonwealth therefor.

Which was committed to the Committee on Highways.

REPORTS FROM COMMITTEES

Mr. THOMPSON, from the Committee on Judiciary General, reported as committed, Senate Bill No. 214, entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases; and defining the powers of the court in such cases.

Also, from the Committee on Judiciary General, reported as amended, Senate Bill No. 441, entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name and regulating the service of process and pleadings in such cases.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1105, entitled:

An Act concerning proxies; authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 436, entitled:

An Act to further amend section one of the act approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 479) entitled, as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants, persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants," by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 741, entitled:

An Act to provide for contribution among tortfeasors.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 785, entitled:

An Act authorizing political sub-divisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties, interest and costs due thereon against claims and accounts due by such political sub-divisions.

Also, from the Committee on Judiciary General, reported as committed, Senate Bill No. 1055, entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades and occupations in the Department of Public Instruction.

Mr. HEYBURN, from the Committee on County Government, re-reported as amended, Senate Bill No. 337, entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers, sailors and marines who served in the Civil War and providing for the use, upkeep and management and control of such halls.

Mr. RUTH, from the Committee on Elections, reported as amended, Senate Bill No. 1061 (House Bill No. 1769), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and pri-

maries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissions registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers department and bureaus police officers courts judges prothonotaries sheriffs county commissionsers peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 1058 (House Bill No. 1642), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace ocers county treasurer county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

Allso, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1074, entitled:

An Act providing a method of annexation of boroughs to cities of the third class; and regulating the proceedings pertaining thereto.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 871, entitled:

An Act to amend the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third fourth fifth sixth seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by conferring on such counties the power to adopt ordinances and resolutions; providing for the zoning and the regulation of the location, height, bulk and use of buildings and other structures and of the uses of land, and the requirement of building permits, in the portions of counties lying outside of cities, boroughs and townships of the first class; providing for the creation, organization, powers and duties of county zoning commissions and boards of adjustment; imposing duties on the State Planning Board and on State Officials, departments and agencies; and prescribing penalties

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 872, entitled:

An Act to amend Article six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for county and regional planning, and the creation, organization and powers of county and regional planning commissions, and imposing duties on certain city, borough, town and township authorities.

Mr. KILGALLEN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 262, (House Bill No. 620), entitled:

An Act to authorize cities of the third class, boroughs, and townships to sue out writs of scire facias on certain municipal claims, or to proceed to judgment upon writs of scire facias issued, or to revive judgments on such claims, where more than five years have elapsed since said claims were filed, such writs of scire facias were issued, or such judgments were entered or revived, and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments, and the liens thereof.

Also, from the Committee on Municipal Government, reported as amended, Senate Bill No. 1101, (House Bill No. 2055), entitled:

An Act authorizing any county of the second class and any city in any such county in which the county seat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses.

Mr. KUNKEL, from the Committee on Aeronautics, reported as committed, Senate Bill No. 715, (House Bill No. 1032), entitled:

An Act to amend section four hundred ninety-two of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as added, providing for county airports.

Mr. LAW, from the Committee on Aeronautics reported as committed, Senate Bill No. 675, entitled:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones; conferring additional powers and duties upon the Department of Revenue, counties, municipalities and certain persons, firms, and corporations, including public service companies; restricting existing remedies and providing additional remedies; making an appropriation from the Motor License Fund, and providing penalties.

Mr. JASPAN, from the Committee on County Government, reported as committed, Senate Bill No. 1016 (House Bill No. 1733), entitled:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class and the rate of interest to be paid by such depositories to such counties

Mr. EALY, from the Committee on County Government, reported as committed, Senate Bill No. 950, entitled:

An Act relating to the settlements of accounts of collectors of county taxes; providing for procedure in such cases and for appeals to courts of common pleas.

Mr. MALLERY, from the Committee on Municipal Government, reported as committed, Senate Bill No. 976 (House Bill No. 1608), entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs,

and revising, amending, and consolidating the law relating to boroughs;" by further regulating contracts by boroughs.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 977, (House Bill No. 1609), entitled:

An Act to further amend the act approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. five hundred nineteen) entitled, "An act concerning boroughs and revising, amending and consolidating the laws relating to boroughs," by further regulating the affairs of boroughs and revising, amending and changing the law relating thereto.

Mr. BEAN, from the Committee on Municipal Government, reported as committed, Senate Bill No. 699, (House Bill No. 1297), entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the non-payment of taxes and the re-conveyance or private sale of such property.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 931, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Mr. WOLFENDEN, from the Committee on County Government, reported as committed, Senate Bill No. 1007, entitled:

An Act to add section four hundred seven and one-tenth to the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second ,third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositories in counties of the second class; and defining their powers and duties.

Also, from the Committee on Municipal Government, reported as committed, Senate Bill No. 1067, entitled:

An Act to amend section five hundred and one of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by changing the requirements relating to the annexation of boroughs and townships to cities of the third class; and defining the phrase "taxable inhabitants."

Mr. OWLETT, from the Committee on County Government, reported as committed, Senate Bill No. 1034, (House Bill No. 1712), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198) entitled, "An act to establish a county court for the County of Allegheny and prescribing its powers and duties, regulating the procedure therein and providing for the expenses thereof," increasing the powers now exercised by the judges of said County Court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

Also, from the Committee on County Government, reported as committed, Senate Bill No. 999, entitled:

An Act to amend section three hundred eleven, as amended, of the act approved the second day of May, one thousand nine hundred twenty-nine (P. L. 1278) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, and seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

Mr. DEITRICK, from the Committee on Aeronautics, reported as amended, Senate Bill No. 686, (House Bill No. 1071), entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

Mr. RANKIN, from the Committee on County Government, reported as amended, Senate Bill No. 982, (House Bill No. 1802), entitled:

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must b made.

Mr. MUNDY, from the Committee Welfare, re-reported as amended, Senate Bill No. 411, entitled:

An Act relating to public assistance, including unemployment relief, mothers' assistance, old age assistance, and pensions for the blind, defining the purposes for which moneys appropriated for unemployment relief may be expended, prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments, county officers, poor directors and courts of common pleas, creating county assistance boards and prescribing their powers and duties and prescribing penalties.

BILLS INTRODUCED

Mr. JASPAN read in his place and presented to the Chair Senate Bill No. 1151 entitled:

An Act to amend section one as amended, sections one and five-tenths and two and five-tenths as added, section seventy as amended, and section seventy and three-tenths as added to the act, approved the seventh day of June one thousand nine hundred and eleven (P. L. 680), entitled "An act providing for the examination, licensure, and registration of persons, firms, or corporations engaged or engaging in the business or work of plumbing or house drainage, and cesspools in cities of the first class; and imrequirements for the construction of plumbing, house drainage, and cesspools incities of the first class, and imposing fines, penalties, and forfeitures for violation thereof," by exempting from the provisions of this act work upon water piping, and fixtures attached thereto, when directly or indirectly connected ni the city service water supply.

Which was committed to the Committee on City Government.

Mr. STIEFEL read in his place and presented to the Chair Senate Bill No. 1152 entitled:

An Act to amend section twenty-one of the act, approved the seventh day of June, one thousand nine hundred and seventeen (P. L. 360), entitled "An act relating to the organization, jurisdiction and procedure of the orphans' courts; the powers and duties of judges thereof; and

appeals therefrom," by authorizing the orphans' court to conduct jury trial to determine issues awarded by it; and regulating the procedure and appeals in such cases.

Which was committed to the Committee on Judiciary General.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BLLL No. 555.

Mr. SHAPIRO. Mr. President, I call up from the table the report of the Committee of Conference on House Bill No. 555 printer's number 783.

The report was read as follows:

To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering House Bill No. 555, entitled: "An Act To amend sections two, four, five, eight, thirteen, fifteen, sixteen, seventeen and twenty-three of the act approvd the twenty-sixth day of May one thousand nine hundred and twenty-three, (P. L. 1076), entitled 'An act to provide for the organization, incorporation, operation and supervision of cooperative savings and credit associations to be termed credit unions; designating such credit unions as corporations and defining their powers and duties; conferring certain powers and duties on the Department of Banking; and providing penalties,' changing certain requirements for incorporation; providing for the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions," respectfully submit the following bill as our report:

C. W. SONES
HARRY SHAPIRO
C. GILBERT WOLFENDEN
(Committee on the part of the Senate.)

HENRY M. DUBBS, JR.
SAMUEL A. BLANK
DAVID R. PERRY
(Committee on the part of the House of Representatives.)

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporation providing for the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corporations and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" are hereby amended to read as follows

Section 2 Method of Incorporation A credit union may be incorporated in the following manner to wit

A The articles of association of an intended credit union must be subscribed to by seven citizens of this Commonwealth and shall set forth

I The name of the proposed credit union which shall contain the words "credit union"

II The class of services to be performed by the credit union which services shall be within the scope of activities of such associations as set forth in this act

III The principal place where its business is to be transacted which shall be within this Commonwealth

IV The term for which it is to exist

V The [amount of its capital stock and the number and] par value of its shares [into which it is divided] which par value shall not exceed ten ($10) dollars for each share the names and post office addresses of the subscribers and the number of shares subscribed by each

VI The number of its directors for the first year not less than five the names and residences of those who are chosen for directors for the first year and the name and residence of the treasurer

VII The common bond of membership [whether of occupation association or residence within a well defined neighborhood community or rural district]

VIII Any other provisions not inconsistent with law which the proposed credit union may see fit to adopt governing the regulation and conduct of its affairs

B Notice of the intention to apply for any such charter shall be [inserted in one newspaper of general circulation] advertised one time in a newspaper of general circulation and one time in a legal newspaper as defined by law printed in the county where the principal place of business is situated [for one insertion] setting forth briefly the character and purpose of said corporation and the kind of service to be performed by it such advertisement shall be published at least three days prior to the day fixed in the advertisement for the presentation of the application to the [Governor] Department of Banking

C The articles of association shall be acknowledged by not less than [five] seven of the subscribers thereto before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

D Said articles of association accompanied with proof of publication of the notice hereinbefore provided to be given [a copy] two copies of the proposed by-laws for the general governance of the credit union [, and a certificate of approval by the Department of Banking of this Commonwealth to such application and proposed by-laws] shall then be presented to the [Governor of this Commonwealth] Secretary of Banking who shall examine the same and if he finds [it] the application in proper form and within the purpose mentioned in this act he shall indorse his approval thereon and [direct letters patent to] forword the application to the Department of State The Secretary of the Commonwealth shall then issue a certificate of incorporation in form similar to those issued to business corporations [of the second class] in the Commonwealth which [letters patent] shall incorporate the subscribers and their associates and successors into a body politic and corporate in deed and in law by the name chosen Said articles of association shall be recorded in the office of the Secretary of the Commonwealth in a book to be by him kept for the purpose Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth

E [The original articles of association together with all indorsements shall be recorded in the office of the recorder of deeds in and for the county where the principal place of business is situate From thenceforth the subscribers thereto their associates and successors shall be a body

politic and corporate for the purposes and upon the terms named in the said articles of association Certified copies of the records thereof shall be competent evidence for all purposes in the courts of this Commonwealth] The articles of association may be amended by including the proposed amendments in the call for the regular or special meeting at which such amendments are to be considered Amendments to the articles of association must be approved by three-fourths of the members present at the regular or special meeting at which the amendments are considered and the proposed amendments shall be acted upon only in the event that a quorum of the members is present as provided in the by-laws of the credit union Articles of amendment shall be filed with the Secretary of Banking who if he approves the amendments shall forward the articles of amendment to the Department of State The Secretary of the Commonwealth shall then issue a new certificate of incorporation and shall record the articles of amendment in the office of the Secretary of the Commonwealth upon payment of the usual filing fee The articles of amendment shall set forth

I The name and principal place of business of the credit union

II The amendment or amendments as adopted by the members

III The date of the meeting at which the amendment or amendments was adopted

IV That notice of the meeting at which the amendment or amendments was considered was given to each member as provided in the by-laws

V That at the meeting at which the amendment or amendments was considered a quorum of the members was present as provided in the by-laws

VI That the amendment or amendments was approved by three-fourths of the members then present

The articles of amendment shall be signed by the President and Clerk of the credit union and acknowledged before any officer authorized to take acknowledgments and administer oaths and affirmations in this Commonwealth and they shall also make and subscribe an oath or affirmation before said officer that the statements contained therein are true

Section 4 Membership Credit union membership shall consist of the incorporators and such other persons as may be elected from time to time to membership and who subscribe to at least one share of the capital stock and pay the initial installment thereon together with the entrance fee Organizations incorporated or otherwise composed principally of the same general group as the credit union membership may be members Credit union organizations shall be limited to groups of both large and small membership having a common bond of association by reason of occupation [or to groups] within a well defined neighborhood community or rural district

Section 5 Reports and Examination Credit unions shall be under the supervision of the Department of Banking of the Commonwealth and shall report to it as often as may be required by the Secretary of Banking and at least annually on blanks supplied by the said department for that purpose Supplementary reports may be required by the secretary from time to time Credit unions shall be examined as often as may be required by the Secretary of Banking and at least annually and the department may use such other method of assuring itself of the condition of the credit unions as it shall deem advisable The cost of all such examinations and inspections shall be paid by the credit union [except that no charge shall be made for any examination by the department made during the first six months of operation of a credit union] A credit union shall also pay annually its proportionate share of the overhead expense of the said Department of Banking determined in the same way and manner as may be provided from time to time for banks or trust companies operating under the supervision of the department For failure to file reports when due unless excused for cause a credit union shall pay to the Department of Banking five dollars ($5.00) for each day of its delinquency If the department determines that the credit union is violating any of the provisions of this act or is insolvent the department may serve notice on the credit union of its intention to revoke its certificate of approval and if such violation continues or such insolvency continues for a period of fifteen days after the mailing of such notice the department may revoke the certificate and take possession of the business and property of the credit union and retain possession until such time as it shall comply with the requirements of this act or until its affairs are finally liquidated The department may take similar action if any report is not filed within a period of fifteen days after it is due

Section 8 Directors and Officers A At the first meeting the directors shall elect from their own number a president a vice-president a treasurer and a clerk The same individual may be both treasurer and clerk The directors shall have general management of the affairs of the credit union and are specifically required

(a) To act on applications for membership

(b) To determine interest rates on loans

(c) To fix the amount of the surety bond which shall be required of all officers and employes handling money

(d) To declare dividends and to transmit or cause to be transmitted to the members all proposed amendments to the by-laws

(e) To fill vacancies in the board and in the credit committee until successors are duly chosen and qualified

(f) To determine the maximum individual share holdings and the maximum individual loan which can be made with or without security and

(g) To have charge of investments other than loans to members

B Duties of the officers shall be as determined in the by-laws [No member of the board or of either committee shall as such be compensated] A member of the board of directors and members of the credit committee and the supervisory committee may be compensated if the credit union paid a dividend of not less than three per centum (3%) from the earnings of the last preceding year provided however that the Secretary of Banking may prohibit or regulate the payment of compensation if he deems such compensation excessive or if in his opinion the financial condition of the credit union is not such as to warrant the payment of such compensation

Section 13 Rates and Fines Interest rates on loans made by a credit union to its members shall not exceed the rate of six per centum (6%) per annum when discounted on loans which are repayable in equal installments [over one year except that in addition] or the rate of twelve per centum (12%) per annum when calculated on the unpaid principal balances For failure to pay an installment or installments on a discounted loan when due [or to make payments on subscribed shares when due] a fine may be charged which shall in no case exceed one-fourth of one per centum (¼ of 1%) for each week of delinquency on the amount in arrears except that a minimum fine of five cents may be charged When interest is calculated on the unpaid principal balances it shall be computed for the actual number of days which have elapsed at the time of payment and no other charges or fines shall be collected For failure to make payments on subscribed shares a fine may be charged at the same rate and in the same manner as the fine permitted for failure to pay loan installments when due

Section 15 Loans A credit union may make loans to its members only Loans must be for a purpose deemed by the credit committee to be provident or for productive purposes and must be made subject to the conditions contained in the by-laws A borrower may repay his loan in whole or in part any day the office of the credit union is open for business A director officer or member of any committee may only borrow from the credit union in which he holds office an amount not exceeding his toatl share holdings plus the total share holdings free and unpledged of any endorser on the obligation of such director officer or member of any committee No director officer or member of any committee may [borrow from] endorse a loan granted by the credit union in which he holds office [nor may he indorse for borrowers]

Section 16 Reserves All entrance fees [fines which may

be provided for in the by-laws for failure to make repayments on loans and payments on shares when due] collected and [each year before the declaration of a dividend] twenty per centum (20%) of the annual net earnings shall be set aside as a reserve fund which shall be kept liquid and intact and not loaned out to members provided however that when the reserve fund thus established shall equal ten per centum (10%) of the total amount outstanding in loans to members the credit union may upon written approval of the Secretary of Banking reduce the amount annually set aside from net earnings to ten per centum (10%) and provided further that when the reserve fund shall equal twenty per centum (20%) of the amount outstanding in loans to members the credit union may upon written approval of the Secretary of banking discontinue increasing the reserve fund The reserve fund thus created shall belong to the credit union and shall be used as a reserve against bad loans and shall not be distributed except in case of liquidation Any amount received from the repayment of a loan after it has been charged off against the reserve fund shall be credited back to said fund

Section 17 Dividends On recommendations of the directors a credit union may at the end of the fiscal year declare a dividend from net earnings which dividend shall be paid on all shares outstanding at the end of the fiscal year Shares which become fully paid up during the year shall be entitled to a proportional part of such dividend calculated from the first day of the month following such payment in full The equivalent of the par value of one share of stock shall be considered as a full paid share in the calculation of dividends Dividends may be added to the credit of the members' share accounts or paid in cash at the option of the board of directors

Section 23 Taxation A credit union organized under this act shall be deemed an institution for savings and its assets together with all the accumulations therein shall not be subject to taxation except as to real estate owned by it The shares of a credit union shall not be subject to a capital stock bonus tax or a stock transfer tax when issued by the corporation

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Will the Senate agree to the report?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BUCKMAN. Mr. President, I rise to a question of parliamentary inquiry.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his question of parliamentary inquiry.

Mr. BUCKMAN. Mr. President, I would like to ask if this conference report is noted on the calendar?

The PRESIDENT. The Chair understands that the report is not noted on the calendar.

POINT OF ORDER

Mr. BUCKMAN. Mr. President, I rise to a point of order.

The PRESIDENT. The Senator from Bucks, Mr. Buckman, will state his point of order.

Mr. BUCKMAN. Mr. President, under Rule 21 of the Senate this report cannot be voted upon unless it is on the calendar.

The PRESIDENT. The Chair has already said that while Rule 21 requires the report to appear on the calendar, it has not been the practice heretofore, at least during my term, to spread the conference reports on the calendar, notwithstanding that in the rule it is so provided.

Mr. SHAPIRO. Mr. President, I move that Rule 21 be suspended in connection with voting on this conference report.

Mr. CAVALCANTE. Mr. President, I second the motion.

Mr. BUCKMAN. Mr. President, perhaps I can save the time of the Senate by withdrawing my motion, but I desire to serve notice that hereafter we would like to have all conference reports noted on the calendar. I ask that the Senator from Philadelphia briefly explain the bill.

Mr. SHAPIRO. Mr. President, this is an Act dealing with credit unions. The bill passed the House and then the Senate amendments were inserted restoring the bill to its original form permitting credit unions to be formed by fraternal organizations. The original purpose of the bill was to bring a law into Pennsylvania in conformity with the Federal Credit Union Law. The two amendments were, first, to strike from the Act the provision of the bill permitting credit unions to be formed by fraternal organizations, and, secondly to give credit on account of interest paid in advance on loans the payment of which was anticipated. The House refused to concur in those amendments, and a conference committee agreed and submitted the report that is now before the Senate for action, eliminating amendments dealing with a refund of interest paid in advance, but sustaining the amendment prohibiting the formation of credit unions made by fraternal organizations. This report is before the Senate at this time.

Mr. SALUS. Mr. President, I have listened to the explanation of the Senator from Philadelphia, Mr. Shapiro, part of it I heard and part of it I did not hear, but I think it is high time that we members of the Senate know what we are voting on. We have rules in the Senate and these rules are there to be lived up to and we are supposed to live up to them. The rules either represent what they are supposed to represent or they represent nothing. This is either a Legislative body ruled by rules and regulations, or it is a wild, unruly, trammeled institution that means nothing. Every man in this Senate should know every word in every bill that comes to this Senate, and we ought to know what we are voting on unless we do not care why we are here.

Now, I do not believe there are two men, or more than a half dozen men here who know what this bill is about, but there is one thing certain that the Senate and the House did not agree on this bill. There were differences of opinion, and then this conference committee gets together and tries to patch up that difficulty. We do not know whether the conference committee patched it up as we may want it, and I think that it is fair to every member of the Senate that these bills be put on the calendar in order that a man might know what he is voting upon. I dare say that out of the fifty men here there are not five men who have voted on this bill know exactly what they are voting on. It is unfair to the Senate and it is unfair to the people of Pennsylvania for a man to stand here and vote on something when he does not know what it is all about. We either ought to have rules, or there ought to be some one who will get up and make a motion to abolish the rules and let it be a free for all bar-room fight.

The PRESIDENT. May the Chair inform the members of the Senate that the conference reports are printed and

were on the desks of the Senators before voting. They were not spread on the calendar nor noted on the calendar for the simple reason that in my memory the Republican majority has at all times suspended the rule — they were never spread on the calendar and we were following the same procedure yesterday as was outlined by the Republican majority for many years. Now, it is up to the Senate, if they want to spread these conference reports on the calendar in the winding up days of this session, the only things that you will have on the calendar are the conference reports and amendments, and the Chair rules that these reports be put on the calendar unless the Senate rules be suspended.

Mr. SHAPIRO. Mr. President, I agree with the statement of the Senator from Philadelphia, Mr. Salus, that the Senators ought to read bills before they vote on them but I would like to call the attention of the Senator to the fact that he has raised the question too late. This bill was passed by the Senate and voted on three times; it was before the Senate on three separate occasions on the calendar and has been in the files for more than two or three weeks, and the conference report has been on the desks of the Senators for at least two days. The only difference in the bill in its present form and at the time it was voted on first, second and third readings, is in the matter of the conference committee's report and that was the one striking out the provision which allowed a reduction in the amount of interest anticipated in the payment. Therefore, if the Senator has not read the bill, and only five of them have read the bill, the crime of the other 44 or 45 Senators was committed last week, and I suggest that the punishment be dealt accordingly, and at this time we proceed to adopt the report of the Committee of Conference.

Mr. SALUS. Mr. President, this bill as it is presented to the members of the Senate today in the conference report is a brand new bill, it is not a bill that was on the calendar here, it is not a bill that was on the calendar in the House, it is a brand new bill, and if the conference report changes it, we have a right to know what it is. I do not question the statement of the Senator from Philadelphia, Mr. Shapiro, that he is telling us what is in the bill, but we ought not to be obliged to depend on the statement of any one man, we ought to know what is in the bill, and if it is a bill of great importance we ought to have an opportunity to know what we are voting on. Whether somebody made a mistake before, or did something that was wrong, that does not alter the question that I am interested in, because of yesterday do not make mistakes of today right.

Mr. BUCKMAN. Mr. President, I do not want to delay the argument, but I want to refer to the statement that the Chair made a few moments ago that it has been the custom of the Republican majority in this Senate to act on conference committee reports without their being on the calendar. I speak with twenty-eight years' experience here, and only at the very end of the sessions was this Rule 21 suspended in order that the conference committee reports might be considered without having them noted on the calendar, and this was not the custom, but there were exceptions to it, of course, but in each case if the record in the Journal were looked up it would be found that in the closing days of the session, on some very special occasions, the Rule was suspended, but it has been the custom to note the reports on the calendar.

The PRESIDENT. That conforms with the statement of the Chair.

And the question recurring,

Will the Senate agree to the report?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—38

Bean,	Gelder,	Law,	Rice,
Buckman,	Gilson,	Mallery,	Rodgers,
Cavalcante,	Haluska,	McCreesh,	Ruth,
Chapman,	Heyburn,	McGinnis,	Scarlett,
Deitrick,	Homsher,	Mundy,	Shapiro,
Dent,	Huffman,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kilgallen,	Rankin,	Thompson,
Eroe,	Kunkel,	Reed,	Wolfenden,
Frey,	Lanius,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk inform the House of Representatives accordingly.

BILL OVER IN ORDER

M. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 49 on third reading entitled:

An Act to amend clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction

go over in its order for the present.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed consideration of Senate Bill No. 239, (House Bill No. 60), as follows:

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" are hereby amended to read as follows An act empowering cities [(except cities of the first class)] boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any city (other than a city of the first class) borough incorporated town or township either singly or jointly with other municipalities or townships or both has wholly or partially constructed or shall hereafter wholly or partially construct or complete any sewer or sewage system or sewage treatment works either wholly or partially at public expense or shall have acquired or shall hereafter acquire the same either wholly or partially at public expense or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law or with any private corporation for the furnishing of sewer or sewerage treatment services or both for its or their benefit and the benefit of the inhabitants thereof such city borough incorporated town or township may provide by ordinance or resolution enacted either before or after the acquisition or construction thereof or the entry into such contract for the imposition and collection of an annual rental or charge for the use of such sewer sewage system or sewage treatment works from the owners of the property served or to be served by it whether such property is located within or without the corporate limits of such city borough town or township

The annual rental or charge so imposed shall be a lien on the properties served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims

Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation or other expenses in relation to such sewer sewage system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition of such sewer sewage system or sewage treatment works and interest thereon in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority or private corporation furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served by the said sewer sewage system or sewage treatment works

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—45

Bean,	Gilson,	Lanius,	Rodgers,
Buckman,	Haluska,	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Salus,
Dando,	Howell,	McGinnis,	Scarlett,
Deitrick,	Huffman,	Mundy,	Shapiro,
Dent,	Jacobs,	Owlett,	Sipe,
DiSilvestro,	Jaspan,	Pytko,	Sones,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,			

Nays—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

Mr. SHAPIRO. Mr. President, I call up Senate Bill No. 49, bill on concurrence in House amendments.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 49, as follows:

An Act to amend clause one of section of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 1433) entitled "An act defining the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance control trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and depdendency of children and amending revising and consolidating the law relating thereto" defining the Family Court of Philadelphia as a court having jurisdiction with respect to the care guidance control placement and commitment of delinquent neglected and dependent children under sixteen years of age and eliminating the Municipal Court in the County of Philadelphia as a court having such jurisdiction

Section 1 Be is enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause one of section one of the act approved the second day of June one thousand nine hundred and thirty-three (P. L. 433) entitled "An act denfiing the powers of the courts of quarter sessions the Municipal Court of Philadelphia and the County or Juvenile Court of Allegheny County with respect to the care guidance trial placement and commitment of delinquent dependent and neglected children under sixteen years of age and of persons over sixteen years of age contributing to or encouraging the delinquency neglect and dependency of children and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

(1) The word "court" as used in this act means the Court or Juvenile Court in the County of Allegheny the [Municipal Court in] Family Court of the County of Philadelphia and the court of quarter sessions in all other counties of this Commonwealth

Section 2 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate concur in the same?

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. KILGALLEN. Mr. President, I ask unanimous consent that Senate Bill No. 713 (House Bill No. 904), on final passage, entitled:

An Act relating to peace officers providing for the powers and duties of sheriffs and deputy sheriffs and for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EALY. Mr. President, I ask unanimous consent that Senate Bill No. 725 (House Bill No. 1284), on final passage, entitled:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turnpike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation and authorizing the issuance of turnpike revenue refunding bonds

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 771, entitled:

An Act relating to non-profit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or non-profit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain terms in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Short Title This act may be cited as the "Electric Cooperative Corporation Act"

Section 2 Definitions In this act unless the context otherwise requires

(1) "Corporation" means a corporation organized pursuant to the provisions of this act

(2) "Board" means a board of directors of a corporation organized under this act

(3) "Member" means the incorporators of a corporation and each person thereafter lawfully admitted to membership therein

(4) "Federal agency" includes the United States of America and any department administration commission board bureau office establishment agency authority or instrumentality of the United States of America heretofore or hereafter created

(5) "Person" includes any natural person partnership association corporation business trust Federal agency State or political subdivision thereof or any body politic

(6) "Acquire" means and includes construct acquire by purchase lease devise gift or other mode of acquisition

(7) "Obligations" include bonds notes debentures interim certificates or receipts and all other evidences of indebtedness issued by a corporation

(8) "Rural area" means any area not included within the boundaries of any incorporated or unincorporated city town village or borough having a population in excess of twenty-five hundred inhabitants and not including any area in which a public utility company is furnishing service through existing lines which service is available without the cost of constructing any additional line except that necessitated to carry the service from the highway adjoining the property on which the building structure or place to be served is located The term "rural area" includes both the farm and non-farm population thereof

Section 3 Purpose Non-profit cooperative corporations may be organized under this act for the purpose of engaging in rural electrification by any one or more of the following methods

(1) The furnishing of electric energy to persons in rural areas who are not receiving central station service

(2) Assisting in the wiring of the premises of persons in rural areas or the acquisition supply or installation of electrical or plumbing equipment therein

(3) The furnishing of electric energy wiring facilities electrical or plumbing equipment or services to any other corporations organized under this act or to the members thereof

Section 4 Powers of Corporation Each corporation shall have power

(1) To sue and be sued complain and defend in its corporate name

(2) To have perpetual succession unless a limited period of duration is stated in its articles of incorporation

(3) To adopt a corporate seal which may be altered at pleasure and to use it or a facsimile thereof as required by law

(4) To generate manufacture purchase acquire and accumulate electric energy and to transmit distribute sell

furnish and dispose of such electric energy to its members only and to construct erect purchase lease as lessee and in any manner acquire own hold maintain operate sell dispose of lease as lessor exchange and mortgage plants building works machinery supplies equipment apparatus and transmission and distribution lines or systems necessary convenient or useful

(5) To assist its members only to wire their premises and install therein electrical and plumbing fixtures machinery supplies apparatus and equipment of any and all kinds and character and in connection therewith and for such purposes to purchase acquire lease sell distribute install and repair electrical and plumbing fixtures machinery supplies apparatus and equipment of any and all kinds and character and to receive acquire endorse pledge hypothecate and dispose of notes bonds and other evidences of indebtedness

(6) To furnish to other corporations organized under this act or to the members thereof electric energy wiring facilities electrical and plumbing equipment and services convenient or useful

(7) To acquire own hold use exercise and to the extent permitted by law to sell mortgage pledge hypothecate and in any manner dispose of franchises rights privileges licenses rights of way and easements necessary useful or appropriate

(8) To purchase receive lease as lessee or in any other manner acquire own hold maintain sell exchange and use any and all real and personal property or any interest therein

(9) To borrow money and otherwise contract indebtedness to issue its obligations therefor and to secure the payment thereof by mortgage pledge or deed of trust of all or any of its property assets franchises revenues or income Provided however That the indebtedness of the corporation other than in the usual course of business shall not be increased until the board of directors of the corporation shall adopt a resolution setting forth the desired increase and directing that the question of the proposed increase be submitted for the consent of the members at a meeting to be held after sixty day' notice which notice may be waived in writing and upon such consent the board of directors may proceed to increase the indebtedness

(10) To sell and convey mortgage pledge lease as lessor and otherwise dispose of all or any part of its property and assets

(11) In connection with the acquisition construction improvement operation or maintenance of its lines to use any highway or any right of way easement or other similar property right owned or held by the Commonwealth or any political subdivision thereof

(12) To have and exercise the power of eminent domain for the purpose and in the manner provided by the condemnation laws of this Commonwealth relating to public utility corporations for acquiring private property for public use such right to be paramount except as to property of the Commonwealth or of any political subdivision thereof or any public utility corporation other than one engaged in furnishing electric energy to the public Provided however That the right of eminent domain shall exist in order to cross the lines of any public utility company not furnishing electric energy if such crossing shall be effected in such manner as not to interfere with the service lines or the service of such public utility company

(13) To accept gifts or grants of money services or property real or personal

(14) To make any and all contracts necessary or convenient for the exercise of the powers granted in this act

(15) To fix regulate and collect rates fees rents or other charges for electric energy and any other facilities supplies equipment or services furnished by the corporation

(16) To conduct its business and have offices within or without this Commonwealth

(17) To elect or appoint officers agents and employes of the corporation and to define their duties and fix their compensation

(18) To make and alter by-laws not inconsistent with the articles of incorporation or with the laws of this Commonwealth for the administration and regulation of the affairs of the corporation

(19) To do and perform either for itself or its members or for any other corporation organized under this act or for the members thereof any and all acts and things and to have and exercise any and all powers as may be necessary convenient or appropriate to effectuate the purpose for which the corporation is organized

Section 5 Incorporators Any three or more natural persons of the age of twenty-one or more residents of this Commonwealth may act as incorporators of a corporation to be organized under this act by executing articles of incorporation as hereinafter provided in this act

Section 6 Articles of Incorporations (a) The articles of incorporation shall state

(1) The name of the corporation which name shall include the words "Electric Cooperative" and the word "Corporation" "Incorporated" "Inc" or "Company" and the name shall be such as to distinguish it from any other corporation organized and existing under the laws of this Commonwealth

(2) The purpose for which the corporation is formed

(3) The names and addresses of the incorporators who shall serve as directors and manage the affairs of the corporation until its first annual meeting of members or until their successors are elected and qualify

(4) The number of directors not less than three to be elected at the annual meetings of members

(5) The address of its principal office and the name and address of its agent upon whom process may be served

(6) The period of duration of the corporation which may be perpetual

(7) The terms and conditions upon which persons shall be admitted to membership and retain membership in the corporation but if expressly so stated the determination of such matters may be reserved to the directors by the by-laws

(8) Any provisions not inconsistent with law which the incorporators may choose to insert for the regulation of the business and the conduct of the affairs of the corporation

(b) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act

Section 7 Prohibition on Use of Words "Electric Cooperative" The words "Electric Cooperative" shall not be used in the corporate name of corporations organized under the laws of this Commonwealth or authorized to do business herein other than those organized pursuant to the provisions of this act

Section 8 Execution Filing and Recording of Articles of Incorporation (a) The original copy of the articles of incorporation shall be signed by the incorporartors and acknowledged before any officer authorized by the laws of this Commonwealth to acknowledge the execution of deeds and conveyances It shall be filed in the office of the Department of State If the Secretary of the Commonwealth finds that the articles of incorporation conform to law he shall when the fees prescribed by this act have been paid

(1) Endorse on the original copy the word "Filed" and the month day year of the filing thereof

(2) File the original in his office

(3) Issue a certificate of incorporation to the incorporators

(b) The incorporators shall file for recording a certified copy of the articles of incorporation in the office of the recorder of deeds in the county in which the principal office of the corporation in this Commonwealth is located

Section 9 Effect of Issuance of Certificate of Incorporation Upon the issuance of a certificate of incorporation by the Secretary of the Commonwealth the corporate existence of the corporation shall begin The certificate of incorporation shall be conclusive evidence except as against the Commonwealth that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this act

Section 10 Organization Meeting After the issuance of the certificate of incorporation an organization meeting

shall be held at the call of a majority of the incorporators for the purpose of adopting by-laws and electing officers and for the transaction of such other business as may properly come before the meeting The incorporators calling the meeting shall give at least three days' notice thereof by mail to each incorporator which notice shall state the time and place of the meeting but such notice may be waived in writing

Section 11 By-Laws The power to make alter amend or repeal the by-laws of the corporation shall be vested in the board of directors The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation

Section 12 Exemption of Members from Liability for Debts of Corporation No member shall be liable for the debts of the corporation to an amount exceeding the sums remainin gunpaid on his membership fee but nothing herein shall be construed to relieve any member from the payment of any debt due by him to the corporation

Section 13 Qualification of Members All persons in rural areas proposed to be served by a corporation who are not receiving central station service shall be eligible to membership in a corporation No person other than the incorporators shall be become or remain a member of a corporation unless such person shall use or agree to use electric energy or as the case may be the facilities supplies equipment and services furnished by a corporation A corporation organized under this act may become a member of another such corporation and may avail itself fully of the facilities and services thereof

Section 14 Meetings of Members (a) Meetings of members may be held at such place as may be provided in the by-laws In the absence of any such provision all meetings shall be held in the principal office of the corporation in this Commonwealth

(b) An annual meeting of the members shall be held at such time as may be provided in the by-laws Failure to hold the annual meeting at the designated time shall not work forfeiture or dissolution of the corporation

(c) Special meetings of the members may be called by the president by the board of directors by a petition signed by not less than one-tenth of all the members or by such other officers or persons as may be provided in the articles of incorporation or the by-laws

Section 15 Notice of Members' Meetings Written or printed notice stating the place day and hour of the meetings of members and in the case of a special meeting the purpose or purposes for which the meeting is called shall except as otherwise provided in this act be delivered not less than ten nor more than thirty days before the date of the meeting either personally or by mail by or at the direction of the president or the secretary or the officers or persons calling the meeting to each member of record entitled to vote at such meeting If mailed such notice shall be deemed to be delivered when deposited in the United States mails in a sealed envelope addressed to the member at his address as it appears on the records of the corporation with postage thereon prepaid Notice of meeting of members may be waived in writing

Section 16 Voting by Members Each member present shall be entitled to one and only one vote on each matter submitted to a vote at a meeting of members but voting by proxy or by mail may be provided for in the by-laws

Section 17 Certificate of Membership When a member of a corporation has paid the membership fee in full a certificate of membership shall be issued to such member Memberships in the corporation and the certificates shall be non-transferable The certificate of membership shall be surrendered to the corporation upon the resignation expulsion or death of the member

Section 18 Quorum of Members Unless otherwise provided in the articles of incorporation a majority of the members present in person or represented by proxy shall constitute a quorum for the transaction of business at a meeting of members but if voting by mail is provided for in the by-laws members so voting shall be counted as if present

Section 19 Board of Directors The business and affairs of a corporation shall be managed by a board of directors not less than three in number which shall exercise all the powers of the corporation except such as are conferred upon the members by this act by the articles of incorporation or by the by-laws of the corporation The by-laws may prescribe qualifications for directors

Section 20 Election Qualification and Compensation of Directors The directors other than those named in the certificate of incorporation to serve until the first annual meeting of members shall be elected annually or as otherwise provided in the by-laws by the members The directors shall be members of the corporation and shall be entitled to such compensation and reimbursement for expenses actually and necessarily incurred by them as may be provided in the by-laws

Section 21 Vacancies Any vacancy occurring in the board and any directorship to be filled shall be filled as provided in the by-laws by persons who shall serve until directors may be regularly elected as provided for in this act

Section 22 Quorum of Directors A majority of the board shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the by-laws The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board unless the act of a greater number is required by the articles of incorporation or the by-laws

Section 23 Directors' Meetings Meetings of the board regular or special shall be held at such place and upon such notice as the by-laws may prescribe Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened Neither the business to be transacted at nor the purpose of any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting

Section 24 Officers Agents and Employes (a) The board shall elect from its number a president a vice-president a secretary and a treasurer but the same person may be elected to the office of secretary and treasurer The powers and duties of the foregoing officers as well as their term of office and compensation shall be provided for in the by-laws

(b) The board shall appoint such other officers agents and employes as it deems necessary and fix their powers duties and compensation

(c) Any officer agent or employe elected or appointed by the board may be removed by it whenever in its judgment the best interests of the corporation will be served

Section 25 Executive Committee Any corporation may by its by-laws provide for an executive committee to be elected from and by its board of directors To such committee may be delegated the management of the current and ordinary business of the corporation and such other duties as the by-laws may prescribe but the designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors or any member thereof of any responsibility imposed upon it or him by this act

Section 26 Nonprofit Operation (a) Each corporation shall be operated without profit to its members but the rates fees rents or other charges for electric energy and any other facilities supplies equipment or services furnished by the corporation shall be sufficient at all times

(1) To pay all operating and maintenance expenses necessary or desirable for the prudent conduct of its business and the principal of and interest on the obligations issued or assumed by the corporation in the performance of the purpose for which it was organized and

(2) For the creation of reserves

(b) The revenues of the corporation shall be devoted first to the payment of operating and maintenance expenses and the principal and interest on outstanding obligations and thereafter to such reserves for improvement new construction depreciation and contingencies as the board may from time to time prescribe

(c) Revenues not required for the purposes set forth in subsection (b) of this section shall be returned from

time to time to the members on a pro rata basis according to the amount of business done with each during the period either in cash in abatement of current charges for electric energy or otherwise as the board determines but such return may be made by way of general rate reduction to members if the board so elects

Section 27,Amendment of Articles of Incorporation A corporation may amend its articles of incorporation by a majority vote of the members present in person or by proxy at any regular meeting or at any special meeting of its members called for that purpose The power to amend shall include the power to accomplish any desired change in the provisions of its articles of incorporation and to include any purpose power or provision which would be authorized to be included in original articles of incorporation if executed at the time the amendment is made Articles of amendment signed by the president or vice-president and attested by the secretary certifying to such amendment and its lawful adoption shall be executed acknowledged filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this act and as soon as the Secretary of the Commonwealth shall have accepted the articles of amendment for filing and recording and issued a certificate of amendment the amendment or amendments shall be in effect

Section 28 Consolidation (a) Any two or more corporations may enter into an agreement for the consolidation of such corporations The agreement shall set forth the terms and conditions of the consolidation the name of the proposed consolidated corporation the number of its directors not less than three the time of the annual meeting and election and the name of at least three persons to be directors until the first annual meeting If such agreement is approved by the votes of a majority of the members of each corporation present in person or by proxy at any regular meeting or at any special meeting of its members called for that purpose the directors named in the agreement shall sign and acknowledge as incorporators articles of consolidation conforming substantially to original articles of incorporation of a corporation organized under this act

(b) The articles of consolidation shall be executed acknowledged filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this act As soon as the Secretary of the Commonwealth shall have accepted the articles of consolidation for filing and recording and issued a certificate of consolidation the proposed consolidated corporation described in the articles under its designated name shall be and become a body corporate with all of the powers of a corporation as originally organized hereunder

Section 29 Dissolution (a) Any corporation may dissolve by majority vote of the members present in person or by proxy at any regular meeting or at any special meeting of its members called for that purpose A certificate of dissolution shall be signed by the president or vice-president and attested by the secretary certifying to such dissolution and stating that they have been authorized to execute and file such certificate by votes cast in person or by proxy by a majority of the members of the corporation A certificate of dissolution shall be executed acknowledged filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this act and as soon as the Secretary of the Commonwealth shall have accepted the certificate of dissolution for filing and recording and issued a certificate of dissolution the corporation shall be deemed to be dissolved

(b) Such corporation shall however continue for the purpose of paying satisfying and discharging any existing liabilities or obligations and collecting or liquidating its assets and doing all other acts required to adjust and wind up its business and affairs and may sue and be sued in its corporate name Any assets remaining after all liabilities or obligations of the corporation have been satisfied or discharged shall be distributed pro rata among the members of the corporation at the time of the filing of the certificate of dissolution

(c) Any corporation which purports to have been incorporated or reincorporated under this act but which has not complied with all of the requirements for legal corporate existence may nevertheless file a certificate of dissolution in the same manner as a validly existing corporation The certificate of dissolution in such case may be authorized by a majority of the incorporators or directors at a meeting called by any incorporator upon ten days notice mailed to the last known post office address of each incorporator or director and held at the principal office of the corporation named in the articles of incorporation

Section 30 Fees The Department of State shall charge and collect the same fees as in the case of other corporations for similar services

Section 31 Exemption from Excise Taxes License Fee Corporations formed hereunder shall pay annually on or before July first to the Department of Revenue a fee of ten dollars ($10) for each one hundred members or fraction thereof but shall be exempt from all other State taxes of whatsoever kind or nature

Section 32 Exemption from Jurisdiction of the Pennsylvania Public Utility Commission All corporations organized under this act shall be exempt in any and all respects from the jurisdiction and control of the Pennsylvania Public Utility Commission of this Commonwealth

Section 33 Limited Exemption from Securities Act Whenever any corporation organized under this act shall have borrowed money from any Federal agency the obligations issued to secure the payment of such money shall be exempt from the provisions of the act approved the thirteenth day of April one thousand nine hundred twenty-seven (Pamphlet Laws two hundred seventy-three) commonly known as "The Securities Act" nor shall the provisions of said act apply to the issuance of membership certificates

Section 34 Defectively Organized Corporations In the event any corporation has filed defective articles of incorporation or has failed to do all things necessary to perfect its corporate organization it may nevertheless file corrected articles of incorporation or amend the original articles and do and perform all acts and things necessary in the premises for the correction of such defects The action so taken shall be valid and binding upon all persons concerned and the capacity of such corporation to file corrected articles of incorporation or amendments to the original articles or to do and perform all acts and things necessary in the premises shall not be questioned

Section 35 Act Extended to Existing Corporations Any existing cooperative or nonprofit corporation or associatin organized under any other law of this Commonwealth for the purpose of engaging in rural electrification may by a majority vote of the members present in person or by proxy at a meeting called for that purpose amend its articles of incorporation so as to comply with this act

Section 36 Construction of Act This act shall be construed liberally The enumeration of any object purpose power manner method or thing shall not be deemed to exclude like or similar objects purposes powers manners methods or things

Section 37 Separability of Provisions If any provision of this act or the application of such provision to any person or circumstance is held invalid the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby

Section 38 Act Complete in Itself This act is complete in itself and shall be controlling The provisions of any other law of this Commonwealth except as provided in this act shall not apply to a corporation organized under this act

Section 39 Effective Date This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. JASPAN. Mr. President, The bill as originally introduced — and I am informed it is an Administration bill — is modeled after the one which the Rural Electrification Authority in Washington has set up as a standard

for the various states throughout the country. It permits the organization of nonprofit cooperative associations for rural electrification anywhere in Pennsylvania. Under the original bill, the electrification of the farms in our State approaches, a reality, and the social and economic advantages of low electric rates are placed within the reach of our farmers.

5. An amendment, however, has been inserted which destroys these possibilities. It is a "joker" perpetrated on an unsuspecting rural population. Under this amendment, where the electric company has built a pole line in any rural area, the farmers in that area are not permitted to organize a co-operative association to obtain low electric rates. In other words, although an electric company charges prohibitive rates for service from a line which it may have erected in a given rural area, the amendment prevents the farmers in that area from organizing a co-operative to obtain reasonable rates for the electrification of their farms. I have abundant evidence that many utilities are rushing the completion of so-called "spite" lines in order to frustrate the original purpose of the bill. And most of these lines are of such flimsy construction that they could hardly supply the requirements of more than a few customers.

6. A few weeks ago, John M. Carmody, dynamic chief of the federal R.E.A., who succeeded Morris L. Cooke, in dedicating a co-operative power project at Bradford, Pennsylvania, publicly assailed the Associated Gas & Electric Company for building 100 miles of spite lines in this State to prevent the farmers from organizing to obtain cheap electricity for their farms.

7. Under the Rural Electrification Act of 1936, the R. E. A. is permitted to loan money to co-operatives in those rural areas only which are not receiving central station service. The public utilities throughout the country immediately saw the "joker" in this Act and feverishly commenced to erect spite lines in regions where R. E. A. co-operatives were in the process of formation, thereby technically preventing the R. E. A. from lending financial aid. The result has been that the farmers were unable to organize co-operatives to obtain low-priced current for electrification purposes, nor could they afford the exorbitant rates charged by the private utilities. They were, in a word, stalemated. However, Senator McNary, of Oregon, recently introduced a bill in Congress designed to overcome this difficulty. According to Senator McNary's bill, the passage of which seems assured, the R. E. A. may make loans to co-operatives even though there are private utility lines erected in the area. John Carmody, R. E. A. Administrator, has wholeheartedly endorsed the McNary amendment to the Rural Electrification Act.

8. It should be observed that Senate Bill No. 771 permits a co-operative to borrow money from any agency, and not alone the R. E. A. Therefore, if the co-operatives in Pennsylvania are organized in accordance with the provisions of the original, unamended Senate bill, and money is not obtainable from the R. E. A., they will still be free to borrow money from other sources.

9. It is of utmost importance that the farmers in our State be allowed to form co-operatives wherever they deem necessary and essential for the complete enjoyment of the social and economic advantages of low electric rates.

I, therefore, feel that the amendment on page 3, lines 9 to 15, be stricken out.

MOTION TO RECOMMIT BILL

Mr. JASPAN. Mr. President, I move that this bill be recommitted to the Committee on Public Utilities for the purpose of further amendment.

Mr. THOMPSON. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. REED. Mr. President, this bill has been on the calendar several times. It is a bill that provides for the formation of cooperatives for the purpose of electrifying small rural areas. The time is coming when this Senate is going to adjourn, and I feel that if this bill goes back into committee and is amended, and comes back on the floor and is discussed again on the floor and perhaps held up as it has been for some considerable time over proposed amendments and other things, we will get no law at all on this very important subject so I feel that we should vote on this bill today and pass in its present form, and then if anyone wants to offer amendments, there is plenty of time when it gets to the House, and we will not loose the purpose, the real purpose and effect of this bill. I sincerely hope that the members of this Senate will not agree to send this very important bill back to the committee from which it might never return at this session.

Mr. JASPAN. Mr. President, I withdraw my motion to recommit.

Mr. THOMPSON. Mr. President, I withdraw my second.

The PRESIDENT. The motion to recommit the bill is withdrawn.

And the question recurring,

Shall the bill pass finally?

Mr. THOMPSON. Mr. President, I cannot help but feel that the amendments concerning which the Senator from Philadelphia has spoken are very important to the satisfactory operation of this bill, in many rural areas, in fact in most rural areas, because the general service line is not comparative with the cost of the original service line, and the method of accounting and financing the construction of the service lines to the individual consumer has been a method by which many utility companies, and particularly the one that the Senator refers to, namely, the Associated Gas & Electric Company, has used for years to hamper the satisfactory construction of electrical facilities to rural consumers.

I think it is important that the amendments be stricken from this bill and for that purpose, I move that the vote by which the bill passed third reading be reconsidered.

Mr. JASPAN. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, I think this motion should not prevail. We are trying to put through a bill here that has been talked about for several years throughout Pennsylvania. It gives the rural people a chance against the big utilities, and, of course, we cannot pass a bill the first time we have it here that will be satisfactory to everybody. This bill meets with the approval, might I say, of the Administration, which is backing the bill, and it will not go through the Senate if we eliminate all

of these amendments. In other words, the motion has the effect of killing the bill precisely the same as the motion of the Senator of Philadelphia, Mr. Jaspan would have had, and would have effected the killing of the bill. I think the Senate should support the bill for the reason that we are doing the best we can do with it. We will have future sessions of the Senate, and if necessary to modify the bill, let us do it at that time, but at this time we already have a good substantial bill and we can work under it. I hope the Senate defeats this motion.

Mr. THOMPSON. Mr. President, as far as this bill in its present shape is concerned, the bill might just as well be defeated, as to pass the bill in this form it would represent no substantial improvement over the legislation that was passed two years ago. These amendments are exactly the controversy raised two years ago and if this bill passes in its amended form, the service to the rural electric consumer is not in any great way aided or abetted. If we want to pass a rural electrification bill that is going to be of some service to the consumer, I say let us pass that bill. If we do not want to pass a bill that is of service to the rural consumer let us not pass a bill. Let us not pass a smoke screen piece of legislation such as this bill is in its present form.

Mr. SHAPIRO. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. SHAPIRO. Mr. President, will the Senator state whether or not it is true that when we voted on this bill in committee, it was intended to be a bill which would give the rural districts with a population in excess of twenty-five hundred the right to establish cooperative service for electrification of the community where no satisfactory service existed? Will the Senator state whether or not it is true that by amendments it does not depend upon the population, but upon whether or not there is electrification or electricity furnished in that district?

Mr. REED. Mr. President, in answer to the Senator from Philadelphia, Mr. Shapiro, what I think the Administration is trying to do in this connection is to give the farmers or people who do not have the privileges of electricity those privileges. Now, they do not care whether they get that from the utility or whether they get it through cooperatives; what they want is service.

Now, I have here a little magazine showing some of the Federal Rural Electrification activities, and I notice that in looking at the map of the United States, including the great State of Pennsylvania, there are very few districts where we have co-operatives serving the people of Pennsylvania, and I know that we have thousands and thousands of districts where the farmer gets no electric service at all. Now, can anyone stand up in this Senate and say that this bill will not take care of those districts? True, there may be many districts in Pennsylvania where lines are running along the highway where there is another electric line in that district, but I say there are hundreds of districts where there is no service at all, and we can surely take care of those vast numbers of districts where the farmers have no electric service, under this bill.

Mr. SHAPIRO. Mr. President, I would like to further interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed permit himself to be further interrogated?

Mr. SHAPIRO. Mr. President, I will.

Mr. REED. Mr. President, will the Senator from Washington state whether or not there is anything in the bill in its original form about electric companies furnishing or installing lines to serve electricity in the very rural communities about which he is talking.

Mr. REED. Mr. President, there were amendments to include almost every community.

Mr. SHAPIRO. Mr. President, I mean in the original form of the bill. Is it not true that a company could, notwithstanding the passage of this law set up a line or lines to furnish electricity even if they had their own lines?

Mr. REED. Mr. President, yes.

Mr. SHAPIRO. Mr. President, and the bill as it is amended now, is it not true that the rural district itself cannot furnish electrification by cooperative service under the amendments?

Mr. REED. Mr. President, that is right.

Mr. SHAPIRO. Mr. President, it seems to me that this is a piece of legislation setting back the interests of the people to the advantage of the utility companies and it should be stopped. We passed bills this morning about credit unions allowing the borrowing of money by co-operative methods, and that is just what it means. We had a bill on the calendar last night allowing them to purchase through cooperative methods and we have had various forms of cooperatives which have received approval of the Legislature. Now, in communities where electrification is not furnished satisfactorily, I cannot see any reason why the communities should not be permitted to get together and procure capital with which they can furnish themselves money to build a plant to suit their needs for electrification, and if other companies have power and want to compete, they can do so. If the bill in its original form did not prevent another company from coming in and on a fair basis could compete with the cooperatives established by the community, then there was no reason why the bill should be amended so that the community itself is prohibited from receiving better service if it can get it from the company that comes in, under the terms of this bill, whether or not the service is satisfactory, a rural community cannot establish electrification through cooperatives, if another company has come in since this bill was introduced, or after its passage, and gives service, irrespective of the kind or character of that service. I am constrained to agree with the Senator from Philadelphia, Mr. Jaspan, that the very purpose of this bill is defeated by the amendments. I might have occasion to give more consideration to the bill if in drawing the amendments there had been included the words modified by the adjective "satisfactory" service, but the way it is drawn today, that question is to furnish service to 300 or 400 people of the kind which they deem is satisfactory to themselves, and cooperative service would be prohibitive, and just because I think it is, because of that I intend to vote for this bill. If this bill would be placed on the calendar in such a manner that it can be amended and restored to its original position, because when we originally discussed the bill in the Senate, we were all in favor of the bill because it gave the very thing they want in rural communities. I am not

representing physically any rural communities, but I am interested as a Senator representing the Commonwealth of Pennsylvania, and I am interested in the kind of legislation that benefits a community. I do not want to vote for legislation that is merely a gesture, because that is all this bill would do in its present form.

Mr. LAW. Mr. President, I wish to interrogate the Senator from Washington, Mr. Reed.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. LAW. Mr. President, will the Senator from Washington state whether he feels that the Public Utilities Commission of Pennsylvania, has the power to compel those furnishing electric service to furnish service satisfactorily to the Commission.

Mr. REED. Mr. President, yes.

Mr. LAW. Mr. President, in view of that statement and of the fact that the purpose is primarily to bring electric power and light to the communities that do not have it, I think we would make a mistake in changing this Act from its present form. We have recently taken over the office staff of the Pennsylvania Public Service Commission and substituted therefor the Public Utilities Commission, which is organized and working in the interests of the people of Pennsylvania, and I think we can safely leave to that Commission to question of the standard of service in communities where there are utilities now operating, and for that reason I think we should beat this bill and its real purpose of giving electric service to communities which do not have it. For that reason I think we all should go along with the bill in its present form.

Mr. McGINNIS. Mr. President, I agree with the Senator from Mercer, that we have a Public Utilities now in which we have faith. We must also realize now that certain sections of Pennsylvania have lines already built and they were built with somebody's money; I may say the 'widow,' if you want to use the word 'widow;' anyway they are built and they are in control of the Public Utilities Commission, and I say to you that we ought to be very reluctant to give any other fellow cooperatives or any other company the right to go in and build another line along that highway or street, or wherever it is located. If we did not have a Public Utilities Commission to take charge and insist that they give adequate service wherever they have lines — and surely that power is in the Commission — especially under the new bill they would have the right to see that the people get the service as already provided for and will have when No. 851 goes through and especially with our new Commission, and I say to you that we ought to be a little wary about allowing cooperatives to run lines along the same highways where there are other lines, and not only that, but not to enter business, and I say to you Mr. President, that this is a great step forward. It provides for service in communities where they do not now have service, and this service if it is properly controlled and regulated, I say to you that we should not meddle in that field.

Mr. THOMPSON. Mr. President, if what the Senator from Mercer Mr. Law, and the Senator from Allegheny, Mr. McGinnis say is true, that is exactly why the bill should be amended before it passes the Legislature, for under the terms of this bill as it now stands there is absolutely no discretion vested in the Utility Commission in connection with this matter.

The bill says very flat footedly that rural areas shall not be considered as included in the area in which the Public Utility Company is furnishing service. That word 'area' may mean anything or it may mean nothing but if we are going to allow the rural citizens to organize any where they can get electrical service, why do not we do it whole-heartedly, and why must we be so tender about the rights of these Utility Companies?

Only two years ago this was exactly the thing that our Democratic minority in this Senate was fighting for. Now we oppose exactly the same thing we fought for two years ago, and in spite of that we do not want to give this rural electrification whole-heartedly, we want to put them in such shape that the rural consumer can get the actual benefit of it and that he is not hamstrung by a lot of nebulous provisions and exclusions which take the teeth and the real claw out of this piece of legislation.

Mr. GELDER. Mr. President, I do not know if anyone on the Republican side of this Senate should get into this family quarrel among our Democratic brethren as to whether this Administration is or is not standing for the rights of the common people. Apparently both Senators from Philadelphia seem to think that this Administration bill is not doing what they believe should be done. However, I want to say that I have had some experience with rural cooperative organizations, and I am interested in what our Democratic friends believe their Administration is, as I am as to what will be the effect in getting electric lights. I agree thoroughly with the Senator from Washington, who is the sponsor of this bill and in whom I am putting a great deal of confidence that what the rural people of Pennsylvania want is not to get into competition with other companies, but an opportunity to have light and power. Where private capital has already set up an organization in any field, it has been my experience that it is a very expensive proposition for those representing the rural or country people to go into competition with them. There are a great many fields in Pennsylvania, as the Senator from Washington has said, at the present time, which are not enjoying the opportunity to get power and light from companies. This bill as it is written at the present time will give them that power if they have the initiative to organize a company, and I want to say that it is no small task to get them to subscribe to that enterprise. It happens that I have had experience with rural telephone company which covers a large area, the larger part of two counties, and had it not been for the intiative of one man who made it his life's work, that company would not be in existence. I know where a company had a battle in an area that was already covered by another existing company, it was making a mistake, and we were in better shape when we simply arranged to make a connection with that company than to attempt to invade its area; and I am inclined to think you will probably get further if you are considering the interest of the farmer and the ruralite, if you have a bill which allows him to go into a territory that at the present time does not give him any facilities for getting light and power.

And the question recurring,
Will the Senate agree to the motion?

The yeas and nays were required by Mr. THOMPSON and Mr. KUNKEL and were as follows, viz:

Yeas—12

DiSilvestro,	Jaspan,	Mundy,	Sipe,
Gilson,	Kilgallen,	Pytko,	Stiefel,
Jacobs,	Kunkel,	Shapiro,	Thompson,

Nays—32

Bean,	Eroe,	Lanius,	Rice,
Cavalcante,	Frey,	Law,	Rodgers,
Buckman,	Gelder,	Mallery,	Rupp,
Chapman,	Haluska,	McCreesh,	Ruth,
Dando,	Heyburn,	McGinnis,	Salus,
Deitrick,	Homsher,	Owlett,	Sones,
Dent,	Huffman,	Rankin,	Woodward,
Ealy,	Kahle,	Reed,	Wolfenden,

So the question was determined in the negative.

And the question recurring,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I propose to vote for this bill in its present condition, because I think that any bill is better than no bill under the circumstances, but I want to take this occasion for recording my reasons for voting "aye" on the bill, and in answer to the Senator from Susquehanna, I want to say that I consider it a healthy condition — that is my experience — when there is a family quarrel. I think if there had been a few more family quarrels among the Republicans on the floor of this Senate, and a more open discussion of legislation, the picture would have been somewhat different, at least the political picture, and I hope my colleagues in the Senate here will have many, many more family quarrels of this kind and voice their opinions on bills and express their desire as shown by their attitude that they are not controlled nor bound by any particular views, so that the people of Pennsylvania can hope for better legislation from the Senators whom they send here.

Mr. GELDER. Mr. President, I would like to call the attention of the Senator from Philadelphia to the fact that this is the first family quarrel that we have seen; we have heard of family quarrels when they find out really what the Administration wanted.

Mr. JASPAN. Mr. President, I am going to vote for the bill in this case, and I wish to re-echo the sentiments of my distinguished friend, the Senator from Philadelphia, Mr. Shapiro.

Mr. KUNKEL. Mr. President, I desire to interrogate the Senator from Washington, Mr. Reed, the sponsor of this bill.

The PRESIDENT. Will the Senator from Washington, Mr. Reed, permit himself to be interrogated?

Mr. REED. Mr. President, I will.

Mr. KUNKEL. Mr. President, I would like to ask the Senator at whose suggestion was this amendment restricting the definition of rural area to the utility companies to the detriment of the rural consumers inserted in this bill?

Mr. REED. Mr. President, I took it up with a representative of the Rural Electrification Commission, and I also took it up with Senator Huffman, of our own Democratic Party.

Mr. KUNKEL. Mr. President, I intend to vote "aye" on this bill, in the hope that when the bill gets to the House, this "joker" that we are talking about will be stricken out and the bill restored to its original form.

Mr. McGINNIS. Mr. President, I am going to vote for this bill knowing exactly what I am voting for, and I am not voting for a 'joker', I am voting for this bill because I do not believe that this Senate or this Legislature should give anybody the right to build a line alongside of a line that we have today, especially when that line is under the jurisdiction of the Public Utilities Commission of Pennsylvania, but, as Senator Reed has said, we have thousands and thousands of acres in Pennsylvania where they do not have lines to them, and I am interested in getting lines out to them and not getting lines built where they already have lines that are giving them light and power.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. — entitled:

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

And the question recurring,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

Yeas—44

Bean,	Gelder,	Lanius,	Rodgers,
Buckman,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro,	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Thompson,
Eroe,	Kilgallen,	Reed,	Wolfenden,
Frey,	Kunkel,	Rice,	Woodward,

Nays—0

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 797 (House Bill No. 1560) on final passage, entitled:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and prescribing penalties and providing for injunctions in certain cases

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 868, (House Bill No. 1779), as follows:

An Act to amend section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance ex-

changes including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds Associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" is hereby amended to read as follows

Section 354 Prohibiting the use of policies contracts etc unless approved Penalty It shall be unlawful for any insurance company association or exchange doing business in this Commonwealth to issue sell or dispose of any policy contract or certificate covering life health accident personal liability fire marine title and all forms of casualty insurance or contracts pertaining to pure endowments or annuities or any other contracts of insurance or use applications riders or endorsements in connection therewith until the forms of the same have been submitted to and formally approved by the Insurance Commissioner and copies filed in the Insurance Department except riders and endorsements relating to the manner of distribution of benefits and to the reservation of rights and benefits under any such policy and used at the request of the individual policyholder and except any form which in the opinion of the Insurance Commissioner do not require his approval

Such approval granted by the Insurance Commissioner shall become void upon any subsequent notice from the Insurance Commissioner or upon any subsequent withdrawal of license or refusal of the Insurance Commissioner to relicense any such company association or exchange or upon the subsequent passage of an act which would no longer make such contracts or related forms a fit subject for approval except that this provision shall not affect contracts issued prior thereto

Any person corporation insurance company exchange order or society that shall either as principal or agent issue or cause to be issued any policy or contract of insurance within the Commonwealth contrary to this section shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five hundred dollars ($500.00)

The amendments to this section shall not be construed as extending the provisions of this section to domestic mutual fire insurance companies not heretofore subject to the provisions hereof

Upon satisfactory evidence of the violation of this section by any such person corporation insurance company exchange order or society the Insurance Commissioner may in his discretion pursue any one or more of the following courses of action (1) Suspend or revoke the license of such offending person corporation insurance company exchange order or society (2) refuse for a period of not to exceed one year thereafter to issue a new license to such person corporation insurance company exchange order or society (3) impose a fine of not more than one thousand dollars ($1,000.00) for each and every act in violation of this act When the Insurance Commissioner shall take action in any of the ways above recited the person corporation insurance company exchange order or society aggrieved may appeal therefrom to the court of common pleas of Dauphin County

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—44

Bean,	Gelder,	Lanius,	Rodgers,
Buckman,	Gilson,	Law,	Rupp,
Cavalcante,	Haluska,	Mallery,	Ruth,
Chapman,	Heyburn,	McCreesh,	Salus,
Dando,	Homsher,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro	Jaspan,	Pytko,	Stiefel,
Ealy,	Kahle,	Rankin,	Wolfender
Eroe,	Kilgallen,	Reed,	Woodward,
Frey,	Kunkel,	Rice,	Thompson

Nays—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 875, as follows:

An Act to cede jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland Depot located in York County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the jurisdiction of the State of Pennsylvania is hereby ceded to the United States of America for the occupation and use for purposes of national defense and for the erection and maintenance of the necessary buildings for the military or other public use of the United States over all that tract or parcel of land situate approximately one and one-half miles northeasterly of the Town of Carlisle in Cumberland County State of Pennsylvania comprising that portion of Carlisle Military Reservation known as the "Main Reservation" and over all that tract or parcel of land comprising the New Cumberland General Depot situate in York County State of Pennsylvania on the southerly shore of the Susquehanna River about two and one-half miles southeasterly of the Borough of New Cunmberland and approximately seven miles southeasterly of the City of Harrisburg which tracts are more particularly described as follows

Main Reservation Carlisle Barrack

Beginning at an iron pipe on the westerly side of Pratt Avenue near the entrance gate to the post and running thence by true bearings

(1) North sixty degrees forty-nine minutes fifty seconds East (N 60° 49' 50" E) a distance of eight hundred fifty-eight and no hundredths feet (858.00') to an iron pipe thence

(2) South twenty-one degrees three minutes ten seconds East (S 21° 03' 10" E) a distance of thirty-three and no hundredths feet (33.00') to an iron pipe thence

(3) North seventy-three degrees forty-six minutes fifty seconds East (N 73° 46' 50" E) a distance of ninety-nine and fifty hundredths feet (99.50') to an iron pipe thence

(4) North thirty-two degrees three minutes ten seconds West (N 32° 03' 10" W) crossing Letort Spring Run a distance of one hundred fourteen and no hundredths feet (114.00') to an iron pipe thence

(5) North sixty-six degrees fifty-six minutes fifty seconds East (N 66° 56′ 50″ E) a distance of thirty-seven and seventy hundredths feet (37.70′) to an iron pipe thence

(6) North twenty-six degrees forty-nine minutes fifty seconds East (N 26° 49′ 50″ E) crossing the said Run a distance of one hundred sixty-five and no hundreths feet (165.00′) to an iron pipe thence

(7) North sixty-three degrees sixteen minutes ten seconds East (N 63° 16′ 10″ E) crossing the said Run a distance of one hundred twenty-three and seventy hundredths feet (123.70′) to an iron pipe thence

(8) North seventeen degrees sixteen minutes ten seconds East (N 17° 16′ 10″ E) crossing said Run a distance of sixty-six and no hundredths feet (66.00′) to an iron pipe thence

(9) North eighty-four degrees sixteen minutes ten seconds East (N 84° 16′ 10″ E) a distance of sixty-six and no hundredths feet (66.00′) to an iron pipe thence

(10) South thirty-three degrees one minute fifty seconds East (S 33° 01′ 50″ E) a distance of eighty and eighty hundredths feet (80.80′) to an iron pipe thence

(11) North fifty-five degrees five minutes East (N 55° 05′ E) a distance of ninety-nine and no hundredths feet (99.00′) to an iron pipe thence

(12) North thirty-six degrees ten minutes forty seconds West (N 36° 10′ 40″ W) a distance of one hundred thirty-four and seventy hundredths feet (134.70′) to a point in the center line of the said Letort Spring Run and iron pipe being placed in line on the bank of said Run eight feet (8′) from end of course thence

Along the center line of said Letort Spring Run the old channel thereof the following 43 courses

(13) North fourty-eight degrees forty-one minutes forty seconds East (N 48° 41′ 40″ E) a distance of fourteen and seventy-eight hundredths feet (14.78′) to a point

(14) North fifty-eight degrees ten minutes ten seconds East (N 58° 10′ 10″ E) a distance of fifty-six and thirty-nine hundredths feet (56.39′) to a point

(15) North seventy-four degrees fifty-seven minutes forty seconds East (N 74° 57′ 40″ E) to a point

(16) North sixty-two degrees nine minutes ten seconds East (N 62° 09′ 10″ E) a distance of ninety-five and one hundredths feet (95.01′) to a point

(17) North fifty-one degrees fourteen minutes ten seconds East (N 51° 14′ 10″ E) a distance of forty-four and seventy-two hundredths feet (44.72′) to a point

(18) North sixty degrees twenty-three minutes twenty seconds East (N 60° 23′ 20″ E) a distance of ninety-eight and two hundredths feet (98.02′) to a point

(19) North fiftyeight degrees forty-four minutes thirty seconds East (N 58° 44′ 30″ E) a distance of one hundred sixty-three and twenty hundredths feet (163.20′) to a point

(20) North sixty-seven degrees eight minutes thirty seconds East (N 67° 08′ 30″ E) a distance of eighty-two and thirty-four hundredths feet (82.34′) to a point

(21) North sixty-six degrees thirty-two minutes ten seconds East (N 66° 32′ 10″ E) a distance of fifty-one and forty-eight hundredths feet (51.48′ to a poin.

(22) North thirty-six degrees fiftyfive minutes ten seconds East (N 36° 55′ 10″ E) a distance of twenty-six and twenty-six hundredths feet 26.26′) to a point

(23) North fifty-seven degrees fifty minutes fifty seconds East (N 57° 50′ 50″ E) a distance of two hundred and no hundredths fee (200.00′) to a point

(24) North sixty degrees five minutes thirty seconds East (N 60° 05′ 50″ E) a distance of one hundred twenty and fifty-two hundredths feet (120.52′) to a point

(25) North fifty-six degrees fifty-two minutes fifty seconds East (N 56° 52′ 50″ E) a distance of one hundred ten and thirty-seven hundredths feet (110.37′) to a point

(26) North sixty-six degrees sixteen minutes thirty seconds East (N 60° 16′ 30″ E) a distance of sixty-nine and fifty-six hundredths feet (60.56′) to a point

(27) North sixty-two degrees fifty-five minutes fifty seconds East (N 62° 16′ 30″ E) a distance of sixty-two and twenty-three hundredths feet (62.23′) to a point

(28) North sixty-one degrees thirty-four minutes twenty seconds East (N 61° 34′ 20″ E) a distance of thirty-two and fifty-two hundredths feet (32.52′) to a point

(29) North twenty degrees forty-one minutes zero seconds East (N 20° 41′ 00″ E) a distance of fifty-one and ten hundredths feet (51.10) to a point

(30) South sixty-two degrees thirty-two minutes ten seconds East (S *2° 32′ 10″ E) a distance of eleven and forty-nine hundredths feet (11.49′) to a point

(31) South sixty-two degrees fifteen minutes thirty seconds East (S 62° 15′ 30″ E) a distance of forty-nine and thirty-six hundredths feet (49.36′) to a point

(32) South sixty-five degrees eighteen minutes fifty seconds East (S 65° 18′ 50″ E) a distance of one hundred thirty and seventy-seven hundredths feet (130.77′) to a point

(33) North twenty-four degrees fifteen minutes twenty seconds East (N 24° 15′ 20″ E) a distance of forty-one and eightyeight hundredths feet (41.88′) to a point

(34) North sixty-five degrees forty-seven minutes thirty senconds East (N 65° 47′ 30″ E) a distance of twenty-one and thirteen hundredths feet (21. 13′) to a point

(35) South sixty-one degrees four minutes zero seconds East (S 61° 04′ 00″ E) a distance of thirty-two and fifty-eight hundredths feet (32.58′) to a point

(36) South twenty-six degrees twenty-eight minutes zero seconds East (S 26° 28′ 00″ E) a distance of thirty-eight and fifty nine hundredths feet (38.59′) to a point

(37) South seventy degrees fifty-four minutes ten seconds East (S 70° 54′ 10″ E) a distance of twenty-nine and sixty hundredths feet (29.60′) to a point

(38) North forty-five degrees forty-nine minutes twenty seconds East (N 45° 49′ 20″ E) a distance of forty-two and sixty hundredths feet (42.60′) to a point

(39) South seventy-eight degrees fifty-seven minutes zero seconds East (S 78° 58′ 00″ E) a distance of twenty-three and forty-six hundredths feet (23.46′) to a point

(40) South seventy-eight degrees eight minutes forty seconds East (S 78° 08′ 40″ E) a distance of seventy-two and thirty-seven hundredths feet (72.37′) to a point

(41) South twenty-five degrees five minutes twenty seconds West (S 25° 05′ 20″ W) a distance of fifty-five and twenty-five hundredths feet (55.25′) to a point

(42) South nine degrees thirty-three minutes forty seconds East (S 9° 33′ 40″ E) a distance of twenty-eight and twenty-one hundredths feet (28.21′) to a point

(43) South sixty-eight degrees three minutes fifty seconds East (S 68° 03′ 50″ E) a distance of sixty-seven and fifty-two hundredths feet (67.52′) to a point

(44) North eighty-seven degrees seventeen minutes fifty seconds East (N 87° 17′ 50″ E) a dsitance of eighty-one and eighty hundredths feet (81.80′) to a point

(45) North sixty-eight degrees forty-three minutes forty seconds East (N 68° 43′ 40″ E) a distance of sixty-seven and thirteen hundredths feet (67.13′) to a point

(46) South seventy-four degrees fifty-two minutes thirty seconds East (S 74° 52′ 30″ E) a distance of twenty-wo

(47) South eighty-four degrees twenty-eight minutes thirty seconds East (S 84° 28′ 30″ E) a distance of twenty-four and thirty-nine hundredths feet (24.39′) to a point

(48) North fifty-nine degrees sixteen minutes zero seconds East (N 59° 16′ 00″ E) a distance of fifty-four and twenty-one hundredths feet (54.21′) to a point

(49) North thirty-three degrees thirty-three minutes thirty seconds East (N 33° 33′ 30″ E) a distance of fifty-six and thirty-five hundredths feet (56.35′) to a point

(50) North thirteen degrees twenty-six minutes ten seconds West (N 13° 26′ 10″ W) a distance of forty-three and ninety-eight hundredths feet (43.98′) to a point

(51) North twenty-seven degrees forty minutes zero seconds West (N 27° 40′ 00″ W) a distance of forty-eight and sixty-two hundredths feet (48.62′) to a point

(52) North ten degrees six minutes ten seconds East (N 10° 06′ 10″ E) a distance of thirty-four and twenty-eight hundredths feet (34.28′) to a point

(53) North fifty-one degrees eighteen minutes twenty seconds East (N 51° 18′ 20″ E) a distance of fifty-two and fifty-three hundredths feet (52.53′) to a point

(54) North sixty-five degrees zero minutes fifty sec-

onds East (65° 00′ 50″ E) a distance of sixty-five and eighty-four hundredths feet (65.84′) to a point

(55) South Eighty-five degrees three minutes fifty seconds East (S 85° 03′ 50″ E) a distance of fifty-five and ninety-four hundredths feet (55.94′) to a point in the westerly line of a County Road said point bearing North eight degrees twenty-one minutes West (N 8° 21′ W) and distant figteen feet (15′) from an iron pipe on the bank of said Run said point also bearing South thirteen degree forty-eight minutes East (S 13° 48′ E) and distant two hundred eighty and seventy-eight hundredths feet (280.78′) from an iron pipe in the center line of said County Road thence

Along the westerly line of the said County Road the following two (2) courses

(56) South eight degrees twenty-one minutes East (S 8° 21′ E) a distance of one hundred sixty-nine and eighty-nine hundredths feet (169.89′) to a fence post set in concrete

(57) South twenty-seven degrees forty minutes ten seconds East (S 27° 40′ 10″ E) a distance of one thousand two hundred fifty-two and nine hundredths feet (1,252.09′) to an iron pipe in the northerly line of the "Poor Farm Road" thence

(58) South forty-nine degrees forty-eight minutes fifty seconds West (S 49° 48′ 50″ W) along the northerly line of said Farm road a distance of two thousand five hundred eighty-six and thirteen hundredths feet (2,586.13′) to an iron pipe in the northerly right-of-way line of the Pennsylvania Railroad (Cumberland Valley Division) said pipe being thirty feet (30′) northerly measured at right angles from the center line of the main track thence

Along the northerly line of said right-of-way of the Pennsylvania Railroad the following five (5) courses

(59) North eighty-four degrees seven minutes West (N 84° 07′ W) parallel to and thirty feet (30′) distant from this said center line of the main track a distance of seventeen and sixteen hundredths feet (17.16′) to an iron pipe

(60) North twenty-nine degrees forty-seven minutes West (N 29° 47′ W) a distance of thirty-six and ninety-three hundredths feet (36.93′) to an iron pipe of said pipe being sixty feet (60′) northerly measured at right angles from the said center line of the main track

(61) North eighty-four degrees seven minutes West (N 84° 07′ W) parallel to and sixty feet (60′) distant from the said center line of the main track a distance of one thousand three hundred seventy-two and seventy-one hundredths feet (1,372.71′) to an iron pipe in the center line of Garrison Lane

(62) South twenty-two degrees fifty-eight minutes West (S 22° 58′ W) along the center line of said Garrison Lane a distance of forty-seven and eight hundredths feet (47.08′) to an iron pipe said pipe being fifteen feet (15′) northerly measured at right angles from the said center line of the main track

(63) North eighty-three degrees twenty minutes thirty seconds West (N 83° 20′ 30″ W) a distance of seven hundred forty-one and five hundredths feet (741.05′) to an iron pipe said pipe being six feet (6′) easterly measured at right angles from the easterly edge of the aforementioned Letort Spring Run said pipe being also twenty-five feet (25′) northerly measured at right angles from the center line of the said main track thence

Along a line parallel to and six feet (6′) easterly of the easterly edge of the said Letort Spring Run the following five courses

(64) North twenty-two degrees fifty-seven minutes thirty seconds East (N 22° 57′ 30″ E) a distance of two hundred eighty-five and ninety-six hundredths feet (285.96′) to a point

(65) North eight degrees seven minutes thirty seconds East (N 8° 07′ 30″ E) a distance of one hundred twenty-five and seventeen hundredths feet (125.17′) to an iron pipe

(66) North five degrees forty-five minutes thirty seconds West (N 5° 45′ 30″ W) a distance of one hundred ninety-eight and twenty-seven hundredths feet (198.27′) to a point

(67) North two degrees forty-four minutes fifty seconds West (N 2° 44′ 50″ W) a distance of two hundred and twenty hundredths feet (200.20′) to a point

(68) North twelve degrees thirteen minutes fifty seconds West (N 12° 13′ 50″ W) a distance of seventy-one and eighteen hundredths feet (71.18′) to an iron pipe thence

(69) North forty-nine degrees thirty-seven minutes fifty seconds East (N 49° 37′ 50″ E) a distance of four hundred twenty-six and sixty-four hundredths feet (426.64′) to the point of beginning

Containing an area of one hundred sixty-one and thirty-six hundredths acres (161.36A) more or less

The above described tract or parcel of land is shown on map number 6394-100 entitled "Carlisle Barracks Pa Boundary Map" dated February one thousand nine hundred and thirty-two filed in the Office of The Quartermaster General Washington D C

The evidence of the purchase of the lands constituting the tract or parcel over which jurisdiction is hereby ceded is recorded in the Office of the Recorder of Deeds of Cumberland County Pennsylvania

New Cumberland General Depot

Beginning at a stone monument in the southerly right-of-way line of the Pennsylvania Railroad (Northern Central Branch) said stone monument marking the most easterly corner of tract and being one hundred (100) feet distant from the center line between the four (4) main tracks of said Railroad and running thence by true bearings

(1) South twenty-three degrees twenty-six minutes West (S 23° 26′ W) a distance of eight hundred fifty-six and fifty hundredths (856.50) feet to a point in the center line of Mountain Road thence

Along the center line of said Mountain Road the following seventeen (17) courses

(2) North seventy-four degrees three minutes West (N 74° 03′ W) a distance of one hundred nineteen and no tenths (119.0) feet to a point

(3) South two degrees fifty-seven minutes West (S 2° 57′ W) a distance of one hundred ninety-two and eighty hundredths (191.80) feet to a point

(4) South fifty-three degrees twenty-nine minutes West (S 53° 29′ W) a distance of four hundred eighty-eight and twenty hundredths (488.20) feet to a point

(5) North eighty-nine degrees twenty-eight minutes West (N 89° 28′ W) a distance of three hundred thirteen and seventy hundredths (313.70) feet to a point

(6) South fifty-eight degrees twenty-seven minutes West (S 58° 27′ W) a distance of one hundred five and ten hundredths (105.10) feet to a point

(7) South sixty-eight degrees fifty-three minutes West (S 68° 53′ W) a distance of eighty-three and forty hundredths (83.40) feet to a point

(8) South eighty-eight degrees fifty-one minutes West (S 88° 51′ W) a distance of one hundred forty-nine and eighty hundredths (149.80) feet to a point

(9) North sixty-eight degrees twenty-eight minutes West (N 68° 28′ W) a distance of one hundred eight and forty hundredths (108.40) feet to a point

(10) North eighty-three degrees ten minutes West (N 83° 10′ W) a distance of ninety-five and fifty hundredths (95.50) feet to a point

(11) North seventy-eight degrees ten minutes West (N 78° 10′ W) a distance of five hundred thirty-eight and fifty hundredths (538.50) feet to a point

(12) North seventy-five degrees eight minutes West (N 75° 08′ W) a distance of one hundred sixty-nine and eighty hundredths (169.80) feet to a point

(13) North eighty-two degrees twenty-four minutes West (N 82° 24′ W) a distance of one hundred twenty-nine and twenty hundredths (129.20) feet to a point

(14) North seventy-five degrees forty-six minutes West (N 75° 46′ W) a distance of three hundred eight and sixty hundredths (308.60) feet to a point

(15) North seventy-six degrees thirty minutes West (N

76° 30′ W) a distance of one thousand four hundred and eighty (1,480) feet to a point

(16) North eighty-one degrees thirty-six minutes West (N 81° 36′ W) a distance of one thousand seventy-seven (1,077) feet to a point

(17) North seventy-four degrees fifty minutes West (N 74° 50′ W) a distance of three hundred (300) feet to a point

(18) North sixty-six degrees fifty-five minutes West (N 66° 55′ W) a distance of three hundred (300) feet to a point thence

(19) North thirty-five degrees thirteen minutes East (N 35° 13′ E) approximately a distance of one thousand seven hundred ninety and fifty hundredths (1,790.50) feet to a point in the center line of Marsh Run Road thence

Along the center line of said Road the following eight (8) courses

(20) North fifty-six degrees twenty-four minutes West (N 56° 24′ W) a distance of one hundred twenty-nine and fifty hundredths (129.50) feet to a point

(21) North forty-nine degrees forty-two minutes West (N 49° 42′ W) a distance of one hundred forty-four and no hundredths (144.00) feet to a point

(22) North forty-three degrees nine minutes West (N 43° 09′ W) a distance of one hundred seventy-one and no hundredths (171.00) feet to a point

(23) North twenty-nine degrees nine minutes West (N 29° 09′ W) a distance of six hundred sixty-eight and twenty hundredths (668.20) feet to a point

(24) North twenty-six degrees fifty-three minutes West (N 26° 53′ W) a distance of one hundred forty-six and ten hundredths (146.10) feet to a point

(25) North eighteen degrees fourteen minutes West (N 18° 14′ W) a distance of three hundred thirty-three and seventy hundredths (333.70) feet to a point

(26) North sixty-four degrees forty-five minutes West (N 64° 45′ W) a distance of one thousand one hundred eighty and ninety hundredths (1.180.90) feet to a point

(27) North sixty degrees nineteen minutes West (N 60° 19′ W) a distance of nine hundred twenty and ten hundredths (920.10) feet to the point of intersection of the center line of said Marsh Run Road with the center line of a road bearing southwesterly thence

(28) South twenty-eight degrees eighteen minutes West (S 28° 18′ W) along the center line of said road a distance of two thousand twenty-five and no hundredths (2,025.00) feet to the center line of a road bearing northwesterly thence

Along said road the following three (3) courses

(29) North eighty-seven degrees thirty minutes West (N 87° 30′ W) a distance of one hundred twelve and no hundredths (112.00) feet to a point

(30) North sixty-eight degrees one minute West (N 68° 01′ W) a distance of three hundred twelve and twenty hundredths (312.20) feet to a point

(31) North seventy-seven degrees six minutes West (N 77° 06′ W) crossing State Highway No. 333 a distance of one hundred seventeen and eighty hundredths (117.80) feet to a point thence

(32) North twelve degrees fifty-four minutes East (N 12° 54′ E) a distance of six thousand four hundred fifty-two and no hundredths 6,452.00) feet following in part the westerly line of Township Road to a point in the center line of the Old Baltimore Turnpike thence

Along the center line of said Turnpike the following two (2) courses

(33) South eighty-five degrees thirty-eight minutes West (S 85° 38′ W) a distance of two hundred forty-two and no tenths (242.00) feet to a point

(34) North eighty-two degrees nineteen minutes West (N 82° 19′ W) a distance of two hundred seventy-one and no tenths (271.0) feet to a point thence

(35) North eleven degrees forty-one minutes East (N 11° 41′ E) a distance of three hundred seventy-nine and no tenths (379.0) feet to a point in the southerly line of the right of way of the said Pennsylvania Railroad (Northern Central Branch) thence

Along the said southerly right of way line the following eleven (11) courses

(36) South seventy-five degrees seven minutes East (S 75° 07′ E) a distance of one thousand five hundred thirty-one and forty hundredths (1,531.40) feet to a point

(37) South fourteen degrees fifty-three minutes West (S 14° 53′ W) a distance of seventy and no hundredths (70.00) feet to a stone monument

(38) South seventy-five degrees seven minutes East (S 75° 07′ E) a distance of five hundred sixty-three and five hundredths (563.05 feet to the point of beginning of a curve to the right having a radius of one thousand nine hundred forty-seven and no tenths (1,947.0) feet

(39) Along the arc of said curve a distance of one thousand ninety-five and thirty-four hundredths (1,-095.34) feet to the point of tangency of said curve said point bearing South fifty-nine degrees zero minutes East (S 59° 00′ E) and distant one thousand eighty and ninety-five hundredths (1,080.95) feet from beginning of course

(40) South forty-two degrees fifty-three minutes East (S 42° 53′ E) a distance of one thousand three hundred seven and eighty hundredths (1,307.80) feet to a stone monument marking the point of beginning of a curve to the right having a radius of one thousand seven hundred ten and no tenths (1,710.0) feet

(41) Along the arc of said curve a distance of nine hundred forty-two and seventy hundredths (942.70) feet to a point marking the end of curve said point bearing South twenty-six degrees forty-fiv eminutes East (S 26° 45′ E) and distant nine hundred thirty and eighty-three hundredths (930.83) feet from the beginning of course

(42) South sixteen degrees fifty minutes East (S 16° 50′ E a distance of four hundred seventy-one and seventy-six hundredths (471.76) feet to a stone monument marking a point on a curve to the left having a radius of two thousand eight hundred ninety-five and no tenths (2,895.0) feet

(43) Along the arc of said curve a distance of five hundred eighty-six and twenty-seven hundredths (586.27) feet to a point on said curve said point bearing South fourteen degrees fifty-one minutes East (S 14° 51′ E) and distant five hundred eighty-five and twenty-seven hundredths (585.27) feet from beginning of course

(44) South twenty degrees thirty-nine minutes East (S 20° 39′ E) a distance of two hundred sixty and twenty-seven hundredths (260.27) feet to a point

(45) South sixteen degrees fifty minutes East (S 16° 50′ E) a distance of two thousand seventy and eighty hundredths (2,070.80) feet to a point

(46) South thirty-two degrees forty minutes West (S 32° 40′ W) a distance of seventeen and twenty hundredths (17.20) feet to a stone monument marking a point on a curve to the left having a radius of three thousand five hundred thirty-eight (3,538.00) feet

(47) Along the arc of said curve a distance of three thousand seven hundred sixty-eight and twenty-one hundredths (3,768.21 feet to a stone monument the point of begining said stone monument bearing South fifty-one degrees nineteen minutes East (S 51° 19′ E) and distant three thousand five hundred ninety-two and sixty-two hundredths (3,592.62) feet from beginning of course

There is expected however from this tract the C Henry Shearer Tract which is described as follows

Beginning at a point in the center line of Marsh Run Road said point bearing South seven degrees fifty-five minutes East (S 7° 55′ E) and distant two thousand one hundred sixty-nine and fifty hundredths (2,169.50) feet from a stone monument said monument being the identical one referred to in Course No. 46 of the main description and running thence by the following approximate true bearings

(1) South eighty-six degrees thirty-four minutes East (S 86° 34′ E) along the center line of said Marsh Run Road a distance of five hundred fifty-four and four-tenths (554.4 feet to a point thence

(2) South nine degrees twenty-six minutes West (S 9° 26′ W) a distance of five hundred (500) feet to a point thence

(3) North eighty-six degrees forty-nine minutes West (N 86° 49′ W) a distance of seven hundred seventy-eight and eight-tenths (78.8) feet to a point thence

(4) North thirty-two degrees twenty-one minutes

thirty seconds East (N 32° 21' 30" E) a distance of five hundred seventy-two and one hundredths (572.01) feet to the point of beginning

Containing an area of seven and sixty-five hundredths (7.65) acres more or less

All of the above described tract or parcel of land excepting the C Henry Shearer Trace contains an area of eight hundred and forty-three and twenty-five hundredths (843.25) acres more or less and is shown on Map 6271-113 entitled "New Cumberland General Depot Pennsylvania' Boundary Map 'scale 1"—300"' dated April one thousand nine hundred and thirty-three on file in the Office of The Quartermaster General Washington D C

The evidence of the purchase of the lands constituting the tract or parcel over which jurisdiction is hereby ceded is recorded in the office of the Recorder of Deeds of York County Pennsylvania

Section 2 The jurisdiction so ceded to the United States of America is granted upon the express condition that the said State of Pennsylvania shall retain concurrent jurisdiction with the United States in and over the tracts of land aforesaid in so far that civil process in all cases and such criminal process as may issue under the authority of the State of Pennsylvania against any person or persons charged with crimes committed outside the said tracts or parcels of land may be executed thereon in the same way and maner as if this jurisdiction had not been ceded The United States shall retain such jurisdiction so long as the said tracts or parcels of land shall be used for the purposes for which jurisdiction is ceded and no longer

Section 3 That if at any time hereafter any additional lands adjoining those above described shall be purchased by the United States for use of the said Carlisle Barracks Military Reservation or the New Cumberland General Depot respectively or for any other military purpose this act shall be construed to vest in the United States jurisdiction over such additional lands to the same extent as is vested by this act over the tracts or parcels above described

An the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—45

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth,
Cavalcante,	Heyburn,	McCreesh,	Salus,
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gelder,			

Nays—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 975, (House Bill No. 1572) on final passage, entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

HOUSE MESSAGES

RESOLUTION RECALLING FROM THE GOVERNOR HOUSE BILL NO. 1043

The Clerk of the House of Representatives being introduced presented extract from the Journal of the House of Representatives, which was twice read as follows, considered and agreed to:

In the House of Representatives, May 4, 1937,

Resolved (if the Senate concur), That House Bill No.— entitled:

An Act to re-enact and amend the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (P. L. 414), entitled "State Personal Property Tax Act" as amended, by imposing annual taxes for State and county purposes, and, in cities co-extensive with counties for State, city and county purposes; making further provisions for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon; modifying and further defining certain exemptions from said taxes, and concerning the distribution of the proceeds thereof; providing that the existing and further borrowing capacity, and the obligations and security of the outstanding bonds and other securities of the several counties, and cities co-extensive with counties, of the Commonwealth, shall not be impaired; and making an appropriation.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk inform the House of Representatives accordingly.

HOUSE CONCURS IN RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 801.

He also informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate May 4, 1937.

Resolved (if the House of Representatives concurs) That Senate Bill No. 801, entitled:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws one hundred eight) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia

be recalled from the Governor for the purpose of amendment.

BILL SIGNED

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bill had passed both houses of the General Assembly and the same bing correct, the title was publicly read as follows:

House Bill No. 1477, entitled:

An Act authorizing the authorities in any city of the first class to stipulate certain methods for the payment of local assessments.

Whereupon,

The PRESIDENT (Lieutenant-Governor Thomas Kennedy) in the presence of the Senate signed the same.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 66, entitled:

An Act to amend section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (P L. 1780) "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' court the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—28

Cavalcante,	Jacobs,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Rice,	Stiefel,
Huffman,	Law,	Rodgers,	Thompson,

Nays—12

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Mallery,	Wolfenden,
Chapman,	Gelder,	Owlett,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Reprsentatives for concurrence,

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 189 on third reading entitled:

An Act to amend sections two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (P. L. 448) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth by providing additional penalties for killing fish by pollution or explosions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 332 (House Bill No. 746), entitled:

An Act to further amend section one of an act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 147) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes, providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto county and township bridges over mill races

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—45

Bean,	Gilson,	Law,	Rupp,
Buckman,	Haluska,	Mallery,	Ruth
Cavalcante,	Heyburn,	McCreesh,	Salus.
Chapman,	Homsher,	McGinnis,	Scarlett,
Dando,	Huffman,	Mundy,	Shapiro,
Deitrick,	Jacobs,	Owlett,	Sipe,
Dent,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gelder,			

Nays—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 333 (House Bill No. 747), entitled:

An Act to amend section fourteen of an act approved the thirty-first day of May one thousand nine hundred and elever (P. L. 468) entitled " An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendent of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees

providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county-seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State Highways of the Commonwealth providing for the improvement maintenance and repair of said State Highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State Highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or tollroads forming all or part of any State Highway and procedure therein providing for work of improvement of State Highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State aid in the improvement maintenance and repair of township or county roads and prescribing the contents of townships county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State Highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State Highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not effected by provisions of this act" by changing the requirements for public notces of proposals for construction reconstruction or improvement of all State highways under the provisions f this act

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—29

Cavalcante,	Jaspan,	Mundy,	Ruth,
DiSilvestro,	Kahle,	Fytko,	Salus,
Eroe,	Kilgallen,	Rankin,	Shapiro,
Frey,	Kunkel,	Reed,	Sipe,
Gilson,	Lanius,	Rice,	Sones,
Heyburn,	Law,	Rodgers,	Stiefel,
Huffman,	McGinnis,	Rupp,	Thompson,
Jacobs,			

Nays— 12

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Mallery,	Wolfenden,
Chapman,	Gelder,	Owlett,	Woodward,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 334 (House Bill No. 751), entitled:

An Act authorizing the Secretary of Highways with the approval of the Governor to enter into agreements with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquistion of such bridges or for the division of responsibility for such maintenance thereof

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—43

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Huffman,	Mundy,	Shapiro,
Dando,	Jacobs,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gelder,	Law,	Rupp,	

Nays—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with the information that the Senate has passed the same with amendments,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 357, as follows:

An Act to amend sections one thousand six and one thousand thirty-five as amended and section one thousand sixty-two of the Act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the method of making appropriations expenditures employments contracts and purchases by boroughs relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditor's statement requiring the controller or secretary to file an annual report with such department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" which was last amended by section four of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws twelve hundred ninety) is hereby further amended to read as follows

Section 1006 Duties of Council It shall be the duty of the council a majority of whom shall be a quorum

I To meet statedly at least once a month

II To make and preserve full records of their proceedings

III To enact revise repeal and amend such laws rules

regulations and ordinances not inconsistent with the laws of the Commonwealth as it shall deem beneficial to the borough and to provide for the enforcement of the same

IV Except where otherwise in this act provided to publish once in one newspaper printed in the county every enactment regulation ordinance or other general law at least ten days before the same shall take effect

V To cause notices to be served as required by law or ordinance in a manner council may by motion or other action decide

VI To keep open for public inspection in a place provided by the borough any plans of highways that may be made

VII To appoint and remove a treasurer and secretary Council in its discretion may appoint a solicitor a street Commissioner and such other officers as it shall deem necessary The treasurer and secretary shall not be members of council

VIII To fix the compensation of the treasurer secretary street commissioner high constable and such other officers and employes as they may appoint to be paid from the borough treasury by orders drawn thereon

IX To fix the amount of security to be given by the treasurer collector of borough taxes the high constable and of such other officers and employes as it may designate

X To direct annually the publication of the accounts of the treasurer

XI To mitigate or remit fines and forfeitures in reasonable cases

XII Whenever the borough funds have been exhausted the borough may by resolution make temporary loans on the credit of the borough in anticipation of taxes to be collected and to issue a certificate of indebtedness therefor All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made

XIII To appoint and revoke appointments of one or more depositories for borough funds and to fix and approve security to be furnished by any such depository

The borough may accept from a depository as security for its deposits bonds with corporate or individual sureties to be approved by council or the depository may deposit as collateral security with the borough or with any bank or trust company within the Commonwealth which may be agreed upon United States municipal or county bonds of a market value of one hundred and twenty (120%) per centum of the amount of the deposit to be secured Such deposit of collateral shall be under proper agreement and accompanied by proper assignment or power of attorney for the transfer of the bonds

When funds of a borough are deposited in a designated depository the deposit shall be in the corporate name of the borough and withdrawn therefrom as provided in section 1105

XIV The borough treasurer shall deposit all such funds in the depository or depositories designated by the borough and when so deposited the borough treasurer shall be released and discharged from further liability

XV To secure such indemnity bonds or policies of insurance as they may deem necessary to protect the borough from loss by reason of fire windstorm burglary larceny dishonesty of employes insolvensy of depository or otherwise and to pay for such protection the usual or customary costs

XVI To make temporary investment of borough funds in bonds of the Federal Government or the Commonwealth of Pennsylvania when in its judgment the interests of the borough will be enhanced thereby and to dispose of any such securities when the funds may be needed by the borough such purchase or sale to be made by the president and secretary of council on a resolution adopted by the council

XVII To employ certified public accountants by a two-thirds vote of the entire number of councilmen elected

[XVII] XVIII To adopt an annual budget [for this purpose the borough council may adopt forms submitted by the Department of Internal Affairs and approved by a Committee of the State Association of Boroughs if such forms are found satisfactory by council and adapted to the financial program it is considering] On or before the fifteenth day of January a proposed budget or annual estimate of revenues and expenditures shall be prepared in a manner designated by the council The budget shall be prepared on a uniform form prepared and furnished as hereafter provided

Upon the preparation of the proposed budget the council shall give public notice of the fact that the proposed budget will be available for public inspection at the office of the borough secretary or such other place as may be designated in a public notice After the expiration of fifteen (15) days following the giving of such public notice council shall after making such revisions therein as appear advisable adopt the budget the tax ordinance and the necessary appropriation measures required to put the budget into effect The total amount appropriated shall not exceed the receipts of the borough estimated as available for the fiscal year

In all boroughs the council shall within fifteen (15) days after the adoption of the budget file a copy of the same with the Department of Internal Affairs

The Council shall have power to authorize by resolution the transfer of any unencumbered balance of an appropriation or any portion thereof from one purpose to another within the same fund but transfers to cover lawful deficits and surpluses may be made between the general borough fund and special funds Such action shall not be taken during the first three months of the fiscal year

The Council may during any fiscal year adopt by resolution supplementary appropriations but any resolution authorizing such supplementary appropriations shall provide for unencumbered receipts sufficient to cover such appropriations

Payments shall not be authorized or made from the treasury except upon appropriation in the budget or supplementary appropriation resolutions The council or other officers shall not hire any work to be done purchase any material make any contract or issue any order for the payment of moneys by any agent of the borough which will cause the sums appropriated to specific purposes to be exceeded

Section 2 That section one thousand thirty-five of said act which was last amended by section 4 of the Act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws one thousand ninety) is hereby further amended to read as follows

Section 1035 Auditors to Meet Yearly and Prepare a Financial Statement Financial Report to be Furnished to Department of Internal Affairs The auditors of the borough shall meet on the third Tuesday of January of each year and shall audit adjust and settle the accounts of the tax colectors and all officers of the borough and of any person committee and commission receiving or expending municipal funds and shall prepare a statement thereof which shall contain an audit of the accounts of the last fiscal year and shall also show a complete statement of the financial condition of the borough giving in detail the actual indebtedness the amount of the funded debt the amount of the floating debt thereof the valuation of taxable property therein the assets of the borough with the character and value thereof and the date of maturity of the respective forms of funded debt thereof Such statement shall be prepared within sixty (60) days after the close of the fiscal year Such statement shall be published by council as ordinances are published or by publication of a summary of such statement one time in one newspaper of general circulation [which] and shall be in lieu of all other statements relating to indebtedness required to be published by existing law The amount of any balance or shortage or by any expenditure of a kind or made in a maner prohibited or not authorized by statute which causes a financial loss to the borough shall be a surcharge against any officer against whom such balance or shortage shall appear or who by vote act or neglect has permitted or approved such expenditure

After such statement has been prepared it shall be the duty of the secretary of the borough to furnish to the Department of Internal Affairs a report of such state-

ment transcribed on a uniform form prepared and furnished as hereafter provided Such report shall be signed by the auditors and the secretary and shall be filed with the department within ninety (90) days after the close of the fiscal year Any secretary refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond April first and costs If the failure to file such report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based said fine shall be imposed upon the auditors and not upon the secretary All fines recovered shall be for the use of the Commonwealth

The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs and the secretary of the Department of Internal Affairs or his agent

Such representatives shall be appointed by the president of the organization within sixty (60) days after the effective date of this act Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures As far as possible they shall be chosen to represent boroughs in the various population groups The president of the organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment

Such representatives shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at the call of the Secretary of Internal Affairs or his agent who shall serve as chairman of the committee

In preparing the uniform forms for both budgets and annual reports the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups producing separate forms if necessary to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes

It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this act are prepared in co-operation with such committee In the event that the committee should for any reason fail to furnish such co-operation the Secretary of Internal Affairs or his agent shall prepare the forms After their preparation he shall issue such forms and distribute them annually as needed to the proper officers of each borough

Section 3 That section one thousand sixty-two of said act is hereby amended to read as follows

Section 1062 Controller's Reports Report of Financial Condition to be Made to Department of Internal Affairs The borough controller shall as often as he may deem expedient or the council shall direct suggest plans to the council for the management and improvement of the borough finances and he shall make a report verified by oath or affirmation to the council at the first stated meeting in January in each year of the public accounts of the borough and of the trusts in its care exhibiting all the expenditures thereof respectively the sources from which the revenue and funds are derived and the manner in which the same have been disbursed Each account shall be accompanied by a detailed statement of the several appropriations made by councils the amount drawn on each appropriation and the balance stnding to the debit or credit of such appropriation The report shall be published at the expense of the borough once a week for two weeks in a newspaper circulating generally in the borough

The controller shall also annually within ninety (90) days after the close of the fiscal year make a report to the Department of Internal Affairs of the financial condition of the borough in manner and form required to be made by borough secretaries as hereinbefore provided and subject to the same penalties for refusing or neglecting to file such report

Section 4 The provisions of this act shall become effective imediately upon its approval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-eight and the preparation of annual reports of financial conditions for the fiscal year nineteen hundred thirty-seven

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Huffman,	Mundy,	Shapiro,
Dando,	Jacobs,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gelder,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 358, entitled:

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto' providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred forty-seven of the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" which was last amended by section one of the act approved the eighteenth day of July one thousand nine hundred thirty-five (Pamphlet Laws twelve hundred ninety-nine) is hereby further amended to read as follows

Section 547 Completion Publication and Filing of Auditors' Statement Filing of Report with Department of Internal Affairs The auditors shall complete their audit settlement and adjustment within as short a time as possible and in no case shall more than twenty days be expended on such audit They shall within ten days there-

after publish by advertisement in at least one newspaper of general circulation printed in the township or county or by posting at least five copies in public places in the township a concise itemized statement of the receipts and expenditures of the several officers for the preceding fiscal year They shall also within ten days hereafter file a copy of such statement with the secretary and another copy of such statement with the clerk of the court of quarter sessions When any two offices are exercised by the same person only one statement shall be required

The auditors shall also annually make a report of the financial condition of the township to the Department of Internal Affairs within sixty days after the close of the fiscal year signed by each auditor and duly verified by the oath of one of the auditors Any auditor refusing or wilfully neglecting to file such report shall upon conviction thereof in a summary proceeding brought at the instance of the Department of Internal Affairs be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days and costs All fines recovered shall be for the use of the Commonwealth

The report to the Department of Internal Affairs shall be presented on a uniform form prepared and furnished as herein provided

Section 2 That section eight hundred two of said act is hereby amended to read as follows

Section 802 Letting Contracts All purchases of materials equipment [and/or] and machinery for the construction reconstruction and improvement of roads and bridges involving an expenditure in excess of two hundred dollars shall be by contract in writing and shall be made only after competitive bidding The secretary of the board shall advertise once a week for two weeks in one or more newspapers of general circulation in the township for competitive bids It shall be unlawful for the supervisors to evade the provisions of this section by making two or more contracts for small amounts which should have been in one If the auditors find there has been any such evasion they shall refuse to approve the same

The supervisors shall not hire any work to be done purchase any material or make any contract in any amount which will cause the sums appropriated for such purposes to be exceeded No contracts or purchases not provided for by an appropriation or which shall cause any appropriation to be exceeded shall be valid

All [such] contracts which in this section are required to be in writing and all contracts for the construction reconstruction and improvement of roads and bridges shall be valid only when approved by the Department of Highways of the Commonwealth

A record of all purchases of material equipment [and/or] and machinery for road purposes involving an expenditure of less than two hundred dollars shall be kept by the supervisors and furnished to the Department of Highways in the annual report

Section 3 That section nine hundred two of said act is hereby amended to read as follows

Section 902 Annual Budget The board of township supervisors of townships of the second class shall annually before their organization meeting in January or as soon thereafter as practicable [make a written estimate of the amount of money required] and at least thirty days prior to the adoption of the annual budget prepare a proposed budget or annual estimate of revenue and expenditures for the [ensuing] fiscal year beginning on the first Monday of January which shall be filed with the treasurer In all townships in which the estimated expenditures in the budget exceed five thousand dollars ($5,000) the budget shall be prepared on a uniform form prepared and furnished as hereafter provided Such] The estimates in the budget for the purpose of aiding the board in determining how much road [tax] and other taxes to levy shall specify

(a) The amount of money necessary for the maintenance repair and improvement of highways including sluices

(b) The amount of money necessary for the repair and construction of culverts and bridges

(c) The amount of money necessary for the purchase hire repair and custody of tools implements and machinery

(d) The amount of money necessary for each other governmental activity of the township for which a special tax levy may or may not be authorized

[(d)] (e) The amount of money necessary for the payment of debts or other miscellaneous purposes

Upon the preparation of a proposed budget in which the estimated expenditures exceed five thousand dollars ($5,000) the supervisors shall either give public notice of the detailed contents thereof or of the fact that the proposed budget will be available for public inspection at a designated place in the township After the expiration of twenty (20) days following the giving of public notice of the detailed contents of the budget or after the budget has been available for twenty (20) days as herein provided such supervisors shall after making such revisions therein as appear advisable adopt the budget and the necessary appropriation measures required to put it into effect In townships in which the estimated expenditures do not exceed five thousand dollars ($5,000) the supervisors shall as soon as possible after the expiration of thirty days following the preparation of the proposed budget adopt the budget and the necessary appropriation measures to put it into effect

The total appropriation shall not exceed the revenues estimated as available for the fiscal year In all townships in which the estimated expenditures in the budget exceed five thousand dollars ($5,000) the board of supervisors shall within fifteen days after the adoption of the budget file a copy of the same in the office of the Department of Internal Affairs

The supervisors may by resolution transfer unencumbered moneys from one [fund] road tax account to another but no moneys shall be transferred [except] from the fund allocated for the payment of debts or from any fund raised by a special tax levy for a particular purpose Such transfers shall not be made during the first three months of the fiscal year No money shall be paid out of the township treasurer except upon appropriation made according to law

Section 4 That said act is hereby amended by adding thereto the following section

Section 902A The uniform forms for the annual budget and for the annual report to the Department of Internal Affairs to be used as herein provided shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Supervisors one representative fro mthe State Department of Highways and the Secretary of Internal Affairs or his agent

Such representatives of the Association of Township Supervisors shall be appointed by the president of the organization within sixty days after the effective date of this act As far as possible such representatives shall be chosen to represent townships in the various population groups among the range of townships of the second class The president of the organization shall supply to the Secretary of Internal Affairs the names and addresses of such representatives immediately upon their appointment The representative of the Department of Highways shall be appointed by the Secretary of Highways

Such representatives of the townships shall serve without compensation but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee The committee shall meet at th call of the Secretary of Internal Affairs or his agent who shall serve as Chairman of the Committee

In preparing the uniform forms for both budgets and annual reports the Committee shall give careful consideration to the fiscal needs and procedure of townships of the various population groups producing separate forms if necessary to meet the needs of townships of varying sizes In the preparation of forms for financial reports the same shall be so arranged that coresponding information required to be reported to the Department of Highways may be used for the information required to be furnished to the Department of Internal Affairs

It shall be the duty of the Secretary of Internal Af-

fairs or his agent to see to it that the forms required by this act are prepared in co-operation with such committee In the event that such committee should for any reason fail to furnish such co-operation the Secretary of Internal Affairs or his agent shall prepare the forms After they are prepared he shall issue such forms and distribute them annually as needed to the proper township officers

Section 5 The provisions of this act shall become effective immediately upon its aproval by the Governor They shall be first put into operation in connection with the preparation of budgets for the fiscal year nineteen hundred thirty-eight and the preparation of annual reports of financial transactions for the fiscal year nineteen hundred thirty-seven

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—43

Bean,	Gilson,	Mallery,	Ruth,
Buckman,	Heyburn,	McCreesh,	Salus,
Cavalcante,	Homsher,	McGinnis,	Scarlett,
Chapman,	Huffman,	Mundy,	Shapiro,
Dando,	Jacobs,	Owlett,	Sipe,
Deitrick,	Jaspan,	Pytko,	Sones,
DiSilvestro,	Kahle,	Rankin,	Stiefel,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gelder,	Law,	Rupp,	

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 495 (House Bill No. 569), entitled:

An Act to amend sections three and nine of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 650) entitled "An act requiring persons associations partnerships and corporations and their agents herein defined as dealers and brokers engaging in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of certain domestic animals to be licensed by the Department of Agriculture providing for the revocation of such licenses imposing certain duties on such dealers and brokers and their agents conferring powers on said department and providing penalties" by providing for the payment of license fees for dealers and brokers and their agents

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—34

Bean,	Heyburn,	Mundy,	Salus,
Cavalcante,	Huffman,	Pytko,	Shapiro,
Dando,	Jaspan,	Rankin,	Sipe,
Deitrick,	Kahle,	Reed,	Sones,
DiSilvestro,	Kilgallen,	Rice,	Stiefel,
Ealy,	Kunkel,	Rodgers,	Thompson,
Eroe,	Lanius,	Rupp,	Wolfenden,
Frey,	Law,	Ruth,	Woodward,
Gilson,	Mallery,		

NAYS—5

Chapman,	Homsher,	Jacobs,	Owlett,
Gelder,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 549, entitled:

An Act to amend section one thousand eight hundred and five of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (P. L. 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that in awarding certain contracts for the erection construction and alteration of public buildings separate bids shall be received for the structural steel and ornamental iron work

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 740, on third reading, entitled:

An Act to re-enact an damend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasurers elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarifying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 759, entitled:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand

nine hundred twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers hertofore exempt therefrom and repealing existing laws

And said bill having been read at length the third time,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Mr. FREY. Mr. President, I ask unanimous consent to, amend page 4, line 19, after the word except and before the word boiler insert the word "such"

The PRESIDENT. Is there objection?

The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the Bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 843 (House Bill No. 1562) on third reading entitled:

An Act to amend section one of the act, approved the first day of June, one thousand nine hundred thirty-three (Pamphlet Laws, one thousand four hundred six), entitled "An act authorizing the Attorney General, under certain conditions, to enter into agreements to collect certain claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgment, and to compound certain judgments, by extending the act to all pending claims of the Department of Highways against boroughs for the construction, reconstruction or maintenance of State highways.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 859, entitled:

An Act authorizing courts in certain actions to order the parties involved therein to submit to blood tests and prescribing the manner in which the results of such tests may be used as evidence

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—25

Cavalcante,	Gilson,	McGinnis,	Rupp,
Chapman,	Heyburn,	Mundy,	Ruth,
Dando,	Huffman,	Pytko,	Sipe,
Deitrick,	Jaspan,	Reed,	Stiefel,
DiSilvestro,	Kunkel,	Rice,	Thompson,
Eroe,	Law,	Rodgers,	Wolfenden,
Frey,			

Nays—16

Bean,	Homsher,	Lanius,	Scarlett,
Buckman,	Jacobs,	Mallery,	Shapiro,
Ealy,	Kahle,	Owlett,	Sones,
Gelder,	Kilgallen,	Rankin,	Woodward,

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence,

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 892, entitled:

An Act concerning children under six years of age with defective hearing; imposing duties on the Department of Health, the Department of Public Instruction, on parents, guardians, nurses and physicians; and placing certain costs on school districts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Yeas—41

Bean,	Heyburn,	McCreesh,	Ruth,
Buckman,	Huffman,	McGinnis	Salus,
Cavalcante,	Jacobs,	Mundy,	Scarlett,
Chapman,	Jaspan,	Owlett,	Shapiro,
Dando,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Rankin,	Sones,
Ealy,	Kunkel,	Reed,	Stiefel,
Eroe,	Lanius,	Rice,	Thompson,
Frey,	Law,	Rodgers,	Wolfenden,
Gelder,	Mallery,	Rupp,	Woodward,
Gilson,			

Nays—2

Deitrick,	Homsher,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives for concurrence,

BILL OVER IN ORDER

Mr. STIEFEL. Mr. President, I ask unanimous consent that Senate Bill No. 893 on third reading entitled:

An Act to amend the act approved the eighth day of June, one thousand nine hundred seven (P. L. 496), entitled, "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; regulating their jurisdiction over ships, vessels, and boats, and wharves, piers, bulk-heads, docks, slips, and basins, and exempting cities of the first class from certain of its provisions; and making an appropriation therefor," as amended and supplemented, by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries, terminating the terms of the members thereof, and creating as successor to such board the Navigation Commission for the Delaware River, as a departmental administrative commission in the Department of Forests and Waters; transferring to such commission the records, employes ,property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries; authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Com-

missioners of Navigation for the river Delaware and its navigable tributaries; providing that all licenses, orders, rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed, changed or modified by the Navigation Commission for the Delaware River; transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation; and providing fees and further conditions relative to licenses.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and considerationg of Senate Bill No. 906, entitled:

An Act regulating procedure in actions of assumpsit and trespass.

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, this is purely a lawyer's bill, but I do not believe it is a wise measure to pass. I am informed that it has the endorsement of the Bar Association, but I doubt the wisdom of passing it. It provides that any action of assumpit or trespass may be started without the issuing of a summons. The summons is an ancient writ and is recognized in the legal profession as such, and I believe it is one of the details that should be gone through with. Many people under this act might have a suit brought against them and have no means of knowing it, because they are used to seeing a summons with the great seal of the court attached. This bill permits the starting of a suit with a statement of claim and serving the same together with a rule to answer the pleadings, and if they did not answer the pleadings within a number of days, or by the return day, snap judgment may be taken against them. I hesitate to endorse this measure. I think it should be voted down, or possibly be given further consideration.

Mr. THOMPSON. Mr. President, I want to add my remarks to the Senator from Bucks, Mr. Buckman. I think this bill in its present form has one very fatal defect and will complicate procedure almost unspeakably, for under the provision of this bill any plaintiff in a civil action could start a suit by the filing of a statement of claim. The law at the present time, and which the bill does not affect, is that a judgment cannot be taken before the return day, but if no writ of summons is issued, not one would have any certainty that a judgment would be taken against the defendant in any one of these actions in assumpit or trespass, and I think we will only be further complicating an already complicated procedure by the passage of this bill.

Mr. REED. Mr. President, I am not particulary interested in this bill, it will not change the practice so far as my law is concerned. This bill was handed to me by a representative of the State Bar Association.I think if it were passed, it would simplify the practice, instead of two papers you would just file one which sets forth in detail the suit, and known to lawyers as a statement of claim. I understand that by this bill the practice would be the same as heretofore, that is, you could not take judgment until the return day. This, however, is purely a lawyer's bill and I am not sponsoring it one way or the other. It provides this additional method of filing just a statement of claim which sets forth the cause of action and it leaves that practice just as it was, so that a lawyer can proceed by this method under this bill, by filing a statement of claim, but under the old method it was also necessary to serve a summons, but under this method you file only the statement of claim to start the suit.

Mr. LAW. Mr. President, it seems to me that there are some weaknesses in this bill as it is now drawn. It has a good effect for simplification and I think the intention behind it is good, but there are many other things there that should be changed; the return day should be noted on the copy of the statement of claim when it is served upon the defendant, and for that reason.

MOTION TO RECOMMIT BILL

Mr. President, I move that the bill be recommitted to the Committee on Judiciary General for the purpose of further study.

Mr. BUCKMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 932 (House Bill No. 185), entitled:

An Act to provide for an additional law judge of the court of common pleas in the twenty-first judicial district

And said bill having been read at length the third time, and agreed to,

Shall the bill pass finally?

On the question,

Mr. HEYBURN. Mr. President, there seems to be an epidemic for creating new judgships in Pennsylvania. I have been told that there is no need for another judge in this district, and we all know that the poor taxpayer is overburdened now. Is there anyone here who can tell us whether or not a new law judge is needed in the 21st judicial district?

The PRESIDENT. Will the Senator from that district, Mr. Dando, answer the question?

Mr. DANDO. Mr. President, in answer to the Senator from Delaware, Mr. Heyburn, I have a list here that shows Schuylkill County at the present time has a docket of 357 civil cases standing. At the rate they have been trying cases in Schuylkill County for the past number of years, it will take three and one-half year to clear that docket. We go back to June 25, 1934. At that time we received resolutions from the Bar Association asking for another judge, and up until this time there has been no additional judge appointed, and we deem it necessary to have an additional judge in Schuylkill County.

And the question recurring

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—23

Cavalcante,	Kahle,	McGinnis,	Ruth,
Dando,	Kilgallen,	Mundy,	Salus,
DiSilvestro,	Kunkel,	Pytko,	Sipe,
Frey,	Lanius,	Rankin,	Stiefel,
Gilson,	Law,	Rice,	Thompson,
Huffman,	McCreesh,	Rodgers,	

NAYS—19

Bean,	Gelder,	Mallery,	Shapiro,
Buckman,	Haluska,	Owlett,	Sones,
Chapman,	Heyburn,	Reed,	Wolfenden,
Deitrick,	Homsher,	Rupp,	Woodward,
Ealy,	Jaspan,	Scarlett,	

Less than a majority of all the Senators having voted "aye" the question was determined in the negative.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 935 (House Bill No. 1176), entitled:

An Act to amend Article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws twenty) entitled "An act for the government of cities of the second class' as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

Mr. WOLFENDEN. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Kilgallen.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I would like to ask the Senator from Allegheny, Mr. Kilgallen, the purpose of this bill.

Mr. KILGALLEN. Mr. President, this bill applies only to the City of Pittsburgh, and its application, therefore, is only local, but it is intended to go deeper than that. In the City of Pittsburgh we have a Department of Public Safety. The head of that department has to do with the fire protection and the police protection. As the law now stands, the Superintendent of Police, upon the request of any private individuals can hire anyone to order policemen, and, Mr. President, in principle I think it is wrong that the authority of our city police there in any way be delegated to private employment. I am voting for this amendment, and I will vote for any bill that would prohibit the employment of any state policemen in private employment, and I am certain that no members of this Assembly would delegate Federal power to any private employment. So far as safeguarding the property in Pittsburgh is concerned, we have never had any trouble, to my knowledge, in guarding our social and proprietary interests, and a bill such as this one giving private employers the mace and the badge of authority is wrong.

Mr. WOLFENDEN. Mr. President, I would like to further interrogate the Senator from Allegheny, Mr. Kilgallen.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be further interrogated?

Mr. KILGALLEN. Mr. President, I will.

Mr. WOLFENDEN. Mr. President, I desire to ask the Senator from Allegheny if at the present time they have largely attended base-ball and foot-ball games in Pittsburgh, and if they do not require policemen at those games, and how are they supplied?

Mr. KILGALLEN. Mr. President, yes, we have policemen employed there, but I am talking now of the private employers.

Mr. WOLFENDEN. Mr. President, employers of these city policemen?

Mr. KILGALLEN. Mr. President, Yes.

Mr. WOLFENDEN. Mr. President, would not this place an unnecessary expense on the City of Pittsburgh if this bill passes?

Mr. KILGALLEN. Mr. President, if it does, the expense should be borne by the parties.

Mr. EALY. Mr. President, I would like to interrogate the Senator from Allegheny, Mr. Kilgallen.

The PRESIDENT. Will the Senator from Allegheny, Mr. Kilgallen, permit himself to be interrogated?

Mr. KILGALLEN. Mr. President, I will.

Mr. EALY. Mr. President, as I read this bill, in the language on the bottom of page 2, it has nothing whatever to do with furnishing policemen for private industry. It says: "The city recorder may upon any emergency or apprehension of riot or mob take command of the police force and appoint as many special partolmen as he may deem advisable. During their service the special appointees shall possess the powers and perform the duties of regular employes of the department," and so forth.

Now, in case that any special trouble might arise in very many ways, how will the City of Pittsburgh take care of this disorder if they may not appoint special policemen?

Mr. KILGALLEN. Mr. President, the appointment of policemen is an authority that should not be vested in one man. The Council of the City of Pittsburgh can take care of that. Under the present circumstances the City Recorder is the only person who can appoint policemen. With the elimination of that in the law, the City fathers, the council of Pittsburgh, shall appoint such policemen as may be necessary to cope with any emergency.

Mr. McGINNIS. Mr. President, what would happen to us in an emergency if the council were not in session, or out of town?

Mr. KILGALLEN. Mr. President, I can only say, Mr. President, that we could take care of any emergency that may come up. We have had emergencies in the City of Pittsburgh where the state police and the national guard and the deputy sheriffs handled the situation.

In a word, Mr. President, this bill goes directly to this point: Shall the city of Pittsburgh have its policemen obeying two masters? They clearly have two masters now. They are on the premises of private employers getting $5.00 a day, and the other master is their official master, and I think it is wrong in principle and that they should have one master, a master elected by the people of Pittsburgh.

Mr. OWLETT. Mr. President, may I just call the attention of the Senators to a section of this act which is being deleted in this amendment which makes the specially appointed policemen subject to the orders, rules and regulations of the department, and not to the private employer at all. It seems to me that the suggestion of

the Senator from Allegheny, Mr. McGinnis, is very pertinent to this discussion, namely, that in case of a sudden emergency, with no council in session, I do not see what the City of Pittsburgh would do.

Mr. KILGALLEN. Mr. President, no, that objection sounds better than it really is. No emergency ever arises in the city of Pittsburgh, at least no emergency has arisen in my lifetime, and I have lived there all my life, where the city fathers could not take care of it. It seems to me to be wrong to have the policemen dressed in uniforms of our city, wearing the insignia of their office, carrying a mace and bearing arms, and obeying the behest and command of some private citizen. It is all very well for the Senator from Tioga to say that these men are under the discipline of the department. There is no such thing; they are on the premises of a private employer, they come when a private employer says come and go when that employer says go, and that private employer, whether or not there is an emergency or not, they obey the command of that man on whose property they are employed.

And the question recurring?

Will the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—33

Cavalcante,	Jacobs,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Haluska,	Law,	Rice,	Thompson,
Heyburn,	Mallery,	Rodgers,	Woodward,
Huffman,			

NAYS—11

Bean,	Deitrick,	Homsher,	Scarlett,
Buckman,	Ealy,	Owlett,	Wolfenden,
Chapman,	Gelder,	Salus,	

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 936 House Bill No. 1188), entitled:

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (P. L. 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

Nays—31

Cavalcante,	Jacobs,	McCreesh,	Rupp,
Dando,	Jaspan,	McGinnis,	Ruth,
DiSilvestro,	Kahle,	Mundy,	Shapiro,
Eroe,	Kilgallen,	Pytko,	Sipe,
Frey,	Kunkel,	Rankin,	Sones,
Gilson,	Lanius,	Reed,	Stiefel,
Heyburn,	Law,	Rice,	Thompson,
Huffman,	Mallery,	Rodgers,	

Nays—9

Bean,	Deitrick,	Gelder,	Scarlett,
Buckman,	Ealy,	Homsher,	Woodward,
Chapman,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 937, (House Bill No. 1299), entitled:

An Act to establish a separate orphans' court in and for the County of York.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—39

Bean,	Heyburn,	Mallery,	Ruth,
Buckman,	Homsher,	McCreesh,	Salus,
Cavalcante,	Huffman,	McGinnis,	Shapiro,
Chapman,	Jacobs,	Mundy,	Sipe,
Dando,	Jaspan,	Pytko,	Stiefel,
DiSilvestro,	Kahle,	Rankin,	Sones,
Ealy,	Kilgallen,	Reed,	Thompson,
Eroe,	Kunkel,	Rice,	Wolfenden,
Frey,	Lanius,	Rodgers,	Woodward,
Gilson,	Law,	Rupp,	

NAYS—4

Deitrick,	Gelder,	Owlett,	Scarlett,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 953, entitled:

An Act providing for the commencement of civil actions for damages arising from the ownership possession occupancy control maintenance and use of real estate the footways and curbs adjacent thereto and providing for the service of process in such cases

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. STIEFEL. Mr. President, I ask unanimous consent to amend Title, page 1, lines 2 and 3 of title, by striking out the following: "the ownership possession occupancy control maintenance and use of" and inserting in lieu thereof: "any accident or injury occurring upon"; amend Title, page 1, line 4 of title, by inserting after the word

"ways" the following: "sidewalks"; amend Sec. 1, page 1, lines 5 and 6, by striking out the following: "all of line 5, and "use of" in line 6, and inserting in lieu thereof: "any accident or injury occurring upon"; amend Sec. 1, page 1, line 6, by inserting after the word "footways" the following: "sidewalks"; amend Sec. 1, page 1, lines 7 to 10, by striking out the following: "it shall be lawful to commence an action for the re-" in line 7, all of lines 8 and 9, and "to" in line 10; amend Sec. 1, page 1, line 12, by inserting after the word "footways" the following: "sidewalks"

The PRESIDENT. Is there objection?

Mr. BUCKMAN. Mr. President, I would like to interrogate the sponsor of this bill, Mr. Stiefel.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Stiefel, permit himself to be interrogated?

Mr. STIEFEL. Mr. President, I will.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if that amendment provides for the service of process in personal injury cases which happen on the streets and pavements and if his amendment would permit the bringing of a suit against a non-resident defendant growing out of personal injuries which may have occurred on the streets and pavements in front of real estate?

Mr. STIEFEL. Mr. President, yes.

Mr. BUCKMAN. Mr. President, and the bill as originally drawn and passed upon in committee did not have any provision as to personal injuries, is that a fact?

Mr. STIEFEL. Mr. President, it is only changing the language of the act, that is all. The amendments were drawn by the City Solicitor.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 955, entitled:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. BUCKMAN. Mr. President, I ask unanimous consent to amend Section 1, page 2, line 9, by inserting after the word "thereon" the following: "except property used in rendering service to the public"

The PRESIDENT. Is there objection? The Chair hears none.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

Mr. MUNDY. Mr. President, I ask unanimous consent to amend section 1, page 2, line 7, by striking out at the end of the line the word: "[springs]"; amend section 10, page 6, line 11 by inserting at the end of the line the following: "but this act shall not be construed to repeal or modify the act approved the eighth day of April one thousand nine hundred thirty-seven (Act No. 64) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations copartnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" and it is the legislative intent that the power herein given so far as it relates to condemnation of streams rivers and lakes shall be exercised in subordination thereto"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 974 (House Bill No. 1570) on third reading, entitled:

An Act to promote safety for the traveling public on State highways; to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance; to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases, to authorize entry by the Department of Highways into mines in certain cases, and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways, and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1012 (House Bill No. 843), entitled:

An Act to regulate the sale and advertising for sale of goods wares and merchandise purporting to be an insurance bankruptcy mortgage insolvent assignees executors administrators receivers trustees removal or closing-out sale or sale of goods damaged by fire smoke or water in cities of this Commonwealth and to prevent fraudulent practices in connection therewith and providing penalties for the violation thereof and for the imposition of license fees for permission to conduct the same

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. McGINNIS. Mr. President, I ask unanimous consent to amend Section 5, page 4, lines 2, 3 and 4, by striking out the passage beginning with the word "in" on line 2 and ending with the word "class" on line 4"; amend Section 5, page 4, line 5, by striking out the word "fifty" and inserting in lieu thereof the following: "twenty-five"; amend Section 5, page 4, line 5, by striking out ($50) and inserting in lieu thereof the following: "($25)"; amend Section 1, page 1, line 7, by inserting after the word "to" and before the word "hold" the following: "advertise or"; amend Section 1, page 1, line 7, by inserting after the word "out" and before the word "that" the following: "by any means"; amend Section 5, page 3, lines 25 to 29, inclusive, by striking out the passage beginning with the word "in" on line 25 and ending with the word "class" on line 29; amend the title on page 1, lines 3 and 4, by striking out the words "executors administrators"; amend Section 1, page 2, line 4, by striking out the word "May" and substituting in lieu thereof the following: "July"; amend Section 1, page 2, line 10, by striking out the words "executors administrators"; amend Section 4, page 3, line 15, by striking out the word "and" and substituting in lieu thereof the following: "or"; amend Section 4, page 3, line 15, by inserting after the word "of" and before the word "thirty" the following "not exceeding"; amend Section 7, page 4, line 12, by striking out the word "May" and substituting in lieu thereof the following: "July"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS ON THIRD READING AND FINAL PASSAGE

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1013 (House Bill No. 1129), entitled:

An Act for the protection of producers of farm produce; providing for the licensing, the bonding or holding collateral of, and the regulation of certain dealers in farm produce, as herein defined, within this Commonwealth; conferring powers and imposing duties on the Department of Agriculture; providing for appeals and injunctions; and prescribing penalties.

And said bill having been read at length the third time, and agreed to,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—36

Bean,	Huffman,	McCreesh,	Ruth,
Cavalcante,	Jacobs,	McGinnis,	Scarlett,
Chapman,	Jaspan,	Mundy,	Shapiro,
Dando,	Kahle,	Pytko,	Sipe,
DiSilvestro,	Kilgallen,	Rankin,	Sones,
Eroe,	Kunkel,	Reed,	Stiefel,
Frey,	Lanius,	Rice,	Thompson,
Gilson,	Law,	Rodgers,	Wolfenden,
Heyburn,	Mallery,	Rupp,	Woodward,

NAYS—4

Deitrick,	Ealy,	Homsher,	Salus,

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1045, entitled:

An Act to amend the title and sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-nine) entitled "An act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation" extending the provisions of said act to children under ten years of age

And said bill having been read at length the third time, and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Ealy,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Woodward,
Gilson,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 1086, entitled:

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of

n act approved the twentieth day of April one thousand ght hundred and seventy-four (Pamphlet Laws sixty-ve) entitled "An act to regulate the manner of increas-g the indebtedness of municipalities to provide for the edemption of the same and to impose penalties for the legal increase thereof" and the amendments and supple-ents thereto and validating bonds issued or authorized be issued in pursuance of such proceedings and elec-ons and in case any bonds have been sold by a munici-ality and the publication of notices of the sale have been efective to cure such defective publication of sale notices nd validate the sale thereof

And said bill having been read at length the third time, nd agreed to,

And the amendments made thereto having been printed s required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provi-ons of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Ealy,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Woodward,
Gilson,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the uestion was determined in the affirmative.

Ordered, That the Clerk present said bill to the House f Representatives for concurrence.

Mr. LAW. Mr. President, I move that the Senate do ow resume consideration of Senate Bill No. 181 (House ill No. 232), on third reading postponed, entitled:

An Act validating municipal claims of cities and bor-ughs where not filed within the time specified by law.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provi-ons of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Deitrick,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Ealy,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Woodward,
Gilson,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the uestion was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

Mr. LAW. Mr. President, I move that the Senate do now resume the consideration of Senate Bill No. 182 (House Bill No. 233), on third reading postponed, entitled:

An Act validating amicable writ of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

It was agreed to.

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—42

Bean,	Heyburn,	McCreesh,	Ruth,
Cavalcante,	Homsher,	McGinnis,	Salus,
Chapman,	Huffman,	Mundy,	Scarlett,
Dando,	Jacobs,	Owlett,	Shapiro,
Dent,	Jaspan,	Pytko,	Sipe,
DiSilvestro,	Kahle,	Rankin,	Sones,
Ealy,	Kilgallen,	Reed,	Stiefel,
Eroe,	Kunkel,	Rice,	Thompson,
Frey,	Lanius,	Rodgers,	Wolfenden,
Gelder,	Law,	Rupp,	Woodward,
Gilson,	Mallery,		

NAYS—0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same without amendments.

RECESS

Mr. RICE. Mr. President, I move that the Senate do now take a recess for five minutes.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

AFTER RECESS

The PRESIDENT PRO-TEMPORE (Mr. Harvey Huffman) in the Chair.

The PRESIDENT. The time of recess having elapsed, the Senate will be in order.

HOUSE MESSAGE

The Clerk of the House of Representatives being introduced informed the Senate that the House had concurred in resolution from the Senate as follows:

In the Senate May 3, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 10th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 10th, at nine o'clock, Eastern Standard Time.

BILLS INTRODUCED

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 1153, entitled:

A Supplement to the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "An act for the government of the cities of the second class;" establishing a Department of Lands and Buildings in said cities; providing for its officers and employes; defining the powers, duties and jurisdiction of said department and in certain cases transferring the same from existing departments.

Which was committed to the Committee on Municipal Government.

ALSO read in his place and presented to the Chair Senate Bill No. 1154, entitled:

An Act to amend Article four of the act approved the seventh day of March, one thousand nine hundred one (P. L. 20), entitled "An act for the government of cities of the second class," transferring to the Department of Public Works the powers and duties relative to the removal and disposal of all garbage and swill.

Which was committed to the Committee on Municipal Government.

REPORTS FROM COMMITTEES

Mr. FREY. Mr. President, I ask unanimous consent to a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY from the Committee on Executive Nominations reported with a favorable recommendation the following nominations made by His Excellency, the Governor of the Commonwealth, which were laid upon the table.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following person for appointment as member of the Milk Control Commission:

Robert E. Pattison, Jr., of West Chester, Chester County, to serve until May 1, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

MEMBERS OF THE COMMISSION TO INVESTIGATE THE OPERATION OF THE OIL INDUSTRY IN PENNSYLVANIA

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and sent of the Senate the following persons for appointment as members of the Commission to Make a Careful, Thorough and Impartial Investigation into the Operation of the Oil Industry in this Commonwealth, to serve until their appointments are lawfully determined or annulled.

Ralph H. Smith, of Pittsburgh, Allegheny County.

William H. Godfrey, of Germantown, Philadelphia County.

John E. McComb, of Rouseville, Venango County.

GEORGE H. EARLE.

MEMBERS OF STATE VETERANS' COMMISSION

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Guy R. Lengel, of Port Carbon, Schuylkill County, for appointment as a member of the State Veterans' Commission, vice Charles A. Gebert, of Tamaqua, whose term expired, until the third Tuesday of January, 1939, and until his successor shall have been appointed and qualified.

GEORGE H. EARLE.

JUSTICES OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Daniel L. Redmond, of Berwyn, Chester County, for appointment as Justice of the Peace in the Township of Easttown, Chester County, vice Albert M. McQuiston, resigned, until the first Monday of January, 1938.

GEORGE H. EARLE.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 3, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Fred W. Whitney, of Pittsfield, Warren County, for appointment as Justice of the Peace in the Township of Pittsfield, Warren County, (to fill a vacancy) until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Mrs. Jeannette J. Blumenstein, McKeesport.
Harry L. Neff, 106 Federal St., Pittsburgh.

BERKS COUNTY

Chester A. Mohn, Bernville.

PHILADELPHIA COUNTY

J. W. Kane, 1012 Chestnut St., Phila.

SOMERSET COUNTY

F. P. Petonic, Windber.

WESTMORELAND COUNTY

Miss Sara E. Zimmerman, Greensburg.

YORK COUNTY

Earl L. Lehman, Mount Wolf.

GEORGE H. EARLE.

REPORTS FROM COMMITTEE

Mr. DiSILVESTRO. Mr. President, I ask unanimous onsent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears one.

Mr. DiSILVESTRO from the Committee on City Governnent re-reported as amended, Senate Bill No. 809 entitled:

An Act to amend section three of Article twelve of the ct, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (P. L. 581), entitled "An act or the better government of cities of the first class of his Commonwealth," by further defining the powers and uties of the city controller.

Also from the Committee on City Government reported s amended, Senate Bill No. 1046, entitled:

An Act imposing upon the city treasurer in cities of he first class the duty of reading water meters; authorzing the employment by the city treasurer of assistants or the performance of such duties; fixing the salaries of uch assistants; and repealing inconsistent acts.

RESOLUTION

GRANTING USE OF SENATE CHAMBER FOR PUBLIC HEARING

Mr. HALUSKA. Mr. President, I ask unanimous conent to offer a resolution at this time.

The PRESIDENT. Is there objection? The Chair hears one.

Mr. HALUSKA offered the following resolution which vas twice read considered and agreed to:

Be It Resolved, that the Senate Chambers be given to he Committee on Mines and Mining on Wednesday, May 2, at 7:00 p. m. for the purpose of holding a public hearng on Senate Bills No. 1069 and No. 1119.

BILL ON SECOND READING

Mr. THOMPSON. Mr. President, I move that the Senate o now proceed to the consideration of Senate Bill No. 37, (House Bill No. 753) on second reading, entitled:

An Act to promote public health, safety, morals, and velfare, by declaring the necessity of creating public odies corporate and politic to be known as housing auhorities to engage in slum clearance and to undertake rojects, to provide dwelling accommodations for persons f low income: providing for the organization of such ousing authorities; defining their powers and duties; proiding for the exercises of such powers including the acuisition of property by purchase, gift, or eminent domain, he renting and selling of property, and including borrowng money, issuing bonds and other obligations and giving ecurity therefor; prescribing the remedies of obligees of ousing authorities, authorizing housing authorities to nter into agreements including agreements with the United States, the Commonwealth and political sub-divisions and municipalities thereof; defining the application of zoning, sanitary and building laws and regulations to projects built or maintained by such housing authorities; exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments.

Mr. KUNKEL. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 837 (House Bill No. 753) go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Mr. SHAPIRO. Mr. President, I call up at this time Senate Bill No. 655, (House Bill No. 228), on second reading, page 18 of the calendar.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 655, (House Bill No. 228), entitled:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition including appropriations for school purposes and for the purpose of administering this act and providing penalties

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and its is hereby enacted by the authority of the same That

Section 1 Short Title This act shall be known and may be cited as the "Store Tax Act"

The second section of the bill was read as follows:

Section 2 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

"Association" A partnership limited partnership or any other form of unincorporated enterprise owned by two or more persons

"Corporation" A corporation or joint-stock association organized under the laws of this Commonwealth the United States or any other State territory or foreign country or dependency

"Department" The Department of Revenue of this Commonwealth

"Person" Every natural person association corporation receiver or assignee

"Store" any SC [store] place of business or any mercantile establishment in which or from which tangible personal property of any kind is sold H [either at retail or wholesale] SC [H The term "store" as used in this Act shall be construed to mean or include only retail places of business and shall not include] Provided however That the term "store" as and when used in this act shall not include newstands the principal business of which is the sale of newspapers and periodicals and warehouses or establishments at which the sole business conducted is that of selling storing or distributing commodities in bulk

The singular shall include the plural and the masculine shall include the feminine and neuter

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend section 2, page 2, line 25, by inserting after the word "include" and before the word "new stands" the following: S "places of business commonly known as"; amend section 2, page 2, line 25, by striking out after the word "newsstands" the following: S "The principal business of"; amend section 2, page 2, line 26 by striking out before the second word "and" the following: S "which is the sale of newspapers and periodicals"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third, fourth and fifth sections of the bill were read as follows and agreed to.

Section 3 License It shall be unlawful for any person to open establish operate maintain or control any store in this Commonwealth without first having obtained and having in possession a valid license so to do from the department as hereinafter provided by each person engaged in the operation maintenance or control of such a store on the effective date of this act shall have sixty (60) days within which to obtain the first license for each such store perated maintained or controlled by him A separate license shall be procured for each store Licenses issued under this act may not be transferred or assigned Each licensee shall display each license so issued in a conspicuous place in the store for which such license is issued The licenses issued under the provisions of this act shall be annual licenses effective from June first of one year until and including May thirty-first of the year following The first licenses shall be required for the year commencing June first one thousand nine hundred and thirty-seven

Section 4 Application for License Any person desiring to open establish operate maintain or control such a store in this Commonwealth shall apply to the department for a license so to do before the first day of June of each year except as otherwise provided in section three hereof as to the first license The application for license shall be made on a form prescribed and furnished by the department and shall set forth the name of the person desiring such license the name and location of the store for which the license is desired and such other information as the department may require Each such application shall be accompanied by the proper license tax as hereinafter prescribed in this act and upon receiving the prescribed fee the department shall issue said license

Section 5 License Taxes Every person opening establishing operating maintaining or controlling one or more stores within this Commonwealth under the same general management supervision or ownership shall pay an annual license tax for the privilege of opening establishing operating maintaining or controlling such store or stores as follows

(1) Upon one store the sum of one dollar ($1.00)

(2) Upon each store in excess of one but not to exceed five stores the sum of five dollars ($5.00) for each such additional store

(3) Upon each store in excess of five but not to exceed ten stores the sum of ten dollars ($10.00) for each such additional store

(4) Upon each store in excess of ten but not to exceed fifteen stores the sum of twenty dollars ($20.00) for each such additional store

(5) Upon each store in excess of fifteen but not to exceed twenty stores the sum of thirty dollars ($30.00) for each such additional store

(6) Upon each store in excess of twenty but not to exceed thirty stores the sum of fifty dollars ($50.00) for each such additional store

(7) Upon each store in excess of thirty but not to exceed fifty stores the sum of one hundred dollars ($100.00) for each such additional store

(8) Upon each store in excess of fifty but not to exceed seventy-five stores the sum of two hundred dollars ($200.00) for each such additional store

(9) Upon each store in excess of seventy-five but not to exceed one hundred stores the sum of two hundred and fifty dollars ($250.00) for each such additional store

(10) Upon each store in excess of one hundred but not to exceed two hundred stores the sum of three hundred and fifty dollars ($350.00) for such additional store

(11) Upon each store in excess of two hundred but not to exceed five hundred stores the sum of four hundred and fifty dollars ($450.00) for each such additional store

(12) Upon each store in excess of five hundred stores the sum of five hundred dollars ($500.00) for each such additional store

The sixth section of the bill was read as follows:

Section 6 Ownership Two or more stores shall for the purpose of this act be considered under the same general management supervision or ownership if directly or indirectly controlled by a single person or any group of persons having a common interest in such stores or if any part of the gross revenues net revenues or profits from any such stores shall directly or indirectly be required to be immediately or SC [untimately] ultimately made available for the beneficial use or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein

On the question,

Will the Senate agree to the section?

Mr. SHAPIRO. Mr. President, I move to amend section 6, page 6, line 3, by inserting after the word "available" and before the word "for" the following: "as rental or in any other manner whatsoever."

Mr. KUNKLE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question.

Will the Senate agree to the section as amended.

It was agreed to.

The seventh to the 12th sections of the bill were read as follows and agreed to.

Section 7 Penalty Any person operating maintaining or controlling a store without a license as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each and every day that such violation shall continue shall constitute a separate and distinct offense

Section 8 Examination of Records Penalty The department or any duly authorized agent thereof shall have the power to examine the books records papers and files within or outside the Commonwealth of any person operating maintaining or controlling a store within this Commonwealth It shall have the power to examine witnesses under oath to verify the accuracy of any application or to ascertain whether or not any license tax is due which has not been paid Any person refusing to allow an examination of his books records papers and files as herein provided or who refuses to furnish the department with any information requested shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) and costs of prosecution Each such refusal shall be deemed a separate offense

Section 9 Disposition of Tax and Fines All taxes and fines received collected or recovered under this act shall be paid into the State Treasury through the department and except as hereinafter otherwise provided shall be credit ed to the [General Fund] State School Fund and shall be available for the payment of any appropriation made from time to time to the Department of Public Institutions for payment to school districts of the fourth class for the salaries of members of the teaching staffs of schools of such districts in accordance with the provisions of law. Provided however That out of the revenues derived under the provisions of this act the Department of Revenue shall during the fiscal biennium beginning the first day of June one thousand nine hundred and thirty-seven pay into the General Fund the sum of one hundred fifty-one thousand five hundred and seventeen dollars ($151,517.00) and the said sum so paid into the General Fund is hereby appropriated to the Department of Revenue for the purpose of administering this act

Section 10 License Tax in Addition to Existing Taxes The license tax imposed by this act shall be in addition to any taxes now imposed or that may subsequently be imposed by law

Section 11 Constitutionality If any section sentence clause or part of this act is for any reason held to be unconstitutional the dicision of the court shall not affect or impair the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional section sentence clause or part thereof not been included therein

Section 12 Effective Date This act shall become effective immediately upon final enactment

The title of the bill was read as follows:

An Act imposing an annual license tax for the privilege of operating maintaining or controlling within this Commonwealth a store or stores as herein defined prescribing the method and manner of collecting such tax and its disposition including appropriations for school purposes and for the purpose of administering this act and providing penalties

On the question,

Will the Senate agree to the title?

Mr. SHAPIRO. Mr. President, I move to amend the Title, line 5, by striking out after the word "including" the following: S "Appropriations for"; amend the Title, line 6, by striking out at the beginning of the line before the word "for" the following: S "school purposes and; and inserting in lieu thereof the following: "an appropriation"

Mr. KUNKEL. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agre to the section as amended?

It was agreed to.

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

Mr. OWLETT. Mr. President, may I inquire whether we now have before the Senate the amendments that have just been offered by the Senator from Philadelphia?

The PRESIDENT. Yes.

Mr. OWLETT. Mr. President, I just want to call the Senate's attention to these amendments to the Chain Store Tax Act. In the first place, the Act now being amended read, before proposing these amendments that an annual license tax "shall be paid into the State Treasury through the Department and credited to the State School Fund and shall be made available for the payment of any appropriations made from time to time to the Department of Public Instruction for payment to school districts of the fourth class, * * *.

Now that is all amended: First, the fourth-class teachers were sold down the river and now the school teachers entirely are sold down the river, and the tax goes into the General Fund.

Now, I would like to call attention to what this does to Section 6, "Ownership": "Two or more stores shall for the purpose of this act be considered under the same general management, supervision or ownership if directly or indirectly controlled by a single person, or any group of persons having a common interest in such stores, or if any part of the gross revenues, net revenues or profits from any such stores shall directly or indirectly be required to be immediately or ultimately made available for the beneficial use, or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein."

Now, in the opinion of many, the way that section reads, it brings in not only the chain stores, as you and I know them, but all associated stores that have a common purpose and common association for buying. Now that is amended so that they remain chain stores if the profits are available "as rental or in any manner whatsoever. It seems to me that it is clear now in this act that any group of independents who join together for joint purpurchases of goods that they sell, as well as the so-called chain store, as it is commonly understood now, come within this tax and they will pay this tax. I think these amendments should be voted down, at least a part of them.

Mr. SHAPIRO. Mr. President, I should like to correct the Senator from Tioga by calling his attention to an error he has undoubtedly made. This bill does not change the original form of the bill with regard to the School Fund. When this bill was first drawn it provided that the funds realized from this tax should go to the School Fund for the benefit of fourth-class school districts. I contended in Committee and against the bill because my contention was not agreed to by a majority of the committee that that provision made this bill unconstitutional, and I want to say right here now that I do not propose to vote for this bill if it is left in its present form, which would be obviously unconstitutional. I do not set myself up as a constitutional lawyer, but there are some things that are obvious, and in order to correct that obvious defect in the bill, the bill was amended so that the part dealing with the distribution of the School Fund to fourth-class school districts was changed, leaving the bill in the form that the tax collected would go to the School Fund, and having taken that provision out for the distribution of the appropriation to the fourth-class districts, the title had to be amended to take out of the title the words "appropriation for school purposes." That was merely a correctional amendment to conform with the original matter in the bill.

The Senator from Tioga should know that there is a companion bill which is about to come over from the House which deals with an increase of salaries to fourth-class districts, and in that way some of this money will undoubtedly be appropriated for teachers in fourth-class districts, and the constitutionality of the bill will not be affected.

Now, I do not propose to vote for this bill and put myself by voting for the bill in a position where we would

be holding out to the teachers an empty promise, and unless this bill is made so that in all reasonable probability it will be constitutional, there is no sense of the Senators voting for it. And the inclusion of the words "as rental or otherwise" in the paragraph dealing with the definition of "ownership" was made so that the chain stores would not be able to rent the stores to managers to avoid the provisions of this act, and that is the explanation of the words "as rental or otherwise". It does not affect anyone except those who have, as the act explains, a "beneficial or common interest" in the profit derived from the stores "as rental or otherwise" in the gross receipts. Now, the "otherwise" refers to profits, and if the people who are subject to this act are attempting to avoid it by changing the character of their ownerships or the character of their interests so long as a common interest is maintained by participating in the revenue as rental or otherwise, they will come under the provisions of this act.

Everybody voting for this bill ought to know whom we are expecting to affect by it. I do not say that I am in complete accord with the bill; I think the tax is somewhat too high, but I feel that this program, in which a man would make himself responsible, the head of this government, who has definitely taken upon himself, in a great measure, this responsibility, should be carried out. I agree with it, and while I do not know whose responsibility it is, I am voting for the bill, and I am going to try to see that nothing is done to make it ineffective.

Mr. OWLETT. Mr. President, without attempting to prolong this discussion, I would like to call the attention of the Senator from Philadelphia to the exact words of the act, when he says that it provides only that when net revenue being directly or indirectly for the benefit of a person or a group of persons, they become chain stores. This Act reads as follows:

"a single person or any group of persons having a common interest in such stores, or if any part of the gross revenues, net revenues or profits from any such stores shall directly or indirectly be required to be immediately or ultimately made available for the beneficial use, or shall directly or indirectly inure to the immediate or ultimate benefit of any single person or any group of persons having a common interest therein."

I would like to have any Senator in this Chamber explain to me how a group of individuals privately owning a number of stores, who join together for a common interest and make common purchases, would not come under the provisions of this chain store act. Certainly that group benefits by receiving part of the gross revenue, and it would certainly go to the benefit of that group, and that is the way this act reads, and now they have made it doubly clear, because they say that if it goes to them as rental, or in any manner or kind, if the profits go to any group of individuals, they become chain stores, and I say, Mr. President, that anybody voting on this bill today is voting to tax the individual merchants who organize themselves together to meet the competition of the chain stores.

Mr. President, I want, if I may have a moment, to make one other thing clear. Many of the proponents of this bill profess their interest in it on account of their interest in the individually privately owned stores of the merchants of the State. I give way to no one in Pennsylvania, Mr. President, in my interest in the individual business-man in small communities throughout our State. I was born in a town of less than 4,000 population and have lived there all my life. I have been supported by the merchants of my community in what little success I have had in politics. They are my friends; I have a brother-in-law who is an independent merchant in my town, and my interests are tied up with the independent merchants. It is for that very reason that I voted yesterday to put this bill back into committee in this Senate, a bill which would permit the consumers' cooperatives to go on without paying any taxes, because in my judgment that bill would not only run out of business the independent merchant, but it would run them all out of business, and we would not have anybody to pay taxes in our community.

I want to say this about this bill. This bill, perhaps with the best intention, is designed to correct an evil, but I say that when any government starts to tax a group of individuals because they think that the economic conditions may be served better for another class of individuals, we are treading on ground that no one can say where it is going to lead, when we are attempting to put out of business one class to help another class no one can say where it is going to end. The whole growth of our country has been due to the free exercise in putting everyone on an equal footing in the right to do business and to make a profit, and we all have examples right in our own communities that live independent merchants are needed. I hold no brief for the chain stores, I do not have any connection with the chain stores, directly or indirectly, but I do say that it is unsound if you pass this bill on this floor; you are not only going to tax these chain stores, but every group of independent merchants who have gotten together to buy their goods from a common source to meet the competition that they are getting.

Mr. SHAPIRO. Mr. President, I think enough has been said against this bill in fair argument without putting the bill in the position that the Senator from Tioga is putting it, which does not particularly hurt the bill. I have said that there are a number of things about this bill that I do not like. The first thing I said was because the tax is too high, and that was evidence by how I regarded this tax in a committee of which I was a member. When we made an investigation as to what would be the decrease in the amount of revenue if the limit were $400.00 instead of $500.00; that would mean six hundred and some odd thousand dollars in two years. This gives you some idea of the size of the tax and the way it is graduated can be gleaned from that, and it seems to me that it can be more equitably drawn in regard to the distribution of the basis when it comes to graduating the tax according to the number of stores. This proposition has been agitated in this Commonwealth for several years, and the majority of the people whom I have heard are in favor of such a tax. Many of them, I confess, do not know the extent of the tax, but, generally speaking, they are in favor of such a tax, and the Governor of the Commonwealth has assumed the responsibility or obligation to say that he is in favor of such a tax and he made it an issue in some of his campaigns. The responsibility is his as to the tax generally, and as to the structure of the bill he has something to say, and we have some responsibility about that, and, generally speaking, I am going along on this tax, expressing for the purpose of the record my views as to some of the conditions in it, but it is not neces-

sary to bring up arguments which will only tend to confuse.

I want to say to the Senator from Tioga that Senator Pytko and myself discussed and considered very seriously the question even before the amendments were put in, especially whether or not certain of the cooperative stores, or community stores so-called, would come under the provisions of this definition under "'ownership" in section 6, and we consulted with the people who drew up the bill. I was fearful myself, and I think most of us are sure it will not include these people, except and unless their form of organization is such that the persons participate in a profit.

Now, in regard to the amendment introduced: That does not change the picture because the amendment deals with that which is already in the bill, namely, that ownership is established by a common interest in the gross revenue, and the words as inserted are descriptive of revenue and not of anything else. In other words, if these revenues are derived by virtue of a share in the gross receipts, or if these revenues are derived by rentals based upon gross receipes, then this group comes within the provisions of this chain store definition of ownership, so that the rental is merely used to define a provision or the setting up of a system by chain stores that would enable them to lease their stores to managers and take a rental basis as a share of the gross revenues. It will also include in the bill the large department stores in Philadelphia who have escaped the tax and who have a system of establishing departments in their stores rented out to persons engaged in setting up millinery stores, shoe stores and other stores in the various department stores in Philadelphia, so that these stores which have an interest in the department stores will come within this tax. I think the amendments will help to tighten the act and will help to extend the effect of the tax, so that when it comes into operation, if it is a bad tax, if it is a wrong tax, the full extent should be known, and there should be no subterfuge, and so that we will be able to find out what we have been doing.

Mr. REED. Mr. President, I would like to interrogate the Senator from Philadelphia, Mr. Shapiro.

The PRESIDENT. Will the Senator from Philadelphia, Mr. Shapiro, permit himself to be interrogated?

Mr. SHAPIRO. Mr. President, certainly.

Mr. REED. Mr. President, I would like to have the Senator from Philadelphia, Mr. Shapiro, advise me whether the amendments offered will place all consumers' cooperatives within the scope of the bill.

Mr. SHAPIRO. Mr. President, That will depend upon whether the consumers' cooperatives share in the gross revenues of the business, either as profits or rentals. My understanding is that the consumers' cooperatives in its broad sense is not the kind of a cooperative that comes within the provisions of this act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

EXECUTIVE SESSION

By unanimous consent,

A motion was made by Mr. SONES.

That Rule 38, which requires nominations made by the Governor, to lie on the table one day be dispensed with, and the Senate do now resolve itself into Executive Session, for the purpose of acting upon all the nominations reported at today's session.

Which was agreed to.

Whereupon,

A motion was made by Mr. SONES.

That the Senate do advise and consent to the nominations reported.

On the question,

Will the Senate agree to the motion?

The yeas and nays were taken agreeably to the provision of the Constitution, and were as follows, viz:

YEAS—39

Buckman,	Gilson,	Law,	Rodgers,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Scarlett,
Dando,	Huffman,	McGinnis,	Shapiro,
Deitrick,	Jacobs,	Mundy,	Sipe,
DiSilvestro,	Jaspan,	Owlett,	Sones,
Ealy,	Kahle,	Pytko,	Stiefel,
Eroe,	Kilgallen,	Rankin,	Wolfenden,
Frey,	Kunkel,	Reed,	Woodward,
Gelder,	Lanius,	Rice,	

NAYS—0

A two-thirds majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Governor be informed accordingly.

Mr. SONES. Mr. President, I move that the Executive Session do now rise.

Mr. McGINNIS. Mr. President, I second the motion.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced presented communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows:

APPROVAL OF RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL No. 801

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the Senate and House of Representatives recalling from the Governor Senate Bill No. 801, Printer's No. 250, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which Senate Bill No. 801 passed finally.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President,, I voted "aye."

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Shall the bill pass finally?

Mr. SHAPIRO. Mr. President, I move to reconsider the vote by which the bill passed third reading.

The PRESIDENT. How did the Senator vote?

Mr. SHAPIRO. Mr. President, I voted "aye."

Mr. LAW. Mr. President, I second the motion.

The PRESIDENT. How did the Senator vote?

Mr. LAW. Mr. President, I voted "aye."

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on third reading?

Mr. SHAPIRO. Mr. President, I ask unanimous consent to amend by adding after line 11 on page 3, the following: "Section 2. This act shall become effective immediately upon its final enactment."

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL INTRODUCED

Mr. WOODWARD. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. WOODWARD read in his place and presented to the Chair Senate Bill No. 1155, entitled:

A Joint Resolution proposing an amendment to Article nine, section eight of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

BILLS OVER IN ORDER

Mr. REED. Mr. President, at the request of Mr. HALUSKA, I ask unanimous consent that Senate Bill No. 289 (House Bill No. 150), on second reading, entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and term of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners"

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, at the request of Mr. HALUSKA, I ask unanimous consent that Senate Bill No. 413 on second reading, entitled:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws four hundred eighty-one) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, at the request of Mr. HALUSKA, I ask unanimous consent that Senate Bill No. 414, on second reading, entitled:

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines providing for the safe periodic removal of dust accumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, at the request of Mr. HALUSKA, I ask unanimous consent that Senate Bill No. 415, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, at the request of Mr. HALUSKA, I ask unanimous consent that Senate Bill No. 416, on second reading, entitled:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bituminous coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Mr. EROE. Mr. President, I move that the Senate do now resume the consideration of Senate Bill 796, House Bill No. 917, on third reading, postponed, entitled:

An Act providing for the licensing of all persons engaged as blasters, except in anthracite or bituminous coal mines or in agricultural employment; requiring examination for such license; providing for the payment of a fee for examination and for the issuance and renewal of licenses; and providing penalties.

Mr. REED. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill?

Mr. EROE. Mr. President, I ask unanimous consent to amend sec. 2, page 2, line 11, by striking out the word "three" and inserting in lieu thereof: "two"

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILL POSTPONED

Mr. SHAPIRO. Mr. President, I move that Senate Bills Nos. 550, 551, 552, 553, 554 be placed on the postponed calendar.

Mr. RICE. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 566, on second reading, entitled:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. REED. Mr. President, I ask unanimous consent that Senate Bill No. 632, on second reading, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 723 (House Bill No. 1157), entitled:

An Act to amend section one, section three as amended, and sections four, five and nine as added, of the act approved the twenty-eighth day of May, one thousand nine hundred and thirty-one (P. L. 202), entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream, artificial or natural body of water, or non-tidal waters of any river within the Commonwealth; conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners, including the enforcement of certain existing laws; and prescribing penalties," extending said act to motor boats on boundary waters; exempting out-board motor boats from licensure and regulating license fees for such motor-boats; providing for new license plates each license year, and fixing license years; and regulating the installation and use of mufflers.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 967.

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 920) entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1412) is hereby further amended to read as follows

Section 3 Before the Secretary of Highways shall undertake the construction reconstruction or improvement of any State highway in a borough or incorporated town wherein a change of width or existing lines and location is necessary and damages are likely to result to abutting property he shall notify the county commissioners of the proper county in writing of the contemplated change in such existing width lines and location [whereupon the county commissioners when possible shall enter into an agreement with the owner or owners of said property as to the amount of damages to be paid to the said owner or owners which damages if agreed upon shall be paid by the county]

[In case no agreement satisfactory to the county commissioners and the said owner or owners can be made the Secretary of Highways may not proceed with the work of construction and improvement unless the county commissioners agree that the said secretary may proceed and in such cases the owner or owners of said property damaged thereby or the county commissioners may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways and such damages when ascertained shall be paid by the county in which the State highway is located and the county shall also provide for the removal of all structures within the lines of the highway] After the county commissioners have agreed to such changes or refuse to agree thereto as hereinafter provided the Secretary of Highways may proceed with the work of construction reconstruction and improvement After the receipt of the notice as above provided the county commissioners if they approve such change of width or of existing lines and location and agree thereto in writing shall when possible enter into an agreement with the owner or owners of said property as to amount of damage to be paid to the said owner or owners Whenever the amount so agreed upon shall exceed the sum of three hundred dollars ($300) the same shall not be paid by the county until the proposed agreement shall have been filed by the county com-

missioners in the office of the prothonotary of the county in which the property damaged is situated If no exceptions are filed thereto within ten days after notice given by publication as hereinafter provided the county commissioners may pay the amount so agreed upon If exceptions thereto are filed within ten days after such notice the proceedings shall be presented to the court of quarter sessions for its approval The court shall fix a time for hearing the matter at which time the parties to such agreement and any taxpayer interested therein and their witnesses shall be heard and the court shall either approve or disapprove the agreement as it deems proper If the court disapproves the agreement it shall indicate a sum which it would approve for such case if the county commissioners and the property owner could agree thereon In such cases if the property owner and the county commissioners should agree on the amount of damages indicated by the court as acceptable to it such agreement may be entered into and shall be final and binding on the said parties without any further approval by the court Notice of the filing of such agreement in the office of the prothonotary and of the time and place of hearing in all such cases shall be given by one publication in one or more newspapers of general circulation throughout the county which shall state that any taxpayer may file exceptions to the agreement or may appear at such hearing and be heard together with his witnesses as the case may be Only such payments as to which no exceptions have been filed or as have been approved by the court as above provided shall be paid by the county or in case an agreement satisfactory to the county commissioners and said owner or owners cannot be made and the approval of the court thereto secured the owner or owners of said property damaged thereby or the commissioners of the proper county may present their petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damages The proceedings upon said petition and by viewers shall be governed by existing laws relating to the ascertainment and assessment of damages for opening public highways The county commissioners or any other party to such proceedings may appeal from the award of the viewers to the court of common pleas and shall be entitled to a trial by jury From the judgment of the court of common pleas an appeal may be had to the Supreme or Superior Court as in other cases Such damages when ascertained shall be paid by the county in which the State highway is located

Whenever the county commissioners do not consent to or approve any such change of width or of existing lines and location and the Secretary of Highways determines such change to be necessary he shall when possible enter into an agreement with the owner or owners of said property as to the amount of damages to be paid therefor and if agreed upon such damages shall be paid by the Commonwealth out of moneys in the Motor License Fund or if such agreement cannot be made the owner or owners of said property damaged thereby or the Commonwealth may present their or its petition to the court of quarter sessions for the appointment of viewers to ascertain and assess such damage as well as any benefits in the same manner and with the same right of appeal to the owner or owners and to the Commonwealth as is hereinbefore provided in cases where the county agreed to such change but the damages when ascertained shall be paid by the Commonwealth out of moneys in the Motor License Fund

The county shall also be liable for any damages sustained by abutting property owners for a change of the width or lines of roads intersecting State highways where such damages are made necessary as a result of the changing with their consent and approval of the width lines or location for the construction of a State highway such damages to be ascertained in the same manner as herein provided for damages occasioned as a result of the change with their consent and approval of width or of existing lines and location of State highways and in case the commissioners shall not have consented to and approved such change of width or of existing lines or location then such damage shall be paid by the Commonwealth and shall be ascertained in the same manner as herein provided for damages for land taken as a result of the change of width or of existing lines and location of State highways without the consent and approval of the county commissioners and such damages shall also be paid from the Motor License Fund The county shall also provide for the removal of all structures within the lines of the highway as thus established unless otherwise provided by agreement between said county and the Secretary of Highways and in case the same is to be done by the Commonwealth the cost thereof shall also be paid out of the Motor License Fund Any moneys in the Motor License Fund necessary to make the payments required by the section are hereby specifically appropriated to the Department of Highways

If the county refuses to assume all damages in connection with the relocation or widening of any highway as hereinbefore provided the county commissioners and the Secretary of Highways may thereafter agree that the county shall pay a portion thereof to either the owners or to the Department of Highways or shall perform specified work for the benefit of the owner in lieu thereof or shall participate in the total damage expense in such other manner as may be agreed upon

Nothing contained in this act shall be construed as placing on the Commonwealth the payment of any damages or costs incident to the change of width lines or location of any State highway in a borough or incorporated town where such highway was widened or the lines or location changed prior to the date this act takes effect but all such damages and costs shall be paid as heretofore provided by law prior to the date this act takes effect

Section 2 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

REPORT FROM COMMITTEE

Mr. CHAPMAN. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. CHAPMAN from the Committee on Aeronautics reported as amended, Senate Bill No. 322 (House Bill No. 280), entitled:

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations used for air navigation purposes to maintain auxiliary aerial night lighting equipment, and an auxiliary source of electric current for the same; and providing penalties.

MOTION TO READ BILLS THE FIRST TIME

Mr. RICE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 214, entitled:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases; and defining the powers of the court in such cases.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 262, entitled:

An Act to authorize cities of the third class, boroughs, and townships to sue out writs of scire facias on certain municipal claims, or to proceed to judgment upon writs of scire facias issued, or to revive judgments on such claims, where more than five years have elapsed since said claims were filed, such writs of scire facias were issued, or such judgments were entered or revived, and to reduce such claims to judgment, or to revive such judgment; and providing for the revival and collection of such judgments, and the liens thereof.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 322, (House Bill No. 280), entitled:

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations used for air navigation purposes to maintain auxiliary aerial night lighting equipment and an auxiliary source of electric current for the same and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 436, entitled:

An Act to further amend section one of the act approved the tenth day of April, one thousand nine hundred and twenty-nine (P. L. 479) entitled, as amended, "An act to regulate procedure where a defendant desires to have joined as additional defendants, persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants," by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 441, entitled:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name and regulating the service of process and pleadings in such cases.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 675, entitled:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones; conferring additional powers and duties upon the Department of Revenue, counties, municipalities and certain persons, firms, and corporations, including public service companies; restricting existing remedies and providing additional remedies; making an appropriation from the Motor License Fund, and providing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 686 (House Bill No. 1071), entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 699, (House Bill No. 1297), entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county, city, borough, town, school district or poor district at any sale for the nonpayment of taxes and the reconveyance or private sale of such property.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 715, (House Bill No. 1032), entitled:

An Act to amend section four hundred ninety-two of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for county airports

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 741, entitled:

An Act to provide for contribution among tortfeasors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 785, entitled:

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties, interest and costs due thereon against claims and accounts due by such political subdivisions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 871, entitled:

An Act to amend the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by conferring on such counties the power to adopt ordinances and resolutions; providing for the zoning and the regulation of the location, height, bulk and use of buildings and other structures and of the uses of land, and the requirement of building permits, in the portions of counties lying outside of cities, boroughs and townships of the first class; providing for the creation, organization, powers and duties of county zoning commissions and boards of adjustment; imposing duties on the State Planning Board and on State officials, departments and agencies; and prescribing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 872, entitled:

An Act to amend Article six of the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," providing for county and regional planning, and the creation, organization and powers of county and regional planning commissions, and imposing duties on certain city, borough, town and township authorities.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 931, entitled:

An Act to validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 950, entitled:

An Act relating to the settlements of accounts of collectors of county taxes; providing for procedure in such cases and for appeals to courts of common pleas.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 976 (House Bill No. 1608), entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 977 (House Bill No. 1609), entitled:

An Act to further amend the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws 519) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating the affairs of boroughs and revising amending and changing the law relating thereto

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 982, entitled:

An Act authorizing county Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury, and limiting the time within which claims for refunds must be made.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 999, entitled:

An Act to amend section three hundred eleven, as amended, of the act approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," further regulating the rights of persons elected by vote of the people who become members of the retirement system in counties of the second class.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1007, entitled:

An Act to add section four hundred seven and one-tenth to the act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled, "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing and regulating the designation of certain banking institutions as deputy county tax collectors by the board for the selection of depositories in counties of the second class; and defining their powers and duties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1016 (House Bill No. 1733), entitled:

An Act to amend sections four hundred six and four hundred seven of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the

second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by further regulating depositories of funds of counties of the second class, and the rate of interest to be paid by such depositories to such counties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1034 (House Bill No. 1712), entitled:

An Act to amend the act approved the fifth day of May, one thousand nine hundred and eleven (P. L. 198), entitled "An act to establish a county court for the County of Allegheny, and prescribing its powers and duties; regulating the procedure therein, and providing for the expenses thereof;" increasing the powers now exercised by the judges of said court; and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1046, entitled:

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters; authorizing the employment of assistants for the performance of such duties; fixing the salaries of such assistants; and repealing inconsistent acts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1055, entitled:

An Act authorizing the compounding, compromising and settlement by the Department of Public Instruction, with the approval of the Department of the Auditor General and the Department of Justice, of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions, trades and occupations in the Department of Public Instruction.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1058 (House Bill No. 1642), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1061 (House Bill No. 1769), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries, prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents and boards of school directors and imposing penalties.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1067, entitled:

An Act to amend section five hundred and one of the act approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred thirty-two) entitled, "An act relating to cities of the third class and amending, revising and consolidating the law relating thereto," by changing the requirements relating to the annexation of boroughs and townships to cities of the third class; and defining the phrase "taxable inhabitants."

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1074, entitled:

An Act providing a method of annexation of boroughs to cities of the third class; and regulating the proceedings pertaining thereto.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1101 (House Bill No. 2055), entitled:

An Act authorizing any county of the second class and any city in any such county in which the countyseat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professioal staffs and employes and for the apportionment of costs and expenses.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1105, entitled:

An Act concerning proxies; authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following Committees will meet:

The Committee on Law and Order in Room 265 today immediately upon adjournment.

The Committee on Labor and Industry will meet in Room 402, Wednesday, May 5th, at 2:30 p. m.

The Sub-Committee of Labor and Industry will meet at 11 a. m., Wednesday, May 5th, on Workmen's Compensation Bill.

The Committee on State Boards will meet Wednesday, May 5th, 11:45 a. m. in Room ?

The Committee on Agriculture will meet in Room 200, Wednesday, May 5th, at 9:30 a. m.

The Committee on State Government will meet in Room 402, Wednesday, May 5th, immediately upon adjournment.

The balance of the meetings are scheduled on the mimeographed sheets.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 5:22 p. m. until 12 o'clock noon tomorrow.

HOUSE OF REPRESENTATIVES

TUESDAY, May 4, 1937

The House met at 1:30 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

Almighty and Eternal Father, we ask Thy blessing upon all for whom we should pray. Thou art no respecter of persons. We are all creatures of Thine. All they that call upon Thy name, Thou wilt hear and answer, for Thine ear is not deaf that it cannot hear, nor Thine arm shortened that it cannot reach. O Lord, hear us as we pray. In His name. Amen.

JOURNAL APPROVED

The SPEAKER. The clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. MERRELL the further reading was dispensed with and the Journal was approved.

COMMUNICATIONS

The SPEAKER laid before the House the following communications which were read by the Clerk.

PENNSYLVANIA STATE BAR

A resolution from the Bucks County Bar Association opposing passage of Hou Bill No. 1753.

Referred to the Committee on Judiciary General.

CIVIL SERVICE

A telegram from the Employes of State Liquor Store No. 2503 urging passage of House Bill No. 589.

Referred to the Committee on State Boards.

EMPLOYMENT

A resolution from the Joint Veterans Employment Committee of Allegheny County urging Legislature to memoralize Co gress to support permanent relief employment legislation.

Referred to the Committee on Welfare.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 735. (HOUSE BILL No. 2243).

An Act restricting the granting of licenses to marry to divorced persons.

Referred to the Committee on Judiciary General.

SENATE BILL No. 813. (HOUSE BILL No. 2244).

An Act authorizing townships of the first class to satisfy of record liens for taxes or other township claims solely upon the payment of record costs where such liens are of record against real estate acquired by the Commonwealth or an agency of the Commonwealth subsequent to the date of the filing of the said lien.

Referred to the Committee on Townships.

SENATE BILL No. 829. (HOUSE BILL No. 2245).

An Act making it unlawful to solicit the employment of attorneys-at-law adjusters or investigators for the collection settlement or institution of an action for damages and making it unlawful for any attorney-at-law to promise or give any consideration to such solicitors and imposing penalties for violations.

Referred to the Committee on Judiciary General.

SENATE BILL No. 874. (HOUSE BILL No. 2246).

An Act to amend section forty of the act approved the twenty-ninth day of April one thousand eight hundred seventy-four (P. L. 73) entitled "An act to provide for the incorporation and regulation of certain corporations" providing for the renewal of charters of corporations the charters franchises and property of which have been purchased by another corporation.

Referred to the Committee on Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Messrs. DAVID H. WEISS and THOMAS

RESOLUTION No. 76

In the House of Representatives, May 3, 1937.

Whereas, The one hundredth and fiftieth anniversary of the University of Pittsburgh will be observed this year, and,

Whereas, Said university was the first educational institution of its kind in western Pennsylvania, having been first founded as the Pittsburgh Academy and being subsequently known as the Western University of Pennsylvania, and

Whereas, This is an event in which the House of Representatives has a vital interest, therefore be it

Resolved, That the Speaker shall appoint a committee, of such number as he may deem appropriate, to represent the House of Representatives at the one hundreth and fiftieth commencement of the University.

Referred to the Committee on Education.

LEAVE OF ABSENCE

Mr. Schrock asked and obtained leave of absence for Mr. BOOSE for today's session.

SENATE MESSAGES

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 369.

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising.

With the information that the Senate has passed the same without amendment.

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 114.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties.

HOUSE BILL No. 302.

An Act to amend the title and section one of the act approved the twenty-eighth day of June one thousand nine hundred and thirty-five (Pamphlet Laws 477) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs towns and townships who are injured in the performance of their duty and providing that absence during such injury shall not reduce any usual sick leave period' clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city borough town or township

HOUSE BILL No. 890.

An Act to amend section two thousand five hundred eighty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" correcting a defect in said section by supplying omitted matter.

With the information that the Senate has passed the same without amendment.

APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BIL No. 1692.

The Clerk of the Senate being introduced, informed that the Senate has insisted upon its amendments, nonconcurred in by the House of Representatives, to House Bill No. 1692 entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city.

And has appointed Messrs. Law, Reed and Salus a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two houses in relation to said bill.

AMENDED SENATE BILL CONCURRED IN BY SENATE

The Clerk of the Senate being introduced informed that the Senate has concurred in the amendments made by the House of Representatives to Senate Bill numbered and entitled as follows, viz:

SENATE BILL No. 58.

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (Pamphlet Laws seven hundred eleven) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in certain civil and criminal actions and certain actions in equity.

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives May 3, 1937.

Resolved (if the Senate concur), That House Bill No. 390, Printer's No. 706, entitled "An act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-works for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor confering powers and imposing duties on the Department of Labor and Industry and prescribing penalties", be recalled from the Governor for the purpose of amendment.

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 3, 1937.

Resolved, (if the House of Representatives concur), That Senate Bill No. 801 Printer's No. 250 entitled "An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (Pamphlet Laws 108) entitled "An act to give exclusive jurisdicton to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the

municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia" be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

TIME OF NEXT MEETING

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 3, 1937.

Resolved (if the House of Representatives concur), That when the Senate adjourns this week it reconvene on Monday evening, May 10th, at nine o'clock, Eastern Standard Time; and when the House of Representatives adjourns this week it reconvene on Monday evening, May 10th, at nine o'clock, Eastern Standard Time.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SENATE BILL No. 58.

An Act to amend section eleven as amended and to repeal section ten of the act approved the twelfth day of July one thousand nine hundred and thirteen (P. L. 711) entitled "An act establishing a court for the county of Philadelphia prescribing its jurisdiction and powers providing for the service of its writs process or warrants by the proper officers of the county or city of Philadelphia regulating the procedure therein and appeals therefrom and providing for the expenses thereof" taking from said court jurisdiction in certain civil and criminal actions and certain actions in equity

SENATE BILL No. 831.

An Act authorizing the Secretary of the Commonwealth to publish a proposed amendment to article fourteen of the Constitution to abolish the Couny of Philadelphia as a municipal corporation separate and distinct from the City of Philadelphia and authorizing and directing the Secretary of the Commonwealth to certify the question and proposed amendment to the couny election boards so that the question and amendment shall be voted upon at the municipal election of one thousand nine hundred and thirty-seven

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

REPORTS FROM COMMITTEES

Mr. BROWN, from the Committee on Judiciary General, reported as committed, House Bill No. 1767, entitled:

An Act to amend section one of the act, approved the thirtieth day of April, one thousand nine hundred twenty-nine (P. L. 874), entitled "An act relating to judicial sales and sales upon writs of execution or otherwise; and preserving the lien of mortgage on real estate other than upon unseated lands", by exempting liens for State taxes from the provisions of the act.

Mr. CAPUTO, from the Committee on Judiciary General, reported as committed, House Bill No. 155, entitled:

An Act to repeal the act approved the tweny-sixth day of June, one thousand nine hundred and nineteen, (P. L. 639), entitled "An act defining sedition, and prescribing the punishment therefor", and its amendments.

Mr. LONG, from the Committee on Municipal Corporations, reported as amended, House Bill No. 1835, entitled:

An Act to authorize the acquisition, improvement, construction, operation and maintenance of electric light and gas systems by cities of the third class and boroughs; authorizing the issuance of revenue bonds of such cities and boroughs, payable solely from earnings to pay the cost of such systems; providing for the fixing of rates and collection of charges for payment of such bonds and for the cost of maintenance, operation, and repair of such systems; providing for condemnation; authorizing the issuance of revenue refunding bonds; and providing that no debt of such cities or boroughs shall be incurred in the exercise of any of the powers granted by this act.

Mr. LONGAKER, from the Committee on Judiciary General, reported as committed, House Bill No. 1768, entitled:

An Act providing that physicians' fees for examinations shall be taxable as costs in certain prosecutions and be paid by the county with certain exceptions.

Mr. BLANK, from the Committee on Judiciary General, reported as amended, House Bill No. 1787, entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain Courts of this Commonwealth: to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record: authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania: authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committees and to fix and define its powers and duties: imposing duties on Judges and other officers of every Court of Record: conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record, including the power to prescribe and impose penalties in the enforcement of such powers.

Mr. MARINO, from the Committee on Elections, reported as amended, House Bill No. 1792, entitled:

An Act concerning elections, including general, municipal, special, and primary elections, the nomination of candidates, primary and election expenses and election contests; creating and defining membership of county boards of elections; imposing duties upon the Secretary of the Commonwealth, courts, county boards of elections, county commissioners; imposing penalties for violation of the act, and codifying, revising and consolidating the laws relating thereto; and repealing certain acts and parts of acts relating to elections.

Mr. AUKERMAN, from the Committee on Motor Vehicles, reported as amended, House Bill No. 1984, entitled:

An Act to amend the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; re-

gulating the use of highways, and the operation of vehicles, tractors, street cars, track-less trolley omnibuses, bicycles, pedestrains, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forefeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds", as amended by adding new sections; further regulating the use of highways and the operation of, and the equipment used in connection with, vehicles, including trailers and semi-trailers, street cars, trackless trolley omnibuses, and commercial motor cylces upon the highways of this Commonwealth; extending provisions of the act to trailers and semi-trailers; providing for the renewal and automatic satisfaction of encumbrances and liens, and further amending the procedure relating thereto; providing for the further registration of certain vehicles and the licensing of the operators thereof, including additional requirements, reciprocity agreements and additional reasons for suspension and revocation; conferring additional powers and imposing additional duties upon the Department of Revenue and the the Department of Highways; further imposing upon municipalities within the Commonwealth liability for damages caused by the negligent operation of fire department equipment; changing the procedure, distrailers and semi-trailers, street cars, trackless trolley position of fines thereunder mandatory; requiring additional certificates for certain types of vehicles and equipment and the payment of additional fees; and extending existing penalties and providing additional penalties

Mr. READINGER, from the Committee on Municipal Corporations, reported as amended, House Bill No. 2149 (Senate Bill No. 373), entitled:

An Act to amend the title and sections three four six seven eight nine ten eleven fourteen and eighteen of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (P. L. 463) entitled 'An act providing for a limited period of time for the incorporation as bodies corporate and politic of 'Authorities' for municipalities defining the same prescribing the rights powers and duties of such Authorities authorizing such Authorities to acquire construct improve maintain and operate projects and to borrow money and issue bonds therefor providing for the payment of such bonds and prescribing the rights of the holders thereof conferring the right of eminent domain on such Authorities authorizing such Authorities to enter into the contracts with and to accept grants from the Federal Government or any agency thereof and for other purposes' by removing the date by which projects must be commenced removing certain restrictions against construction of projects extending the life of Authorities providing for the creation of Authorities by joint action of municipalities and townships regulating the number and terms of members of the governing boards of Authorities authorizing the Commonwealth and the political subdivision thereof to transfer certain contracts to the Authorities authorizing Authorities to accept and receivers appointed therefor."

Mr. DONOHOE, from the Committee on Banking, reported as committed, House Bill No. 2176, (Senate Bill No. 709), entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized and prescribing the powers and duties of courts of common pleas in relation to such liquidation.

Mr. BLANK, from the Committee on Banking, reported as committed, House Bill No. 2171, (Senate Bill No. 188), entitled:

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them.

Mr. OSTROFF, from the Committee on Corporations, reported as committed, House Bill No. 2190, (Senate Bill No. 707), entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1, 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

Mr. BLANK, from the Committee on Banking, re-reported as amended, House Bill No. 1155, entitled:

An Act to amend paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (P. L. 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgements and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dewelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect to investments of trust funds by fiduciaries.

Mr. LEWIS, from the Committee on Banking, reported as committed, House Resolution No. 71.

RESOLUTION

RECALLING HOUSE BILL No. 1043 FROM THE GOVERNOR

Mr. HARKINS offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 4, 1937.

Resolved (if the Senate concur), that House Bill No. 1043, Printer's No. 730, entitled "An act to re-enact and amend the act approved the twenty-second day of June

one thousand nine hundred thirty-five (P. L. 414) entitled 'An act to provide revenue for State purposes imposing taxes upon certain classes of personal property and on the value of certain equitable interests providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation' as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making Senate provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MURRIN asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 524, entitled:

An Act to amend section nine of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (P. L. 1108) entitled "An act providing for the appointment promotion reduction removal and reinstatement of paid officers firemen and employes of fire departments and of fire alarm operators and fire box inspectors in the bureau of electricity in cities of the second and third class defining the powers and duties of civil service commissions for such purposes and fixing penalties" by providing for preferences to veterans in the appointment of such officers firemen operators and inspectors.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 525, entitled:

An Act to amend clause A of section three hundred two of the act approved the twenty-ninth day of November one thousand nine hundred and thirty-three (P. L. 15 1933-1934) entitled as amended "An act to regulate and restrain the sale manufacture possession transportation importation traffic in and use of alcohol and alcoholic and malt or brewed beverages conferring powers and imposing duties upon the Pennsylvania Liquor Control Board and its agents the Department of Public Instruction other officers of the State government courts and district attorneys authorizing the establishment and operation of State stores for the sale of such baverages not for consumption on the premises and the granting of licenses subject to local option to sell such beverages for consumption on and off the premises forbidding importation or bring of such beverages into the State except as herein provided prohibiting certain sales or practices in connection with and transactions in such beverages by licensees and others making disposition of the receipts from State stores and of fees and imposing penalties" as reenacted and amended providing further preferences to veterans in civil service examinations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 523, entitled:

An Act to amend section two of the act approved the eleventh day of May one thousand nine hundred and twenty-three (P. L. 203) entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged and having an honorable discharge therefrom shall receive credit for the experience and training derived from such service in civil service examinations" by giving such persons certain additional preferences in civil service examinations.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2224, (Senate Bill No. 756), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

BILLS ON SECOND READING

Agreebly to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 717 as follows:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court' and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minor lunatics habitual drunkards or weak-minded persons a married

person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably without consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entireties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease

Section 1 Be it enacted by the Senate and House of Representatives fo the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincoprorated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under legal disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devise or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably withhold consent or be absent and unheard of where there has been or shall be a defective appointment in any deed or will and the necessary power is given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" as amended by section one of the act approved the second day of May one thousand nine hundred and nineteen (Pamphlet Laws 111) is hereby further amended to read as follows

(a) Where the legal title is held (One) By minors lunatics or habitual drunkards so duly found by inquisition or by weak-minded persons for whom guardians have been appointed (Two) By a wife whose husband is a minor or by a married minor whose spouse is a minor or by a married woman or married man whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years or who is one of the tenants of an estate by entireties and whose spouse the other tenant of such estate by entireties has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease (Three) By corporations of any kind having no capacity to convey or by any unincorporated association (Four) By any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or now or hereafter prescribed by law (Five) By a corporation of any kind or individual or individuals and is subject to a trust of any description whatever (Six) By any person who may have been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease (Seven) Or any interest therein is held by any person under legal disability to dispose thereof

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1184 as follows:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7.224 acres of land in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control management supervision restoration improvement and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Pennsylvania Historical Commission be and it hereby is authorized to acquire by gift in the name of the Commonwealth of Pennsylvania from the owners thereof The Swedish-Colonial Society of Tinicum Township Delaware County a tract of land of approximately 7.224 acres located in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" on which was located the first capitol first school the first church within the present area of Pennsylvania and where Colonal Johan Printz Governor of New Salem established his home as the first executive mansion and upon its acquisition to preserve

restore and to maintain the same as an historical place to be known as "Governor Printz Park"

Section 2 The title to said real estate shall be taken in the name of the Commonwealth of Pennsylvania and shall before its acquisition be approved by the Department of Justice

Section 3 After the property shall have been acquired by the Commonwealth the Pennsylvania Historical Commission shall have full control management and supervision thereof and shall have power to adopt and carry into effect plans for its restoration improvement and maintenance using therefor any funds at the disposal of the said Commission not otherwise specifically appropriated or allocated and to make and enforce rules and regulations for the preservation of the property and visitation thereof by the public

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 392 as follows:

An Act making an apropriation to the Cresson Volunteer Fire Company for the protection of State property

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of one thousand dollars ($1,000) is hereby specifically appropriated to the Cresson Volunteer Fire Company for the two fiscal years begining June first one thousand nine hundred thirty-seven for the protection of State property at the Cresson Sanitorium.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1133 as follows:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of six hundred dollars ($600) or as much thereof as may be necessary is hereby specifically appropriated for the two fiscal years beginning June first one thousand nine hundred and thirty-seven to be paid to the Treasurer of Elk Township Warren County Pennsylvania for the purpose of improving and maintaining in good repair the public roads and highways passing through the Cornplanter Indian Reservation in said township and for the purpose of improving and replacing bridges and their abutments on such roads and highways Said money shall be paid on warrant drawn on the State Treasurer by the Auditor General and shall be disbursed under the direction of the supervisors of Elk Township

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1540 as follows:

An Act to repeal section ten of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (P. L. 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters, prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalies" which reads as follows

Section 10 This act shall not apply to the sale and distribution to solid fuel to persons residing within a radius of ten miles from the place where such solid fuel is produced unless the purchaser shall require such solid fuel to be weighed as provided herein and or unless the delivery shall be made to persons residing within the limits of a municipality requiring the said solid fuel to be weighed" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1354 as follows:

An Act to further amend Section two thousand two hundred and twenty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An Act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of building in districts of the first Class under certain circumstances and authorizing such school districts to provide for the payment of such additional allowances

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section two thousand two hundred and twenty-three of an act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" is hereby further amended to read as follows

Section 2233 The board of public education in each

school district of the first class shall annually on the first Monday in January appoint a district superintendent to be designated and known as superintendent of schools and may also at the same time appoint a superintendent of building their duties and fix their salaries They shall be responsible to the board for the conduct of their respective departments shall make annual reports to the board and shall from time to time submit such plans and suggestions for the improvement of the schools and the school system as they shall deam expedient or as the board of public education may require Provided That the Superintendent of schools may be elected for a term of not more than six years and provided further That when a superintendent of schools [(] who was employed in the public schools of the Commonwealth at the time of the establishment of the retirement system [)] in a district of the first class who has been employed in the public schools of the Commonwealth for fifteen or more years is retired from service under the operation of the State School Employes Retirement System the board of the school district may when the said Superintendent of schools has previously served as a teacher principal or superintendent of schools in public schools in the United States of America outside the Commonwealth provide for the payment to the said superinendent of schools annually during his said retirement of a sum equal to the difference between his annual retirement allowance based on his service in the public schools of the Commonwealth and according to his optional election at the time of retirement and the annual allowance to which he would have been entitled had he been given credit for his period of service as a teacher principal or superintendent of schools both outside and within the Commonwealth A superintendent of schools when thus retired may be designated by the board as superintendent emeritus And Provided further that when any person occupying the position of superintendent of buildings in a district of the first class who is under the superannuation retirement age fixed by the statutes governing the State School Employes' Retirement System but who has been employed in the public schools of the Commonwealth continuously for thirty years or more is retired under the operation of that system because of disability the board of the school district may provide for the payment to such superintendent of buildings annually during his said retirement of a sum equal to the difference between the annual retirement allowance actually paid to him under the said State School Employes' Retirement System according to his optional election at the time of retirement and the annual allowance to which he would have been entitled under said system had he served at the salary paid to him at the date of his retirement until the aforesaid superannuation age and then retired under an election to receive his benefits by way of an undiminished superannuation retirement allowance payable to him through life

Section 2 This act shall become effective on the date of its approval by the Governor.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1644, as follows:

An Act to amend sections one two four and fifteen of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended extending the provisions of said act to additional buildings providing additional safety regulations and for the closing of certain buildings

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one two four and fifteen of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (P. L. 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1523) are hereby further amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

General Requirement Every building enumerated in this act erected or adapted for any of the purposes of the several classes of buildings covered by this act shall be so constructed equipped operated and maintained with respect to [the] type of construction and materials used fireproofing [the strength of construction the] number and type of ways of egress aisles and passageways stairs and fire escapes wall openings exits and exit signs doors and doorways shaftways and other vertical openings emergency lighting automatic sprinkler systems [and] fire alarm systems fire drills electrical [wiring and] equipment inflammable and explosive materials heating apparatus and fuel storage number of occupants [in buildings] ventilation arrangement of seating and standing space construction and equipment of stages projection rooms and dressing rooms [the type and location of fire fighting apparatus] and all other fire and panic protection as to provide for the safety and health of all persons employed accommodated housed or assembled therein Whenever any building designated in this act shall in the opinion of the Department of Labor and Industry become dangerous to further occupancy because of structural or other defects it shall immediately be closed to further occupancy and a sign posted thereon to that effect Such building shall not again be occupied until all recommendations of the Department to eliminate hazardous conditions are complied with

The Department of Labor and Industry shall have the power and its duty shall be to make alter amend or repeal rules and regulations for carrying into effect all of the provisions of this act applying such provisions to specific conditions and prescribing means methods and practices to make effective such provisions

Section 2 Classes of Buildings The following are the classes of buildings and structures which it is intended that this act shall cover

Class I Buildings Factories [of more than one story] powers plants mercantile buildings hotels office buildings hospitals asylums public and private institutions schools colleges dormitories warehouses [and] garages and all other buildings specified by the department not enumerated in Classes II III IV and V wherein persons are employed housed or assembled

Class II Buildings Theatres and motion picture theatres

Class III Buildings—Public halls dance halls banquet halls lodge halls churches skating rinks armory halls or any other auditorium in which the public assembles not used for any of the other purposes mentioned in this act

Class IV Buildings Tenement houses apartment houses apartment hotels clubs houses lodging houses and rooming houses

Class V Buildings Grandstand stadiums and amphitheatres and summer theatres [observation towers tanks exhibition and fair buildings amusement park equipment roof gardens and roof structures]

Section 4 Ways of Egress From every floor of buildings enumerated in section two of this act there shall be proper and sufficient ways of egress and means of escape from fire and panic Provided That in all buildings hereafter erected or adapted for any of the purposes enumerated in section two of this act there shall be not less than two (2) ways of egress as remote from each other as possible [and at least one (1) of which shall be an enclosed stair tower of fire-resistive construction And further provided That such ways of egress shall throughout their entire length be located inside of the building] In buildings of more than one story all means of egress shall be located inside the building at least one of which shall be an enclosed stair tower of fire-resistive construction except that the requirement for two means of egress shall not be applicable to buildings two stories or less in height with an occupancy of not more than three persons above the ground floor when it is determined by the department that adequate means of egress are available to all occupants Where the department finds after proper investigation that in buildings erected prior to the passage of this act the internal ways of egress herein provided for cannot be installed it may direct that such means of egress be provided as will in its judgment to better advantage carry out the intent and purpose of this section The Department of Labor and Industry may order fire walls or smoke barriers or both to be built in buildings already erected or which may hereafter be erected where in its judgment the erection of such fire walls or smok barriers is necessary to the reasonable safe protection of the occupants The ways of egress shall be free from obstruction lighted and ready for instant use at all times Fire escapes now in use or hereafter erected shall be painted at least once a year and be kept in safe condition and up to such standard requirements as may be specified by the Department of Labor and Industry

Section 15 Enforcement The provisions of this act shall apply to every building enumerated in this act including buildings owned in whole or in part by the Commonwealth or any political subdivisin thereof and shall be enforced by the Secretary of Labor and Industry by and through his authorized representatives Provided That nothing in this act shall be construed as effecting buildings in cities of the first class second class and second class A and that duly appointed chiefs of fire departments shall be equally responsible with the Secretary of Labor and Industry for the enforcement of the provisions of this act and the regulations of the Department of Labor and Industry pertaining to the removal of obstructions to and maintenance of exits aisles passageways and stairways leading to or from exits in all buildings covered by this act and the inspection and maintenance of emergency lighting systems fire alarms and fire extinguishing apparatus

For the purpose of enforcing the provisions of this act all the officers charged with its enforcemnt shall have the power to enter any of the buildings or structures enumerated in section two of this act and no person shall hinder or delay or interfere with any of the said officers in the performance of his duty nor refuse information necessary to determine whether the provisions of this act and the rules and regulations herein provided for are or will be complied with

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 141 as follows:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of seven hundred and fifty dollars ($750.00) or so much thereof as may be necessary is hereby specifically appropriated to the Supreme Court for the payment of the cost of painting and securing a portrait of the Honorable Robert S. Frazer late Chief Justice of the Supreme Court of Pennsylvania which after completion shall be hung in an appropriate place in the State Capitol building

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1745 as follows:

An Act making an apropriation to the several fire companies of the city of Harrisburg Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Comonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated for the several fire companies of the city of Harrisburg Pennsylvania as compensation for protection from and extinguishment of any fire or fires that may occur in or on the Capital buildings or grounds for the two fiscal years beginning June first one thousand nine hundred and thirty-seven Said sum to be distributed among said companies in equal amounts

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bill to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1355, as follows:

An Act to amend paragraphs one three and five of section one of the act approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 457) entitled "An act to provide for the erection maintenance and regulation of public morgues in the several counties of this Commonwealth for the care and disposal of bodies removal thereto and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person and providing for the disposal of the personal effects of unclaimed dead" as amended by transferring certain powers from the county commissioners to the coroner in counties of the first class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraphs one three and five of section one of the act approved the twelfth day of June one thousand eight hundred and ninety-three (Pam-

phlet Laws 457) entitled 'An act to provide for the erection maintenance and regulation of public morgues in the several counties of this Commonwealth for the care and disposal of bodies removed thereto and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person and providing for the disposal of the personal effects of unclaimed dead" as amended by the act approved the eighteenth day of April one thousand eight hundred and ninety-nine (Pamphlet Laws 52) are hereby amended to read as follows

First That county commissioners of each and every county in this Commonwealth except in counties of the first class where the coroner shall be and he or they are hereby authorized and empowered upon presentment of two successive grand juries of the county to buy or rent real estate and erect and maintain a morgue thereon at the expense of such county for the reception and care of the bodies of all unclaimed deceased persons upon whom it may be necessary to hold a coroner's inquest and such other bodies as the coroner of such county may by written order direct to be received therein The location of such morgue to be approved by the county commissioners and a judge of the court of common pleas of such county and the coroner of such county Whenever any county shall contain more than one city of the second class the said county commissioners of such county may establish a morgue in each city of the second class embraced within the limits of such county as aforesaid

Third The coroner of each county in which a morgue or morgues may be established under this act shall make general rules and regulations for its government and control and shall appoint suitable persons not exceeding three in number for each morgue so established to have charge of the same and who shall be removable at the pleasure of the coroner and the number of such persons and the salary of such person shall be fixed by the county commisioners (or salary board if such board exists) except in counties of the first class the coroner shall determine the number of persons needed and appoint them and fix their salaries

Fifth In counties of the first class the coroner and in all other counties the county commissioners where any such morgue shall have been established shall purchase and maintain an ambulance for the removal of bodies to and from said morgue and for the burial of unknown or unclaimed bodies the cost of maintaining which shall be paid out of the funds of said county

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1145, as follows:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of twelve million three hundred ninety-two thousand eight hundred ninety-two dollars and eighty-eight cents ($12,392,892.88) is hereby specifically appropriated from the Motor License Fund to the Board of Finance and Revenue for payment into the Sinking Fund to meet interest and sinking fund requirements on the State debt for the two fiscal years commencing June first one thousand nine hundred and thirty-seven The amount hereinbefore appropriated shall be transferred by the Auditor General and the State Treasurer upon requisition of the Board of Finance and Revenue from the Motor License Fund to the Sinking Fund on or before the dates and in the amount set forth in the following schedule

Dates	Principal	Interest	Total
July 1 1937	$683,972.69	$477,680.00	$1,161,652.69
August 1 1937 ..	214,736.61	292,200.00	506,936.61
September 1 1937	660,138.29	268,440.00	928,578.29
October 1 1937 .	313,818.29	160,000.00	473,818.29
December 1 1937	216,958.90	506,000.00	722,958.90
January 1 1938 .	20,440.00	447,680.00	498,120.00
February 1 1938		292,200.00	292,200.00
March 1 1938 ..	10,150.00	268,440.00	278,590.00
April 1 1938 ...	687,591.66	160,000.00	847,591,66
June 1 1938		506,000.00	506,000.00
July 1 1938	683,972.69	477,680.00	1,161,652.69
August 1 1938 ..	214,736.61	292,200.00	506,936.61
September 1 1938	660,138.29	268,440.00	928,578.29
October 1 1938 .	313,818.29	160,000.00	473,818.29
December 1 1938	216,958.90	506,000.00	722,958.90
January 1 1939 .	20,440.00	477,680.00	498,120.00
February 2 1939		292,200.00	292,200.00
March 1 1939 ..	10,150.00	228,440.00	238,590.00
April 1 1939 ...	687,591.66	160,000.00	847,591.66
June 1 1939		506,000.00	506,000.00
Total	$5,615,612.88	$6,777,280.00	$12,392,892.88

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1788, as follows:

An Act to amend section five hundred forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for the audit of the accounts of justices of the peace

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended by the act approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1299) is hereby further amended to read as follows

Section 545 Meeting Duties Quorum Surcharges Compensation The auditors of townships shall meet annually at the place of meeting of the supervisors on the day following the day which is fixed by this act for organization of the township supervisors and shall audit settle and adjust the accounts of the supervisors superintendents roadmasters treasurer and tax collector of the township Two auditors shall constitute a quorum The auditors shall also make an audit of the dockets transcripts and other official records of the justices of the peace to determine the amounts of fines and costs paid over or due the township and the dockets and records of the justices of the peace shall be open to inspection by the auditors for such purpose

Any officer whose act or neglect has contributed to the financial loss of any township shall be surcharged by the auditors with the amount of such loss

Each auditor shall receive five dollars per diem for each day necessarily employed in the duties of his office to be paid out of the funds of the township

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 564, as follows:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) is hereby specifically appropriated to the Department of Agriculture for the purpose of advancing the interest of tobacco growers in this Commonwealth by experimental work and through other means with a view to improving existing types of tobacco and other nicotine bearing plants overcoming diseases and insects injurious to tobacco and other nicotine plants improving cultural practices and giving attention to such other matters relating to the cultivation use and disposal of these crops as the Secretary of Agriculture may deem necessary and advisable.

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1997, as follows:

An Act to amend sections one and two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 450) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" conferring police and building inspection powers on assistants appointed by the superintendent of State Police

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections one and two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 450) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police and defining their powers and duties providing for the investigation of the cause origin and circumstances of fire and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" are hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the term "State Police" as used in this act means "The Pennsylvania State Police"

The superintendent of the Pennsylvania State Police may appoint and remove the chief of the fire department of any county city borough town or township where a fire department is established or where no such fire department exists the burgess or constable of any borough or town or constable or the president or chairman of the board of supervisors of any township as asistants to the department and when so appointed shall be subject to the obligations imposed by this act and to the authority of the State Police The persons so appointed shall have the police powers of a constable while engaged in the performance of their duties under this act

The Superintendent of State Police may also appoint individual citizens as assistants to the State Police who shall be subject to the obligation aforesaid and to the directions of such State Police

The State Police may adopt and enforce rules and regulations governing the having using storage sale and keeping of gasoline naphtha kerosene or other substance of like character blasting powder gunpowder dynamite or any other inflammable or combustible chemical products or substances or materials The State Police may also adopt and enforce rules and regulations requiring the placing of fire-extinguishers in buildings

Section 2 Each of the aforesaid assistants shall inquire into the origin cause and other circumstances of every fire by which any property or life has been destroyed damaged or endangered occurring within the territorial limits of their resepctive cities boroughs towns or townships and shall make every effort to determine whether such fires were of incendiary origin or the result of design carelessness or accident and shall have power to inspect buildings within the city borough town or township for which appointed if no building inspection is maintained by the municipal government in order to detect and assist in the elimination of fire hazards

Upon the occurrence of any fire such assistant shall report the same to the State Police within five days after its occurrence If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation he shall immediately notify the State Police and shall when directed by the State Police assist in the making of such investigation The reports of any such fire shall be made in writing and in the manner and form prescribed by the State Police on the blanks furnished for that purpose Such reports shall in every case contain a statement of (a) All the facts relating to the cause of such fire that can be ascertained (b) the extent of the loss and damage to each property (c) the loss of life and personal injuries caused thereby or resulting therefrom (d) the amount of insurance upon each property destroyed or damaged and (e) such other information as may be required by the State Police

The assistant shall notify the State Police immediately by telephone or telegraph message of not more than ten words of the occurrence of any incendiary fire

The duties hereinabove prescribed to be performed by the said assistant may be limited by the State Police so as to reasonably accord with their preexisting public duties

Any of the aforesaid assistants who shall neglect or refuse to report to the State Police or who shall neglect or refuse to make reports or investigations of fires as provided in this section shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding fifty dollars or to undergo imprisonment not exceeding thirty days or both

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 393, as follows:

An Act making an appropriation to the Department of Labor and Industry for the purpose of drainig flooded mines and quarries in this Commonwealth to recover human bodies lost therein

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of five thousand dollars ($5,000) or so much thereof as may be necessary is hereby specifically appropriated to the Department of Labor and Industry for the purpose of draining flooded mines and quarries in this Commonwealth in which human bodies have been lost to recover such human bodies

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. COAKLEY. Mr. Speaker, I move that this bill be recommitted to the Committee on Public Health and Sanitation.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1144, as follows:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of sixty-three thousand five hundred dollars ($63,500) or as much thereof as may be necessary is hereby specifically appropriated from the Motor License Fund to the Department of Property and Supplies for the two fiscal years commencing the first day of June one thousand nine hundred thirty-seven for the payment of the salaries wages or other compensation of such bureau or division chiefs experts engineers accountants secretaries auditors inspectors examiners statisticians clerks stenographers bookkeepers messengers and other assistants and employes for the payment of postage traveling expenses telephone toll charges telegrams newspaper advertising and notices for the payment of the cost of advertising schedules of supplies proposals for executing any contract work readvertising any schedules or proposals when necessary for the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of all other materials supplies and equipment and for the payment of such other expenses as may be necessary for the proper conduct of the work of the Department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1798, as follows:

An Act to repeal clause (c) as amended and to amend clause (d) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerning with the estates of decedents" eliminating certain provisions relating to foreign fiduciaries selling assigning transferring and receiving the income from certain assets of decedents minors and cestui que trusts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause (c) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions thereof and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports

and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" and the amendments thereto are hereby repealed

Section 2 That clause (d) of section fifty-eight of said act is hereby amended to read as follows

(d) Whenever a citizen of the United States non-resident in the Commonwealth of Pennsylvania shall have died owning real estate in this Commonwealth and by his last will and testament shall have empowered his executor or trustee to sell and convey his real estate it shall be lawful for said executor or trustee or his duly appointed successor although not a resident in this Commonwealth from and after the expiration of one year from the death of such decedent to execute any power of sale contained in said last will and testament and to sell and convey to the purchaser the whole or any part of such real estate located in this Commonwealth Provided That before executing the power of sale a copy of the last will probate and letters testamentary and of the decree appointing such successor if any there be [duly authenticated as provided in clause (c) of this section] shall be filed in the office of the register of wills of the county where the land is situated Provided further That nothing in this clause shall change or modify the acts of Assembly relating to collateral inheritances

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1671, as follows:

An Act to amend clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended restricting the use of certain words in corporate names

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended by the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1123) is hereby further amended to read as follows

Section 202 The Corporate Name A The corporate name may be in any language but shall be expressed in English letters or characters and shall contain the word "corporation" "company" or "incorporated" or shall end with an abbreviation of one of these words except that the word "company" or the abbreviation "Co" may not be used where that word or abbreviation is immediately preceded by the word "and" or any symbol or substitute therefor unless the word "incorporated" or any abbreviation thereof immediately follows the word "company" or the abbreviation "Co" The corporate name shall not imply that the corporation is an administrative agency of the Commonwealth or of the United States or is subject to the supervision of the Department of Banking or of the Insurance Department and shall not contain the word "bank" "banking" "bankers" "savings" "trust" "deposit" "insurance" "mutual" "assurance" "indemnity" "casualty" "fiduciary" "benefit" "beneficial" "benevolent" "public service" "building and loan" "surety" "security" "guaranty" "guarantee" "cooperative" "State" or "Commonwealth" nor shall it contain any word or words which indicate or imply the practice of a profession for which the said corporation is not licensed by the Commonwealth so to practice

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1021, as follows:

An Act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That it shall be unlawful for any officer superintendent foreman boss or agent of any employer or any other person in authority over any employe to intimidate or threaten any such employe with the loss of employment for failing or refusing to affix his signature to any petition which such employe has been solicited or requested to sign Any officer superintendent foreman boss agent or person who shall violate any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not less than fifty dollars nor more than five hundred dollars or undergo imprisonment for a term not exceeding six months or both

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 142, as follows:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

authority of the same That the sum of seven hundred and fifty dollars ($750.00) or so much thereof as may be necessary is hereby specifically appropriated to the Supreme Court for the payment of the cost of painting and securing a portrait of the Honorable John W Kephart Chief Justice of the Supreme Court of Pennsylvania which after completion shall be hung in an appropriate place in the State Capitol building

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 718, as follows:

An Act to describe define and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the system of plane rectangular coordinates which has been established and adopted by the United States Coast and Geodetic Survey for defining and stating the positions or locations of points on the surface of the earth within the Commonwealth of Pennsylvania is hereafter known and designated as the Pennsylvania Coordinate System"

For the purpose of the use of this system the Commonwealth is divided into two zones the "North Zone" and the "South Zone"

The area now included in the following counties shall constitute the North Zone

Bradford Cameron Carbon Centre Clarion Clearfield Clinton Columbia Crawford Elk Erie Forest Jefferson Lackawanna Luzerne Lycoming McKean Mercer Monroe Montour Northumberland Pike Poter Sullivan Susquehanna Tioga Union Venango Warren Wayne and Wyoming

The area now included in the following counties shall constitute the South Zone

Adams Allegheny Armstrong Beaver Bedford Berks Blair Bucks Butler Cambria Chester Cumberland Dauphin Delaware Fayette Franklin Fulton Greene Huntingdon Indiana Juniata Lancaster Lawrence Lebanon Lehigh Mifflin Montgomery Northampton Perry Philadelphia Schuylkill Snyder Somerset Washington Westmoreland and York

Section 2 As established for use the Pennsylvania Coordinate System shall be named and in any land description in which it is used it shall be designated the "Pennsylvania Coordinate System North Zone" or "Pennsylvania Coordinate System South Zone" as the case may be

Section 3 The plane rectangular coordinates of a point on the earth's surface to be used in expressing the position of a point in the appropriate zone of this system shall consist of two distances expressed in feet and decimals of a foot from a given point One of these distances to be known as the "x coordinate" shall give the position in an east-and-west direction the other to be known as the "y coordinate" shall give the position in a north-and-south direction These coordinates shall be made to depend upon and conform to the plane rectangular coordinates of the triangulation and traverse stations of the United States Coast and Geodetic Survey within the Commonwealth of Pennsylvania as those coordinates have been determined by said survey

Section 4 When any tract of land to be defined by a single description extends from one into the other of the above coordinate zones the positions of all points on its boundaries may be referred to either of said zones the zone which is used being specifically named in the description

Section 5 For purposes of more precisely defining the Pennsylvania Coordinate System the following definition by the United States Coast and Geodetic Survey is adopted

The Pennsylvania Coordinate System North Zone consists of a Lambert conformal projection of the Clarke spheroid of 1866 having a central meridian 77° 45′ west of Greenwich The intersecting cone of this projection cuts the surface of the spheroid in parallels of latitude 40° 53′ and 41° 57′ north of the equator along which parallels the scale shall be exact The origin of coordinates for this zone is at the intersection of the meridian 77° 45′ west longitude and the parallel 40° 10′ north latitude This origin is given the coordinates x=2,000,000 feet y=0 feet

The Pennsylvania Coordinate System South Zone consists of a Lambert conformal projection of the Clarke spheroid of 1866 having a central meridian 77° 45′ west of Greenwich The intersecting cone of this projection cuts the surface of the spheroid in parallels of latitude 39° 56′ and 40° 58′ north of the equator along which parallels the scale shall be exact The origin of coordinates for this zone is at the intersection of the meridian 77° 45′ west longitude and the parallel 39° 20′ north latitude This origin is given the coordinates x=2,000,000 feet y=0 feet

The position of the Pennsylvania Coordinate System shall be as marked on the ground by fundamental triangulation or traverse stations established by the United States Coast and Geodetic Survey in conformity with the standards adopted by the United States Coast and Geodetic Survey for first-order and second-order work whose geodetic positions have been rigidly adjusted on the North American datum of 1927 and whose plane coordinates have been computed on the system here defined Such stations established by the U. S. Coast and Geodetic Survey and any other triangulation and traverse stations which have been definitely established by or in accordance with the requirements of the State department authorized to administer this act may be used for establishing a survey connection with the Pennsylvania Coordinate System

Section 6 No coordinates based on the Pennsylvania Coordinate System purporting to define the position of a point on a land boundary shall be presented to be recorded in public land records or deed records unless such point is within one-half mile of a triangulation or traverse station established as prescribed in section 5 of this act unless the State department authorized to administer this act shall by its rules and regulations increase or decrease such one-half mile distance for the whole Commonwealth or any area or areas thereof

Section 7 The use of the term "Pennsylvania Coordinate System" on any map report of survey or other document shall be limited to coordinates based on the Pennsylvania Coordinate System as defined in this act

Section 8 Nothing contained in this act shall be interpreted as requiring any purchaser or mortgagee to rely wholly on a description based on the Pennsylvania Coordinate System

Section 9 This act is to take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1465. as follows:

An Act relating to vocational education creating vocational school districts for the purpose of conducting systems of vocational schools departments or classes providing for their government prescribing their powers and duties conferring powers and imposing duties on school districts and on the State Board for Vocational

Education and providing for referendum in certain cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That each school district of this Commonwealth is hereby constituted a separate political subdivision to be known as a vocational school district for the purposes and with the powers hereinafter specified Provided however That all of the school districts in each county that are under the jurisdiction of the county superintendent shall together constitute one vocational school district

Section 2 Each vocational school district having a population of five hundred thousand (500,000) or more shall be a vocational school district of the first class

Each vocational school district having a population of thirty thousand (30,000) or more but less than five hundred thousand (500,000) shall be a vocational school district of the second class

Each vocational school district having a population of five thousand (5,000) or more but less than thirty thousand (30,000) shall be a vocational school district of the third class

Each vocational school district having a population of less than five thousand (5,000) shall be a vocational school district of the fourth class

Section 3 The affairs of each vocational school district shall be conducted by the board of school directors or by the county board of school directors as the case may be created by the school laws of this Commonwealth who shall when so acting be known as boards of directors of vocational schools The secretary and the treasurer elected by the board of school directors or by the county board of school directors as the case may be shall serve as secretary and as treasurer respectively of the vocational school district

Section 4 Each board of directors of vocational schools shall have power and its duty shall be

(a) To make or cause to be made a survey to determine the vocational education needs of the county

(b) To make and establish and from time to time alter and amend rules and regulations for the transaction of its business and for the administration of the work under its charge

(c) To employ supervisors and teachers and all other persons necessary to carry on vocational education and to determine the salaries to be paid

(d) To purchase lease rent improve or sell land and to build repair improve lease rent buy and sell buildings

(d) To acquire real property by condemnation for the purposes of vocational school district Such condemnation proceedings shall be instituted and conducted by the board in the name of the district in the same manner as provided by law in the case of school districts

(f) To purchase all necessary furniture implements books materials equipment and supplies

(g) To make contracts with counties cities boroughs towns townships and school districts or other agencies for carrying out the purposes of this act

(h) To make an annual report in writing to the Department of Public Instruction and such other reports as the department may require

(i) Such other powers and duties as are necessary to carry into effect the purposes of this act

Section 5 The powers and duties of vocational school districts shall be limited to the establishment maintenance conducting and operation of vocational industrial vocational agricultural vocational home-making and vocational distributive occupational schools departments and classes when and only when the same have been authorized by the electors of the district as hereinafter provided In carrying out these functions (except as otherwise expressly provided by law) all vocational school districts all boards of directors of vocational schools and all vocational public schools departments and classes established under the provisions of this act shall be subject to all the provisions of the public school laws of this Commonwealth which apply generally to school districts of the particular class to boards of directors thereof and to public secondary schools and vocational schools and the teaching and supervisory staffs thereof

Section 6 The board of directors of vocational schools of each vocational school district shall have power if and when necessary to levy an annual tax on all property within the district taxable for school purposes and on the valuation used for county tax purposes The board of directors shall have power to prepare duplicates of such taxes by municipal districts and provide for the collection of such taxes by issuing warrants to the respective collectors of taxes in each city borough incorporated town and township within the districts The compensation for the collection of such taxes shall be fixed by the board of directors In the collection of such taxes the respective tax collectors shall have all the powers of collectors of county taxes If any municipal collector of taxes shall refuse or neglect to collect such district taxes or for fifteen days after notice so to do neglect or refuse to furnish a bond as herein provided the board of directors shall have power to appoint a tax collector for such district Each tax collector shall give a separate bond annually to the Commonwealth for the use of said district in such amount as the board of directors may fix The same discounts for prompt payment and the same penalties for delinquency shall apply to such taxes as in the case of county taxes and exonerations of district taxes may be allowed by the directors thereof in the same manner as other taxes are now exonerated Delinquent taxes of the district may be collected by return and county treasurer's sale thereon or by lien filed in the office of the prothonotary in the same manner as county taxes

Section 7 Whenever it shall have been determined by resolution of the State Board for Vocational Education that a need exists in any vocational school district or districts for vocational industrial vocational agricultural vocational home-making or vocational distrubutive occupational public schools departments or classes the State Board for Vocational Education shall transmit a copy of such resolution to the board or boards of directors of vocational schools of such district or districts

Section 8 Each board of directors of vocational schools receiving a copy of such resolution shall vote on the question whether vocational schools should be established in their district or jointly with another vocational school district or districts or another school district or dstricts in accordance with the recommendation contained in said resolution of the State Board of Vocational Education In case the board of directors of vocational schools shall by a majority vote favor the establishment in their district of vocational school the question as to their establishment shall be submitted to a vote of the electors as hereinafter provided

Section 9 Whenever electors equal to at least ten per centum of the highest vote cast for any office in the territory comprised within any vocational school district at the last preceding general election shall petition the board of directors of vocational schools of such district for a referendum on the question of the establishment of vocational schools or whenever the board of directors shall have voted in favor of the same as hereinbefore provided the board of directors shall cause a question to be submitted at the general or municipal election occurring at least sixty days thereafter by certifying a resolution duly adopted to the county commissioners for submission of such question on the ballot or on voting machines at such election in the manner provided by the election laws of the Commonwealth

Such question shall be in the following form

Do you favor the establishment of vocational schools in the vocational school district of?	Yes / No	———

If a majority of the persons voting on such question vote "Yes" then vocational schools shall be forthwith established and maintained in such vocational school district as provided by law

Section 10 The board of directors of vocational schools

in any two or more vocational school districts that have voted in favor of the establishment of vocational schools or any one or more vocational school districts having so voted and any one or more school districts may establish construct equip furnish and maintain joint public vocational industrial vocational agricultural vocational homemaking or vocational distributive occupational schools departments or classes The cost of establishing constructing equipping furnishing and maintaining such joint schools departments or classes shall be paid by the several districts establishing the same in such manner and in such proportion as they may agree upon All vocational schools departments or classes so established and maintained shall be governed and controlled as other joint public schools and departments are governed and controlled under the laws of this Commonwealth

Section 11 The State Board for Vocational Education shall prescribe rules and regulations for the organization management and control of such schools The boards of directors of vocational schools maintaining any such schools shall receive pupils from other districts so far as their facilities will permit provided a rate of tuition not exceeding the cost of such education is paid by the sending districts

Section 12 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 13 All acts and parts of acts inconsistent herewith are hereby repealed

Section 2 In conducting such systems of vocational schools departments or classes the county board of school directors shall have all the powers and be subject to all the limitations and liabilities conferred upon school directors by the school laws of this Commonwealth It shall have the power to levy taxes by affirmative vote of affected districts appoint personnel administer vocational schools and contract with local school boards for administration of vocational schools departments or classes

Section 14 The provisions of this act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

BILL RECOMMITTED

Mr. PERSHING. Mr. Speaker, I move that this bill be recommitted to the Committee on Education for the purpose of further study.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 729, as follows:

An Act to permit the entry of engineers and surveyors and their representatives onto private property for the purpose of using survey stations established by or under the direction of the United States Coast and Geodetic Survey or as a part of the Pennsylvania Coordinate System and providing a penalty for the injuring defacing and destruction of marks and monuments

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person duly registered as a qualified engineer or surveyor under the laws of this Commonwealth or entitled to exemption from registration as an engineer or surveyor under the laws of this Commonwealth and his duly accredited assistants and representatives may in the execution of surveys enter upon any private land whereon there is a marked survey station for which the horizontal or vertical position has been determined by or under the direction of the United States Coast and Geodetic Survey or which is a part of the Pennsylvania Coordinate System if such entry is for the purpose of utilizing the horizontal or vertical position data in controlling surveys of land for cadastral purposes or for other engineering purposes private or public

Section 2 That the engineer or surveyor or his duly accredited assistants or representatives shall do no unnecessary damage to the property on which a survey station stands The owner of the land shall be reimbursed for all damage done in so entering the amount of damages to be agreed upon beforehand and paid promptly upon completion of work at said survey station Where the amount of damages to be paid has not been or can not be agreed upon beforehand the party proposing to enter upon said property shall file good and sufficient bond in the Court of Quarter Sessions of the County in an amount to be approved by the Court conditioned for the payment of all damages and costs when the same are finally ascertained and fixed The amount of damages to be paid shall be determined by three viewers of the County in which the property is located appointed by the Court of Quarter Sessions from the County Board of viewers The proceedings for the ascertainment of damages shall be in accordance with the general road laws of the Commonwealth for the ascertainment of damages for the taking injuring or destruction of property in the laying out and opening of public roads Section 3 Where the engineer or surveyor or his representatives entering on private property for the purposes stated in Section 1 of this Act shall tender damages to owner of said property and said proffer is not accepted and the amount of damages determined according to procedure stated in Section 2 of this Act shall not exceed amount of damages so proffered then all costs in the matter shall be borne by the owner of the property otherwise the cost shall be assessed against the party entering

Section 4 If any person shall wilfully injure deface or destroy the mark or monument at any survey station established by or under the direction of the United States Coast and Geodetic Survey or by the State Agency administering the Pennsylvania Coordinate System or shall offer any obstacles to the proper reasonable and legal use of any such station such person shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not to exceed $250 for each offense and costs or shall be imprisoned for a term of not less than 6 months or both in the discretion of the court

Section 5 This Act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to.

Ordered, to be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1177, as follows:

An Act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-seven and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as The General Appropriation Act of one thousand nine hundred thirty-seven

Section 2 The following sums or as much thereof as may be necessary are hereby specifically appropriated from the General Fund to the several hereinafter named agencies of the Executive Legislative and Judicial Departments of the Commonwealth for the purposes hereinafter set forth for the two years beginning June first one thousand nine hundred and thirty-seven and for the payment of the bills incurred by said agencies and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-seven

1 EXECUTIVE DEPARTMENT

To the Governor

For the payment of the salary of the Governor the sum of thirty-six thousand dollars ($36,000)

For the payment of salaries wages or other compensation of the Secretary to the Governor the Budget Secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Governor his Secretary the Budget Secretary and the Executive Board for the expenses incurred in the conduct of the Executive Mansion and the entertainment of official guests and for the expense incident to the participation of the Governor in the Governor's Conference the sum of two hundred ninety thousand dollars ($290,000)

To the Lieutenant Governor

For the payment of the salary of the Lieutenant Governor the sum of sixteen thousand dollars ($16,000)

For all necessary expenses including postage telegrams telephone toll charges and travelling clerical stenographic and discretionary expenses and for the care and maintenance of an automobile and mileage charges to the Department of Property and Supplies for the use of automobiles for the Lieutenant Governor the sum of ten thousand dollars ($10,000)

To the Department of the Auditor General

For the payment of the salary of the Auditor General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages and other compensation of a deputy Auditor General and other employes for the payment of general expenses for the payment of rentals of patented leased office devices for the purchase of automobiles furniture furnishings and equipment and for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of one million four hundred eighty thousand dollars ($1,480,000)

For the payment to the State's Fiscal Agent for the custody and safekeeping of the books and records pertaining to loans of the Commonwealth as provided by law the sum of one thousand dollars ($1,000)

For the payment of the cost of painting a portrait of Auditor General Frank E Baldwin to be placed in the office of the Auditor General in the Capitol Building the sum of seven hundred fifty dollars ($750)

For the payment of fees to county officers for furnishing information to the officers of the Commonwealth as provided by law the sum of four thousand dollars ($4,000)

To the Treasury Department

For the payment of the salary of the State Treasurer the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy State Treasurer and other employes for the payment of general expenses for the purchase of insurance covering the loss of any or all cash and securities of which the Treasury Department or State Treasurer is custodian and covering forgeries of all kinds on checks drafts warrants and requisitions for the payment of rentals of patented leased office devices and for the purchase of automobiles furniture furnishings and equipment for the purchase of supplies printing binding patent indices records law books and other books necessary for the proper conduct of the work of the department the sum of seven hundred thousand dollars ($700,000)

For the payment of the cost of painting a portrait of State Treasurer Charles A Waters to be placed in the office of the State Treasurer in the Capitol Building the sum of seven hundred fifty dollars ($750)

For the payment of salaries or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the Board of Finance and Revenue the sum of sixty-five thousand dollars ($65,000)

For the payment of the difference between the interest earned by the moneys in the Agricultural College Land Scrip Fund and in the State College Experimental Farm Fund and the interest guaranteed by the Commonwealth of Pennsylvania to State College the sum of twelve thousand six hundred dollars ($12,600)

For refunding the balance due or to become due retired county officers on account of overpayment of any taxes licenses fees or other moneys collected for and paid to the Commonwealth the sum of one thousand dollars ($1,000)

For refunding to purchasers of stock transfer tax stamps any sums that may be due them upon the surrender and return of such stamps as may be spoiled canceled mutilated or defaced unintentionally by accident or error the sum of two thousand five hundred dollars ($2,500)

For refunding transfer inheritance taxes on estates of resident decedents paid in error or overpaid the sum of one hundred thousand dollars ($100,000)

For refunding transfer inheritance taxes on estates of nonresident decedents paid in error or overpaid the sum of five hundred dollars ($500)

For refunding moneys paid by any person to any professional examining board or advisory committee or to the Department of Public Instruction on behalf of any such board or advisory committee the sum of one thousand five hundred dollars ($1,500)

For refunding fees paid for notary public commissions when such commissions have not been issued or if issued have not been received and have been canceled the sum of one thousand dollars ($1,000)

For refunding moneys subject to escheat which were paid into the State Treasury either voluntarily or by order of the court to any persons making proof of their ownership or right of possession thereto in the manner provided by law the sum of twenty-five thousand dollars ($25,000)

For the purpose of refunding moneys other than taxes paid into the State Treasury to the credit of the General Fund which refunds are not specifically authorized by any other appropriation the sum of two thousand five hundred dollars ($2,500)

For the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue for moneys collected or received by the Department of Revenue for the maintenance support care treatment housing fees or other fees or costs of any inmate pupil patient or student in any State-owned institution and for the payment of approved claims for refunds made to the Board of Finance and Revenue for moneys collected or received by the Department of Revenue to reimburse the Commonwealth for the share which it was supposed to have paid towards the support care and treatment of any pupil or patient in any mental hospital or institution for the feeble-minded in part supported by the Commonwealth the sum of twenty thousand dollars ($20,000)

For the purpose of refunding fees paid to the Pennsylvania Securities Commission in connection with renewal applications for registration under The Securities Act which have been canceled before January first of the year for which the fees were paid the sum of five hundred dollars ($500)

For the payment of approved claims for refunds of liquor taxes including moneys paid for spirituous and vinous liquor tax stamps the sum of five thousand dollars ($5,000)

For the payment of approved claims for refund of cigarette tax permit fees and cigarette tax stamps the sum of one thousand dollars ($1,000)

For payment of approved claims for refund of docu-

nentary tax stamps the sum of twenty thousand dollars ($20,000)

For the payment of approved claims for refund of amusement tax which the Department of Revenue is not authorized to refund or to credit in subsequent tax periods the sum of one thousand dollars ($1,000)

For refunding liquid fuels tax erroneously paid or overpaid into the General Fund the sum of twenty-six thousand dollars ($26,000)

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the general expense bonds issued under authority of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws two hundred eleven) the sum of six million one hundred twenty-five thousand dollars ($6,125,000) according to the following schedule

Requirements

Date of Payment	Principal	Interest	Total
December 1 1937	$2,500,000.00	$328,125.00	$2,828,125.00
June 1 1938 ...	.....	281,250.00	281,250.00
December 1 1938	2,500,000.00	281,250.00	2,781,250.00
June 1 1939	.....	234,375.00	234,375.00
Total	$5,000,000.00	$1,125,000.00	$6,125,000.00

For the payment into the Sinking Fund to meet the interest and sinking fund requirements of the Veterans' Compensation Bonds issued under authority of the act approved the fifth day of January one thousand nine hundred and thirty-four (One thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four Pamphlet Laws page two hundred nineteen) the sum of seven million four hundred fifty thousand one hundred ninety-two dollars and fifty cents ($7,450,192.50) according to the following schedule

Requirements

Date of Payment	Principal	Interest	Total
September 1 1937	$.....	$487,500.00	$487,500.00
November 1 1937	.....	300,000.00	300,000.00
March 1 1938 ..	1,237,253.21	487,500.00	1,724,753.21
May 1 1938	912,843.04	300,000.00	1,212,843.04
September 1 1938	... .	487,500.00	487,500.00
November 1 1938	.....	300,000.00	300,000.00
March 1 1939 ...	1,237,253.21	487,500.00	1,724,753.21
May 1 1939	912,843.04	300,000.00	1,212,843.04
Total	$4,300,192.50	$3,150,000.00	$7,450,192.50

For the payment of the compensation of the Commonwealth's Loan and Transfer Agent for services rendered in connection with the registration transfer and payment of interest on general expense bonds and Veterans' Compensation Bonds and for other services required to be performed by the said Loan and Transfer Agent the Sum of Twenty-two thousand five hundred dollars ($22,500)

To the Department of Agriculture

For the payment of the salary of the Secretary of Agriculture the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including the purchase of insecticides for gypsy moth work and for the payment of any loss or damage by dogs to live stock domestic game birds and poultry as provided by law the sum of one million eight hundred eighty-five thousand dollars ($1,885,000)

For the payment of the salaries wages or other compensation of employes and for the payment of all other expenses necessary for the proper conduct of the Pennsylvania Official Egg-Laying Contest as provided by the act of May twentieth nineteen hundred thirty-one (Pamphlet Laws one hundred thirty-six) the sum of twenty-one thousand dollars ($21,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the State Farm Products Show Commission for the payment of premium awards for exhibits at the State Farm Products Show and for the maintenance of the State Farm Building and the grounds surrounding it the sum of seventy-five thousand dollars ($75,000)

For the purpose of reimbursing incorporated agricultural associations for premiums paid for exhibits of live stock live stock products horticultural products handiwork cereals bees and bee products as provided by law Provided That such associations file such reports as may be required by the Secretary of Agriculture the sum of fifty thousand dollars ($50,000)

For the payment of indemnities for animals appraised and destroyed to prevent the spread of dangerous contagious and infectious diseases as provided by law the sum of one million two hundred thousand dollars ($1,200,000)

To the Department of Banking

For the payment of salaries wages or other compensation of the members and employes and for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Securities Commission the sum of one hundred forty thousand dollars ($140,000)

For the payment of liquidating and dissolution expenses of building and loan associations taken in charge by the Secretary of Banking when the cash assets are insufficient to pay such expenses the sum of twenty-five thousand dollars ($25,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Forests and Waters

For the payment of the salary of the Secretary of Forests and Waters the sum of the twenty thousand dollars ($20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department with respect to forests parks and waters and the Pymatuning Dam project the Water and Power Resources Board the Geographic Board the State Forest Commission and Flood Prevention and maintenance of dikes along Darby Creek and the Delaware River in Tinicum Township Delaware County for the purchase of telephone equipment and the cost of telephone rentals at towers district offices ranger stations and other necessary locations for the erection and repairs of buildings the sum of one million two hundred thousand dollars ($1,200,000)

For the payment of expenses incurred for the extinction and control of forest fires the sum of one hundred fifty thousand dollars ($150,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Washington Crossing Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of thirty thousand dollars ($30,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the Valley Forge Park Commission for the repair and construction of roads dams parking spaces and buildings for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in possession of the commission for public use as may be authorized and approved by the

Secretary of Forests and Waters the sum of seventy thousand dollars ($70,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Park and Harbor Commission of Erie for the repair and construction of roads dams parking spaces camp sites and buildings for the repair and construction of jetties and other necessary work to protect Presque Isle Peninsula from erosion for the purchase of materials supplies flags markers and equipment and for printing photographing distributing or otherwise making available maps documents records historical information and reports issued by or in the possession of the commission for public use as may be authorized and approved by the Secretary of Forests and Waters the sum of seventy thousand dollars ($70,000)

For the supervision maintenance improvement regulation and preservation of State Parks the sum of seventy-five thousand dollars ($75,000)

For the payment of maintenance and improvement of Fort Washington Park the sum of two thousand dollars ($2,000)

For the payment of annual fixed charges as provided by law for county school township and road purposes on lands owned or classified by either the Commonwealth of Pennsylvania or the Federal Government and held or administered as forest reserves auxiliary forest reserves or for the purpose of preserving and perpetuating a portion of the original forests of Pennsylvania and preserving and maintaining the same as public places and parks the sum of two hundred eighteen thousand five hundred dollars ($218,500)

For the payment of annual fixed charges on lands acquired for the purpose of conservation of water or the prevention of flood conditions as provided by law the sum of fourteen thousand dollars ($14,000)

To the Department of Health

For the payment of the salary of the Secretary of Health the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department the Sanitary Water Board the Advisory Health Board and other boards the sum of two million four hundred fifty thousand dollars ($2,450,000)

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishing and live stock for incidental expenses and all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Tuberculosis Sanatoria and the State Hospital for Crippled Children including the incidental expenses necessary for the proper conduct of the orthopaedic work of the department and for the purchase of braces jackets artificial limbs and crutches the sum of three million two hundred eighty-five thousand dollars ($3,285,000)

To the Insurance Department

For the payment of the salary of the Insurance Commissioner the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for the payment of costs in court proceedings to forfeit charters of extinct companies the sum of six hundred thousand dollars ($600,000)

And in addition to said amount all income and all moneys collected by the Insurance Department from foreign insurance companies for examinations made by the Insurance Department and paid into the General Fund of the State Treasury are hereby appropriated out of the General Fund to the Insurance Department

For the payment of liquidating and dissolution expenses of companies taken in charge by the Insurance Commissioner when the cash assets are insufficient to pay such expenses the sum of twenty-five thousand dollars ($25,000) and in addition there is hereby appropriated for the same purposes the full amount of all sums received from such liquidated assets by way of reimbursement for expenditures previously made from this appropriation which sums so received shall be paid into the General Fund and credited to the appropriation made by this paragraph

To the Department of Internal Affairs

For the payment of the salary of the Secretary of Internal Affairs the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and the board of Property and for the payment of fees to the county commissioners of the several counties of the Commonwealth for data and statistics furnished relative to local taxes the sum of three hundred seventy-eight thousand dollars ($378,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses necessary for the proper conduct of the work of the department with respect to the Topographic and Geologic Survey the sum of one hundred fifteen thousand dollars ($115,000)

To the Department of Justice

For the payment of the salary of the Attorney General the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of deputy attorneys general special deputy attorneys general assistant deputy attorneys general special attorneys law clerks and other employes for the payment of compensation of attorneys employed by the several departments boards and commissions with the approval of the Attorney General for handling litigation or making collections or appointed to represent the Commonwealth or any department board or commission therein special work or in particular cases for the payment of costs and witness fees for the purchase of law books for the law library of the department and for payment of general expenses necessary for the proper conduct of the work of the department and for the prosecution and defense of litigation to which the Commonwealth is a party or in which the Commonwealth is interested the sum of two hundred eighty-five thousand dollars ($285,000)

For the payment of salaries wages or other compensation of such special deputy attorneys general assistant deputy attorneys general and attorneys as may be assigned by the Attorney General to other departments boards or commissions except the counsel and assistant counsel of the Public Service Commission of the Commonwealth of Pennsylvania and except departments boards or commissions the work of which is supported mainly out of moneys in funds other than the General Fund for the payment of the salaries wages or other compensation of special deputy attorneys general assistant deputy attorneys general and attorneys appointed to represent the Commonwealth and the several departments boards and commissions thereof in legal matters arising or to be handled in cities counties or districts outside the State Capitol or appointed to represent the Commonwealth or any department board or commission thereof in special work or in particular cases for traveling and other incidental expenses incurred by the special deputy attorneys general assistant deputy attorneys general or attorneys whose compensation is payable out of this appropriation for the payment of mileage charges

he Department of Property and Supplies for the use of utomobiles for any such special deputy attorneys gen-ral assistant deputy attorneys general or attorneys and or any contingent expenses incident to their work the um of two hundred twenty-five thousand dollars ($225,-00)

For the payment of salaries wages or other compensa-ion of a secretary and other employes and for the pay-nent of general expenses necessary for the proper con-luct of the Board of Pardons the sum of fourteen thou-and dollars ($14,000)

For the payment of salaries wages or other compensa-ion of the Supervisor of Paroles Chief field agents field gents and other employes for the payment of general xpenses necessary for the proper conduct of the work of th Board of Pardons in supervising prisoners released n parole from the State penitentiaries and the Pennsyl-ania Industrial School and for other parole work of the oard the sum of two thousand forty thousand dollars ($240,000)

For the payment of compensation and general expenses ncident to the preparation by the Department of Justice or the presentation to the General Assembly at its ses-ion of one thousand nine hundred and thirty-nine of a re-ision of the insurance laws and the laws relating to the formation of public utilities the sum of ten thousand dollars ($10,000)

For the payment of expenses necessary for the proper conduct of the work of the Board of Commissioners on Uniform State Laws the sum of two thousand five hun-dred dollars ($2,500)

To the Department of Labor and Industry

For the payment of the salary of the Secretary of Labor and Industry the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensa-ion to the members of the Wrokmen's Compensation Board Workmen's Compensation Referees the members of the Industrial Board a deputy secretary and other em-ployes for the payment of general expenses necessary for he proper conduct of the work of the department the Workmen's Compensation Board the Workmen's Com-pensation Referees and the Industrial Board the sum of one million six hundred eighty thousand eight hundred dollars ($1,680,800)

For the payment of salaries wages or other compensa-ion of employes engaged in the administration of the State-Federal Employment Service and for the payment of genera expenses necessary for the proper conduct of his service the sum of three hundred seventy-four thou-sand four hundred dollars ($374,400) And be it pro-vided that with approval of the Federal Government contributions under the Wagner-Peyser Act or any other Federal law toward the expense of conducting this ervice may be paid into the General Fund and credited o this appropriation

For the payment of salaries wages or other compensa-ion of employes engaged in administration of the laws elating to rehabilitation of persons injured in industry nd for the payment of general expenses necessary for he proper conduct of the work of the department with espect to rehabilitation and for the purchase of artificial ppliances for and the payment of maintenance cost of hysically handicapped persons in training and all other xpenses necessary to carry out the provisions of the Re-abilitation Acts the sums of two hundred ninety-two housand eight hundred dollars ($292,800) And be it rovided that contributions from the Federal Govern-ment or from any other source for rehabitaion shall e paid into the General Fund and credited to this ap-propriation

For the payment of the statutory amounts of work-men's compensation and medical hospital surgical and burial expenses to injured employes and dependents of deceased employes of the various departments of the State government upon claims arising prior to June first one thousand nine hundred and twenty-nine under the Workmen's Compensation Act of one thousand nine hun-dred and fifteen its amendments and supplements the sum of five thousand dollars ($5,000)

To the Department of Military Affairs

For the payment of the salary of the Adjutant General the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensa-tion of a deputy adjutant general and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including Division Headquarters the United States Property and Disbursing Office State Arsenal State Military Reservation and ad-visory commissions connected with the department for the making of improvements additions or repairs to exist-ing buildings roads and utilities on the State Military Reservation the sum of three hundred seventy thousand dollars ($370,000)

For the purpose of placing at the disposal of the Gov-ernor and making the same available for replacement or repair such military stores and supplies issued to the Commonwealth of Pennsylvania by the Federal Govern-ment as may be destroyed or damaged in whole or in part by fire flood storm or any other unavoidable cause for the payment of transportation pay of officers and en-listed men horse hire subsistence quartermaster stores and other proper and necessary expenses incident to field service rendered by the Pennsylvania National Guard under orders of the Governor in repelling invasion sub-duing insurrection riot tumult or disorder or the pre-vention of the same and when such Pennsylvania Na-tional Guard may be placed on duty under orders of the Governor under extraordinary circumstances for the pro-tection of human life and in the event of all or any por-tion of said Pennsylvania National Guard being called into active service of the United States by the President of the United States or in furnishing the quota of volun-teers from the Commonwealth of Pennsylvania under a call made by the President of the United States and for the payment of mileage and lawful expenses of commis-sioners to take the vote of Pennsylvania Soldiers in Fed-eral or State service when in the field on active duty for the payment of any and all expenses incident to furnish-ing men material and equipment to relieve unemploy-ment or draught conditions throughout the State or when a disaster occurs for payment of claims against the Com-monwealth of Pennsylvania for damages incurred by the operation or training of the Pennsylvania National Guard as provided by law for the payment of all necessary ex-penses including annual allowances for maintenance and armory rent individual pay officers' annual allowances passenger and freight transportation telegrams telephone toll charges subscriptions to The Pennsylvania Guards-men for distribution to officers and men of the Pennsyl-vania National Guard the expenses of operating and maintaining automobiles and other motor equipment the payment of mileage charges to the Department of Prop-erty and Supplies for the use of automobiles and other expenses necessary for the maintenance training govern-ment discipline and equipment of the Pennsylvania Na-tional Guard for the payment of claims made by the War Department based upon approval reports of survey cov-ering loss damage or destruction of Federal property for the payment of salaries of members of the Armory Board of the State of Pennsylvania and inspectors for the pay-ment of salaries wages or other compensation of em-ployes for the payment of general expenses necessary for the proper conduct of the work of the Armory Board of the State of Pennsylvania for the maintenance and repair of armories and for the expenses of inspection of armories the sum of one million eighty thousand dollars ($1,080,000) Provided however That there is hereby ap-propriated for the same purposes the full amount of all rentals of armories and receipts from public or private sources in payment of costs and material expended by the Guard in furnishing relief from disaster which shall be collected as heretofore and paid into the General Fund and credited to the appropriation made by this para-graph

For the payment of the salary of the Division Commander the sum of sixteen thousand dollars ($16,000)

For the payment of salaries of the members of the State Athletic Commission for the payment of salaries wages or other compensation of a secretary and deputies and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Athletic Commission as approved by the Adjutant General the sum of ninety thousand dollars ($90,000)

For the payment of salaries wages or other compensation of the superintendent and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for improvements to land for reparis alterations and improvements to plant and equipment for the purchase of equipment furniture furnishings and live stock for expenses of the Board of Trustees and incidental expenses for burial expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Soldiers' and Sailors' Home at Erie as may be authorized and approved by the Adjutant General the sum of two hundred forty thousand dollars ($240,000) Provided That all moneys received from the United States Government by the Governor of Pennsylvania on account of maintenance of the honorably discharged soldiers and sailors or marines in the Pennsylvania Soldiers' and Sailors' Home at Erie shall be paid into the State Treasury through the Department of Revenue

For the payment of traveling expenses and for other authorized disbursements of the State Veterans' Commission and for the assistance of such Pennsylvania veterans of any war or the widows and infant children or dependents of such veterans as are sick disabled or indigent and who are without means as may be authorized and approved by the Adjutant General the sum of forty thousand dollars ($40,000)

To the Department of Mines

For the payment of the salary of the Secretary of Mines the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the department the sum of seventy-five thousand dollars ($75,000)

For the payment of salaries postage traveling expenses telephone toll charges telegram freight express cartage and incidental expenses of the anthracite and bituminous mine inspectors the sum of five hundred twenty-three thousand dollars ($523,000)

For the payment of expenses of conducting the examination of applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses as provided for by law the sum of ten thousand dollars ($10,000)

To the Department of Property and Supplies

For the payment of the salary of the Secretary of Property and Supplies the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and Capitol Police the Board of Commissioners of Public Grounds and Buildings and other boards attached to the department for the care maintenance and preservation of public grounds and buildings including the Executive Mansion for the payment of the advertising schedules of supplies the sale of unserviceable property proposals for executing the State Printing and binding proposals for any contract work readvertising any schedules or proposals when necessary and all other advertising necessary for the proper conduct of the work of the department the sum of one million six hundred fifteen thousand dollars ($1,615,000) Provided however That the department shall not use any part of this appropriation for the payment of the salaries wages or other compensation of employes necessary for the cleaning and care of offices or other quarters either in the Capitol Building or elsewhere used by the Department of Banking the Department of Highways the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the General Assembly and Judicial Department the Department of the Auditor General the Treasury Department the Board of Game Commissioners the Board of Fish Commissioners the Pennsylvania Liquor Control Board the Milk Control Board or the State Workmen's Insurance Board for the Cleaning and care of offices or other quarters outside the city of Harrisburg used by any other department board or commission or for the cleaning and care of the State Arsenal or any barracks used by the Pennsylvania State Police

For the purchase of supplies including medicines medical surgical laboratory chemical biological and electrical supplies military stores and supplies stationery and office supplies for the purchase of food and forage and other animal foods for the purchase of furniture and equipment including office chemical laboratory medical surgical biological and electrical equipment furniture furnishings utensils military and police equipment fire arms and other accoutrements artificial appliances fire protection and fire fighting equipment for the purchase of animals poultry seedlings and transplants for the purchase of legal and other books periodicals maps charts manuscripts pamphlets exchanges records lantern slides archaeological and historical markers and for the purchase of all other materials supplies or equipment as set forth in the schedules of the Department of Property and Supplies or for which requisition is made but the want of which was not anticipated at the time of the making of said schedules for the cost of repairing office equipment for the cost of miscellaneous services for the payment of rental charges for telephones and other patented leased office devices for the payment of the cost of printing and printing processes such as binding ruling lithographing color printing and engraving for the purchase of paper envelopes cloth and other substances on which printing is done cuts electrotypes dies stamps and other printing and binding supplies as may be required for the Executive Mansion and the several administrative departments boards and commissions of the State government except the Department of Highways the Department of Banking and the Department of Revenue to the extent to which appropriations for these purposes shall have bene made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners The Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board and department administrative boards or commissions having control of State institutions or supervision over or the duty of planning for State parks harbors or canals for the payment of the costs of making tests of materials supplies and equipment whether purchased by the Department of Property and Supplies directly or as purchasing agent for the payment of the costs of preparation of plans designs and specifications including necessary tests or borings and the preparation of same required for the performance of the work of the Department of Property and Supplies (when said cost is not otherwise provided for) including those to be purchased or altered at the expense of a fund other than the General Fund and for the payment of expenses incident to condemnation proceedings in the event such expenses are not provided for in any act of the General Assembly authorizing the acquisition of land for the Commonwealth the sum of one million five hundred thousand dollars ($1,500,000)

For the purchase of fuel water gas steam electric current and sewage service for the agricultural experimental laboratories and the State Military Reservation for the purchase of fuel water gas steam and electric current

and necessary devices for reception and use of the same for the cost of grading and changing pipe lines relocating sewers and installing new sewers for alterations materials supplies repairs equipment renovations and improvements to for or on the State Capitol Buildings the public grounds and buildings connected with the State Capitol the State Arsenal the stables of the Pennsylvania State Police in the city of Harrisburg the Publications Building the Executive Mansion any buildings or monuments of historical interest heretofore or hereafter acquired by the Commonwealth and any offices or buildings in the city of Harrisburg leased by the State when such items are not included in the rents paid for such offices or buildings for the payment of rents for such buildings garages offices rooms storage space and lands either within or without the city of Harrisburg as may be required for the accommodation or the performance of the work of the several departments boards and commissions of the State government including departmental administrative boards having control of State institutions and for the purchase of water gas steam and electric current required for buildings offices rooms and lands leased by the State within or without the city of Harrisburg when such items are not included in the rents paid for such buildings offices rooms and lands the sum of one million one hundred thousand dollars ($1,100,000) Provided That no part of this appropriation shall be available for expenditure in connection with buildings offices and lands leased on behalf of the Department of Highways the Departmnt of Banking the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have ben made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners the Pennsylvania Liquor Control Board the Milk Control Board the State Workmen's Insurance Board and departmental administrative boards having control of State institutions unless hereinbefore otherwise specifically provided

For the payment of premiums on surety bonds for such officers and employes of the General Assembly and the several administrative departments boards and commissions of the State government as may be required by statute or otherwise to furnish them for the faithful performance of their official duties or to account for State funds in their possession for the payment of a premium or premiums on a policy or policies of liability insurance covering all motor vehicles owned by the Commonwealth and purchased from moneys of the General Fund except motor vehicles permanently assigned to departmental administrative boards having control of State institutions which policy or policies shall protect both the Commonwealth and State officers or employes operating said motor vehicles against claims for damages for injury to person or property and for the payment fo a premium or premiums on a policy or policies of insurance insuring the Commonwealth against workmen's compensation liability to employes for injuries and to dependents of deceased employes of its several departments boards and commissions except employes or dependents of deceased employes of departmental administrative boards having control of State institutions the sum of two hundred fifty thousand dollars ($250,000) Provided That no part of this appropriation shall be available for expenditure to cover employes or motor vehicles of the Department of Highways the Department of Banking the Department of Revenue or any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Board of Fish Commissioners the Board of Game Commissioners the Pennsylvania Liquor Control Board the State Emergency Relief Board the Milk Control Board and the State Workmen's Insurance Board

For the purchase of automotive equipment aeroplanes and accessories thereto as may be required for use by the several administrative departments boards commissions and officers of the State government except those required for permanent use by the Department of Banking the Department of Highways and the Department of Revenue and any other agency to the extent to which appropriations for this purpose shall have been made to them from special funds the Department of the Auditor General the Treasury Department the Board of Fish Commissioners the Board of Game Commissioners the State Farm Products Show Commission the Pennsylvania Liquor Control Board the Milk Control Board and the State Workmen's Insurance Board for the payment of the cost of minor repairs to automotive equipment permanently assigned to departments boards and commissions except the Department of Highways and stored at the garage maintained by the Department of Property and Supplies in the city of Harrisburg and for the payment of the cost of oil gasoline tires repair parts for and repairs to automotive equipment which is not permanently assigned to any department board commission or officer of the State government the sum of four hundred thousand dollars ($400,000)

For the purchase of office supplies and equipment stationery printing printing supplies and printing processes for the purchase of legal books periodicals maps pamphlets for the purchase of all other materials supplies and equipment for the costs of repairing office equipment for the payment of rental charges of telephone and other leased devices for the payment of telephone toll charges and telegrams required by the General Assembly and the Judiciary Department for the payment of costs including delivery expenses f documents and publications furnished to members and officers of the General Assembly for the payment of the costs of all printing incident to the sessions of the General Assembly including the printing of the Pamphlet Laws for the payment of costs of printing the Pennsylvania State Manual and for the payment of the cost of postage freight express paper and printing of departmental documents distributed to members of the Legislature in accordance with law the sum of two hundred fifty thousand dollars ($250,000)

To the Department of Public Assistance

For the payment of the salary of the Secretary of Public Assistance the sum of twenty thousand dollars ($20,000)

For the payment of the salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of th work of the department the sum of one million five hundred thousand dollars ($1,500,000)

To the Department of Public Instruction

For the payment of the salary of the Superintendent of Public Instruction the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy superintendent and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and the State Council of Education the sum of five hundred fifty thousand dollars ($550,000)

For the payment of salaries wages or other compensation of employes for the payment of general expenses and for the purchase of books maps charts manuscripts records exchange pamphlets illustrations lantern slides periodicals parliamentary papers legal books and periodicals subscriptions to newspapers necessary for the proper conduct of the work of the department with respect to the State Library and Museum the sum of one hundred eighty-five thousand dollars ($185,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses including the cost of newspapers and periodicals deemed necessary for the work of the State Library with respect to collecting press information and distributing its to the several departments boards commissions and legislative offices and legislative agencies the sum of fifteen thousand dollars ($15,000)

For the payment of salaries wages or other compensation of a deputy members and other employes for the payment of general expenses necessary for the proper conduct of the work of the Department of Public Instruction with respect to professional education and licensure and the professional examiing boards and advisory com-

mittees within the department the sum of four hundred eighty thousand dollars ($480.000) Provided That no part of this appropriation shall be expended for any purpose other than the work of the department with respect to the certification of teachers professional education and licensure and the professional examining boards and advisory committees within the department

For the payment of salaries wages or other compensation of members and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania State Board of Censors the sum of one hundred ten thousand dollars ($110,000)

For the payment of salaries wages or other compensation of a secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the Pennsylvania Historical Commission and for the purchase of archaeological collections and maintenane of historical monuments buildings and markers as provided by law and as authorized and approved by the Superintendent of Public Instruction the sum of twenty thousand dollars ($20.000)

For the payment of salaries wages or other compensation of the presidents or principals and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the State Teachers Colleges and the Cheyney Training School for Teachers as may be authorized and approved by the Superintendent of Public Instruction the sum of three million two hundred thousand dollars ($3,200,000) and in addition to said amount all income and all monies collected at the various State Teachers Colleges and the Cheyney Training School and paid into the General Fund of the State Treasury under existing law are hereby appropriated out of the General Fund to the several State Teachers Colleges and Training Schools for same purpose each college and school to receive from such appropriation the exact amount which was collected at said school or college during the said fiscal years

For the payment of salaries wages or other compensation of superintendents and other employes for the expenses of maintaining and operating automobiles and other equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the hereinafter designated institutions as may be authorized and approved by the Superintendent of Public Instruction in the amounts hereinafter specified

Pennsylvania State Oral School for the Deaf at Scranton Pennsylvania	$160,000
Pennsylvania Soldiers' Orphan School at Scotland Pennsylvania	$265,000
Thaddeus Stevens Industrial School at Lancaster Pennsylvania	$ 65,000

For the payment of salaries of the county superintendents of public schools as required by law the sum of four hundred eighty-two thousand twenty-seven dollars ($482,027)

For the payment of expenses of the county superintendents of public schools as required by law the sum of fifty thousand dollars ($50,000)

For the payment of the salaries of assistant county supeintendents of public schools as required by law the sum of four hundred eighty-seven thousand dollars ($487,000)

For the payment of the expenses of assistant county superintendents of public schools as required by law the sum of seventy thousand dollars ($70,000)

For the payment of salaries of members of county boards of school directors the sum of thirty-nine thousand six hundred dollars ($39,600)

For reimbursement to school districts for transportation of school children as required by law the sum of three million five hundred thousand dollars ($3,500,000)

For aid to school districts that now maintain or shall cause to be established and maintained as part of the public school system vocational schools or departments schools for agricultural education industrial training home economics and other vocational and practical education for the salaries and expenses of employes and the payment to the Department of Property and Supplies of mileage charges for the use of automobiles by traveling vocational education supervisors and for the cost of training vocational teachers in such institutions as the State Council of Education may designate and under such regulations as the State Council of Education may prescribe as provided by law the sum of eight hundred thousand dollars ($800,000)

For the cost of transportation investigation and necessary expenses involved in the education of blind children as required by law for the education of children placed in homes by the courts or other agencies as required by law for the award of scholarships to graduates of secondary schools to aid them in obtaining higher education as required by law for Cornplanter Indians as required by law for the expense of blind students in attendance at institutions of higher learning as provided by law and for the payment to school districts of annual fixed charges in lieu of taxes on State lands as required by law the sum of two hundred eighty-three thousand dollars ($283,000)

For reimbursing school districts upon the salaries of school teachers and for closed schools and for non-resident high school tuition as required by law the sum of sixty million dollars ($60,000,000) Provided That the Superintendent of Public Instruction with the approval of the Governor may make payments from this appropriation in advance of the due dates prescribed by law to school districts which are financially handicapped whenever he shall deem it necessary to make such advanced payments to enable school districts to keep their public schools open

For special education including the payment of the Commonwealth's share in the case of children between the ages of six (6) and twenty-one (21) and the payment of all in the case of pupils under the age of six (6) or over twenty-one (21) of the cost of tuition and maintenance (as determined by the Superintendent of Public Instruction) of Pennsylvania pupils enrolled with the approval of the Department of Public Instruction in schools or institutions for the blind or for the deaf under the supervision of and approved by the department in accordance with law the sum of one million one hundred thousand dollars ($1,100,000)

For the payment into the School Employes' Retirement Fund to the credit of the Contingent Reserve Account of the School Employes' Retirement Fund as required by law the sum of two million four hundred fifty thousand dollars ($2,450,000)

For the payment into the School Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two of the School Employes' Retirement Fund as required by law the sum of three million six hundred thousand dollars ($3,600,000)

For the payment of compensation to former teachers principals supervising principals or superintendents who agree in writing to hold themselves ready under the direction of the board of school directors to advise and counsel with school officials to visit and consel with new teachers to act as substitute teachers when able to examine and report on public school work to visit pupils' homes in the interest of child welfare to attend educational conferences and addresses and to be concerned with other educational work as may be deemed necessary and

...ed to community-school interest as provided by law the sum of two hundred fifty thousand dollars ($250,000)

To the Pennsylvania Public Utility Commission

For the payment of the salary of the chairman and members of the commission the sum of one hundred one thousand dollars ($101,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the commission the sum of one million two hundred fifty thousand dollars ($1,250,000)

For the payment of such proportion of the cost of installing warning signals for the protection of the public where tracks of railroad corporations or street railway corporations cross public highways other than those State highways designated as primary routes as shall be determined by the commission to be paid by the Commonwealth the sum of fifteen thousand dollars ($15,000)

To the Department of Revenue

For the payment of the salary of the Secretary of Revenue the sum of twenty-four thousand dollars ($24,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department for the payment of costs of filing liens for the purchase of tax stamps and for the payment of costs of advertising required by any act of Assembly in connection with the escheat of moneys and property to the Commonwealth or in connection with the payment of unclaimed moneys into the State Treasury without escheat the sum of three million sixty-eight thousand dollars $3,068,000) Provided however That to the extent to which apropriations have been made to the department out of special funds for any of the foregoing purposes this appropriation shall not be used for such purposes

For the payment of the compensation of informants in escheats and the fees and expenses of escheators in connection with escheat proceedings the sum of ten thousand dollars ($10,000)

For the payment of the milage of appraisers of mercantile and other license taxes the sum of thirty-five thousand dollars ($35,000)

For the payment of costs in suits against delinquent dealers for mercantile and other license taxes the sum of fifteen thousand dollars ($15,000)

To the Department of State

For the payment of the salary of the Secretary of the Commonwealth the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department and for proof-reading the Pamphlet Laws the sum of one hundred thirty-five thousand dollars ($135,000)

For the payment of salaries wages or other compensation of a secretary and other employes and for the payment of general expenses necessary for the proper conduct of the work of the State Employes' Retirement Board the sum of fifty thousand dollars ($50,000)

For the payment of State employes who have retired in accordance with the provisions of the act of Assembly approved June fourteenth one thousand nine hundred fifteen (Pamphlet Laws nine hundred seventy-three) as amended the sum of thirty-three thousand four hundred twenty dollars ($33,420)

For the payment of pensions and gratuities that have been granted by law or that may hereafter be granted by law the sum of one thousand eight hundred forty-eight dollars ($1,848)

For the payment into the State Employes' Retirement Fund to the credit of the State Annuity Reserve Account Number Two the sum three hundred ninety-seven thousand nine hundred dollars ($397,900)

For the payment into the State Employes' Retirement Fund to the credit of the Contingent Reserve Account the sum of one hundred ninety-eight thousand nine hundred fifty dollars ($198,950)

For the payment of the cost of publishing in various newspapers throughout the State the several proposed amendments to the Constitution of the Commonwealth of Pennsylvania the sum of thirty thousand dollars ($30,000)

To the Department of Welfare

For the payment of the salary of the Secretary of Welfare the sum of twenty thousand dollars ($20,000)

For the payment of salaries wages or other compensation of a deputy secretary and other employes for the payment of general expenses necessary for the proper conduct of the work of the department including the cost of a central accounting system for State-owned institutions subject to the supervision of the department the sum of three hundred fifty-five thousand dollars ($355,000)

For the payment of salaries wages or other compensation of employes and for the payment of general expenses necessary for the proper conduct of the work of the State Council for the Blind the sum of fifty thousand dollars ($50,000)

For the payment of salaries wages or other compensation of the superintendents or wardens and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses for the payment of gratuities clothing and parole expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Pennsylvania Industrial School at Huntingdon the Pennsylvania Training School at Morganza the State Industrial Home for Women at Muncy the Eastern State Penitentiary at Philadelphia and Graterford the Western State Penitentiary at Pittsburgh and the State Penitentiary at Rockview as may be authorized and approved by the Secretary of Welfare the sum of six million four hundred thousand dollars ($6,400,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Allentown State Hospital at Allentown the Danville State Hospital at Danville the Farview State Hospital at Farview the Harrisburg State Hospital at Harrisburg the Norristown State Hospital at Norristown the Torrance State Hospital at Torrance the Warren State Hospital at Warren and the Wernersville State Hospital at Wernersville as may be authorized and approved by the Secretary of Welfare the sum of nine million five hundred fifty thousand dollars ($9,550,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Laurelton State Village at Laurelton the Pennhurst State School at Pennhurst the Polk State School at Polk and

the Selinsgrove State Colony for Epileptics at Selinsgrove as authorized and approved by the Secretary of Welfare the sum of three million two hundred thousand dollars ($3,200,000)

For the payment of salaries wages or other compensation of the Superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs for the purchase of equipment furniture and furnishings for expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Ashland State Hospital at Ashland the Blossburg State Hospital at Blossburg the Coaldale State Hospital at Coaldale the Connellsville State Hospital at Connellsville the Hazleton State Hospital at Hazleton the Locust Mountain State Hospital at Shenandoah the Nanticake State Hospital at Nanticoke the Philipsburg State Hospital at Philipsburg the Scranton State Hospital at Scranton and the Shamokin State Hospital at Shamokin as may be authorized and approved by the Secretary of Welfare the sum of two million seven hundred thousand dollars ($2,700,000)

For the payment of salaries wages or other compensation of the superintendents and other employes for the expenses of maintaining and operating automobiles and other motor equipment for the payment to the Department of Property and Supplies of mileage charges for the use of automobiles for the purchase of supplies food and fuel for repairs alterations and improvements to plant and equipment for improvements to land for the purchase of equipment furniture furnishings and live stock for the expenses of the boards of trustees and incidental expenses and for all other expenses of maintenance and operation necessary for the proper conduct of the work of the Penal and Correctional Institutions the Mental Hospitals the Schools for Mental Defectives and Epileptics and the Medical and Surgical Hospitals as may be allocated by the Secretary of Welfare and approved by the Governor the sum of one million dollars ($1,000,000)

II LEGISLATIVE DEPARTMENT

For the payment of the expenses of the Legislative Department for two years beginning June one one thousand nine hundred and thirty-seven and also for the expenses of the session and recess of one thousand nine hundred and thirty-seven not previously provided for the following sums or as much thereof as may be necessary to be paid in the manner prescribed by law Provided That the salaries stationery and mileage of the Members of the Senate and House of Representatives and all the salaries and mileage of the session officers and employes of the legislative session of one thousand nine hundred and thirty-nine shall only be paid after statement of the amounts due the several Senators Members officers and employes shall have been certified to the Auditor General by the President pro tempore of the Senate and the Speaker of the House of Representatives respectively and that the Senators and Members also the officers receiving fixed salaries for said session shall each be paid one-fifth of his total salary each month for the first four months of the session if the Legislature shall be in session that long and the balance on the day fixed for the final adjournment of the Legislature or during the two days previous thereto and that the session officers and employes receiving per diem salaries shall be paid amounts due them at the end of each month during the session except the last month when payment shall be made on the day fixed for final adjournment of the Legislature or during the two days previous thereto

To the Senate

For the payment of the salaries of fifty Senators and extra compensation allowed by law to the President Pro Tempore of the Senate session of one thousand nine hundred and thirty-nine the sum of one hundred twenty-six thousand dollars ($126,000)

For the payment of the mileage of fifty Senators session of one thousand nine hundred and thirty-nine the sum of eighteen thousand dollars ($18,000)

For the payment of postage session of one thousand nine hundred and thirty-nine allowed by law to fifty Senators the sum of seven thousand five hundred dollars ($7,500)

For the payment of postage session of one thousand nine hundred and thirty-nine for the chief clerk and assistants the sum of one hundred fifty dollars ($150)

For the payment of postage session of one thousand nine hundred and thirty-nine to the Lieutenant Governor the sum of one hundred fifty dollars ($150)

To the chief clerk of the Senate for the payment of the postage on the Legislative Journal bills and calendars session of one thousand nine hundred and thirty-nine the sum of four thousand five hundred dollars ($4,500)

For the payment of the salaries of the officers and employes of the Senate session of one thousand nine hundred and thirty-nine also for the payment of the session and recess salaries of all officers and employes whose positions are now or may hereafter be created and for the payment of which provision is not otherwise made also for the payment of any increases which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the Senate whose present salaries are provided for in this section the sum of ninety-six thousand dollars ($96,000) for the two years ending May thirty-first one thousand nine hundred and thirty-nine

For the payment of the mileage of the officers and employes of the Senate session of one thousand nine hundred and thirty-nine the sum of two thousand seven hundred dollars ($2,700)

For the payment of the salaries of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and thirty-nine the sum of eight thousand dollars ($8,000)

For the payment of the mileage of the returning officers of the Senate at the beginning of the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the clerk to the President of the Senate for two years ending May thirty-one one thousand nine hundred and thirty-nine the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary of the secretary of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of fifteen thousand dollars ($15,000)

For the payment of the salary of the chief clerk of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of twelve thousand dollars ($12,000)

For the payment of the salary of the assistant clerk of the Senate for the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand eight hundred dollars ($3,800)

For the payment of the salary of the librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of nine thousand dollars ($9,000)

For the payment of the salary of the assistant librarian of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the assistant to the secretary of the Senate for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of four thousand two hundred dollars ($4,200)

For the payment of the salary of the stenographer to the President of the Senate for the two years ending May

thirty-first one thousand nine hundred and thirty-nine the sum of two thousand four hundred dollars ($2,400)

For the payment of the salaries of the stenographers to the Senate Librarian for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of six thousand three hundred dollars ($6,300)

For the payment of the salaries of two watchmen of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the superintendent of the storeroom of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of six thousand dollars ($6,000)

For the payment of the salaries of the custodian of the washroom and of the custodian of the basement of the Senate for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salaries of one custodian of the Senate Chamber and three assistant custodians of the Senate Chamber for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of eight thousand six hundred twenty-five dollars ($8,625)

For the payment of the salary of the messenger in the Senate Library for the two years beginning June first one thousand nine hundred and thirty-seven as provided by law the sum of two thousand four hundred dollars ($2,400)

To the Secretary of the Senate for the payment of extra services in connection with the compilation of the history of legislation in the Senate session of one thousand nine hundred and thirty-seven the sum of two thousand five hundred dollars ($2,500)

For the payment of the expenses of the Committee on Appropriations of the Senate session of one thousand nine hundred and thirty-nine in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the Treasury of the Commonwealth and for the necessary clerical assistance the sum of twelve thousand dollars ($12,000) to be paid on the warrant of the Auditor General drawn in favor of the chairman of said committee on the presentation of his requisition for same and said chairman shall file an account of the committee's expense with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of expenses incident to issuing certificates of election of Senators for the session of one thousand nine hundred and thirty-nine the sum of seventy-five dollars ($75) (Act of June fourteenth one thousand nine hundred and eleven)

For the payment of the contingent expenses including clerical stenographic traveling and discretionary charges of the President pro tempore of the Senate during the recess ending January first one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of four thousand dollars ($4,000) and for six months ending November thirtieth one thousand nine hundred and thirty-eight the sum of two thousand dollars ($2,000)

For the payment of the incidental expenses of the Senate for six months commencing December first one thousand nine hundred and thirty-eight and for the entire period of the session of one thousand nine hundred and thirty-nine should the same extend beyond May thirty-first such sum as may be necessary to be expended by the chief clerk of the Senate who shall render the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts but said chief clerk shall at no time have in his hands more than two thousand dollars ($2,000) for which accounts have not been rendered and settled and the whole amount expended by said chief clerk shall not exceed the sum of eight thousand dollars ($8,000) out of which amount such necessary extra labor in the Senate shall be paid as shall be certified by the President pro tempore and the chief clerk

For the payment of the postage labor and incidental expenses in the office of the secretary of the Senate for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of two thousand five hundred dollars ($2,500) and for the year ending May thirty-first one thousand nine hundred and thirty-nine the sum of two thousand five hundred dollars ($2,500)

For the payment of postage labor express charges and all other expenses in the office of the librarian of the Senate for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of two thousand eight hundred dollars ($2,800) and for the year ending May thirty-first one thousand nine hundred and thirty-nine the sum of two thousand eight hundred dollars ($2,800)

To the Secretary of the Senate for the payment of the expenses of the Senate or committees of the Senate in attending funerals or expenses incident thereto of Senators officers of the Senate or State officials during the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

To the House of Representatives

For the payment of the salaries of two hundred and eight Members of the House of Representatives and extra compensation allowed by law to the Speaker of the House session of one thousand nine hundred and thirty-nine the sum of five hundred twenty-one thousand dollars ($521,000)

For the payment of the mileage of two hundred and eight Members of the House session of one thousand nine hundred and thirty-nine the sum of seventy-five thousand dollars ($75,000)

For the payment of postage session of one thousand nine hundred and thirty-nine allowed by law to two hundred and eight Members one hundred fifty dollars ($150) each the sum of thirty-one thousand two hundred dollars ($31,200)

For the payment of postage session of one thousand nine hundred and thirty-nine to the chief clerk and assistants the sum of one hundred fifty dollars ($150)

To the chief clerk of the House of Representatives for the payment of postage on the Legislative Journal bills and calendar session of one thousand nine hundred and thirty-nine the sum of ten thousand dollars ($10,000)

For the payment of salaries of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-nine also for the payment of the session and recess salaries of all officers and employes whose positions are now or may be hereafter created and for the payment of which provision is not otherwise made also for the payment of any increase which may now or hereafter be authorized in the recess and session salaries of the officers and employes of the House of Representatives whose present salaries are provided for in this section the sum of one hundred twenty thousand dollars ($120,000) for the two years ending May thirty-first one thousand nine hundred and thirty-nine

For the payment of the mileage of the officers and employes of the House of Representatives session of one thousand nine hundred and thirty-nine the sum of four thousand dollars ($4,000)

For the payment of the salaries of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-nine the sum of thirteen thousand dollars ($13,000)

For the payment of the mileage of the returning officers of the House of Representatives at the beginning of the session of one thousand nine hundred and thirty-nine the sum of three thousand dollars ($3,000)

For the payment of the salary of the chief clerk of the House of Representatives for the two years beginning June

first one thousand nine hundred and thirty-seven the sum of twelve thousand dollars ($12,000)

For the payment of the salary of the assistant to the chief clerk of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the resident clerk for the two years beginning June first one thousand nine hundred thirty-seven the sum of nine thousand dollars ($9,000)

For the payment of the salary of the assistant resident clerk for the two years beginning June first one thousand nine hundred thirty-seven the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the stenographer to the resident clerk for the time employed during the recess periods in the two years beginning June first one thousand nine hundred thirty-seven the sum of three thousand seventy-five dollars ($3,075)

For the payment of the salary of the assistant clerk of the House of Representatives for the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the assistant clerk of the House of Representatives for the time employed during the recess periods in the two years ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the superintendent of storerooms of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of six thousand dollars ($6,000)

For the payment of salaries of one day watchman and one night watchman of the House of Representatives for the time employed during the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of seven thousand two hundred dollars ($7,200)

For the payment of the salary of the custodian of the basement of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of the salary of the custodian of the Hall of the House of Representatives for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of three thousand six hundred dollars ($3,600)

For the payment of salaries of the four assistant custodians of the Hall of the House of Representatives for the time employed in the recess period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of seven thousand nine hundred eight dollars ($7,908)

For the payment of the salary of the messenger in the House Library for the time employed in the period ending May thirty-first one thousand nine hundred and thirty-nine as provided by law the sum of two thousand four hundred dollars ($2,400)

For the payment of contingent expenses including clerical stenographic traveling and discretionary charges of the Speaker of the House of Representatives during the recess ending January first one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000) or as much thereof as may be necessary and for like expenses for the session of one thousand nine hundred and thirty-nine the sum of two thousand dollars ($2,000)

For the payment of the salary of the stenographer to the Speaker of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of three thousand six hundred dollars ($3,600) or as much thereof as may be necessary

For the payment of the salary of the parliamentarian of the House of Representatives for the two years beginning June first one thousand nine hundred and thirty-seven the sum of six thousand dollars ($6,000) or as much thereof as may be necessary

For the payment of necessary expenses including extra labor in the office of the chief clerk for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of thirteen thousand five hundred dollars ($13,500) and for the six months ending November thirtieth one thousand nine hundred and thirty-eight the sum of six thousand dollars ($6,000)

For the payment of the incidental expenses of the House of Representatives for the six months commencing December first one thousand nine hundred and thirty-eight and for the entire period of the session of one thousand nine hundred and thirty-nine should the same extend beyond May thirty-first those accounts are to be expended by the chief clerk who shall render to the Auditor General accounts from time to time with proper specifically itemized vouchers to be settled in the same manner as other accounts The whole amount thus expended by the chief clerk shall not exceed the sum of fifteen thousand dollars ($15,000)

For the payment of postage labor express charges and other expenses in the office of the chief clerk of the House of Representatives for the year ending May thirty-first one thousand nine hundred and thirty-eight the sum of three thousand five hundred dollars ($3,500) and for the year ending May thirty-first one thousand nine hundred and thirty-nine the sum of three thousand five hundred dollars ($3,500)

For the payment of the expenses of the Committee on Appropriations of the House of Representatives session of one thousand nine hundred and thirty-nine in investigating schools reformatories prisons asylums hospitals and other institutions supported in whole or in part from the treasury of the Commonwealth and for necessary clerical assistance the sum of twelve thousand dollars ($12,000) to be paid on the warrant of Auditor General drawn in favor of the chairman of the said committee on presentation of his requisition for same the said chairman shall file an account of the committee's expenses with the Auditor General within thirty days after the adjournment of the Legislature

For the payment of the expenses incident to issuing certificates of election to Members of the House of Representatives for the session of one thousand nine hundred and thirty-nine (Act of June fourteenth one thousand nine hundred and eleven) the sum of seven hundred fifty dollars ($750) to be paid by the State Treasurer on warrants of the Auditor General upon presentation of vouchers approved by the Speaker of the House of Representatives

To the chief clerk of the House of Representatives for the payment of the expenses of the House of Representatives or committee of the House of Representatives in attending funerals or expenses incidental thereto of Members of the House of Representatives officers of the House of Representatives or State officials during the two years ending May thirty-first one thousand nine hundred and thitry-nine the sum of six thousand dollars ($6,000)

Legislative Journals

The expenses for paper and printing of the Legislative Journals shall be paid out of the appropriation for paper and printing made to the Department of Property and Supplies contained in this act

For the payment of the chief clerk of the Senate and the chief clerk of the House of Representatives for making indices for the journals of each House for the session of one thousand nine hundred and thirty-seven the sum of one thousand five hundred dollars ($1,500)

For the work of the Legislative officials after the close of the session of one thousand nine hundred and thirty-seven on the Legislative Journals also the proofreading of the appendix and index thereto as provided by law the sum of four thousand five hundred dollars ($4,500)

For the payment of the person or persons appointed to index the Legislative Journals session of one thousand nine hundred and thirty-nine the sum of one thousand five hundred dollars ($1,500) in accordance with the act establishing said journals

To the Legislative Reference Bureau

For the payment of the salaries of the director assistant director chief compiler compiler and bill drafter compiler

and bill reading clerk search clerk messenger and file clerk chief clerk reference librarian stenographers charwoman regularly employed and bill book clerks and stenographers for the two fiscal years beginning June first one thousand nine hundred and thirty-seven and for the session of the General Assembly of one thousand nine hundred and thirty-nine and for maintenance law books incidental expenses traveling expenses and emergency clerical help and emergency assistants if needed for two years for the Legislative Reference Bureau the sum of eighty-nine thousand dollars ($89,000)

III Judicial Department

For the payment of the salaries of the judges of the Supreme Court and Superior Courts the salaries and mileage of the president and other law judges of the several courts of common pleas in the Commonwealth and the judges of the several orphans' courts and for the compensation of common pleas judges holding court in other districts and for the payment of salaries and mileage of associate judges the following sum or as much thereof as may be necessary for the two fiscal years beginning June first one thousand nine hundred and thirty-seven payments to be made monthly by warrant drawn by the Auditor General on the State Treasurer except in the case of associate judges who shall be paid quarterly on August thirty-first November thirtieth February twenty-eighth and May thirty-first of each year but when by reason of death or resignation salary for a fraction of a quarter is due any judge it shall be computed according to the ratio it bears to the whole quarter so as not however to increase or diminish the salary he is entitled to receive under the several acts of Assembly fixing the compensation of judges Provided That at the beginning of the term the interval from first Monday of January to the first Monday of March shall be reckoned as two-thirds of a quarter and at the close of the term the interval from the first day of December to the first Monday of January shall be reckoned as one-third of a quarter

Supreme Court

For the payment of the salaries of the Supreme Court Judges the sum of two hundred seventy-four thousand ($274,000)

For the payment of the salaries or compensation of the briefers investigators stenographers typewriters and clerks and to reimburse the judges of said court for expenses incurred in the discharge of their duties or attendant upon execution of the duties of the office the sum of fifty-six thousand dollars ($56,000)

For the payment of the salary of the deputy prothonotary eastern district the sum of eight thousand six hundred dollars ($8,600)

For the payment of the salary of a chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of six thousand dollars (6,000)

For the payment of the salary of an assistant chief clerk in the office of the prothonotary of the Supreme Court for the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a clerk as assistant to the chief clerk of the prothonotary's office of the Supreme Court in the eastern district the sum of three thousand nine hundred dollars ($3,900)

For the payment of the salary of a record clerk in the office of the prothonotary of the eastern district the sum of six thousand dollars ($6,000)

For the payment of the salaries and expenses of the librarian assistant librarian and for the purchase of books for the library of the Supreme Court at Philadelphia the sum of seventeen thousand three hundred dollars (17,300)

For the payment of the salary of the deputy prothonotary and clerk middle district the sum of four thousand eight hundred dollars ($4.800)

For the payment of an attendant of the Supreme Court room and office and showroom adjacent thereto middle district the sum of one thousand two hundred dollars ($1,200) payable monthly

For the payment of the salary of a clerk in the office of prothonotary of the Supreme Court western district the sum of six thousand six hundred dollars ($6,600)

For the payment of the salary of a court clerk in the office of the prothonotary of the Supreme Court western district the sum of four thousand eight hundred dollars ($4,800)

For the payment of the salary and expenses of the crier tipstaves official stenographers court officers and special clerk to the Chief Justice of the eastern middle and western districts the sum of sixty-nine thousand five hundred ninety-six dollars ($69,596) Provided That the crier for the middle district shall receive no other compensation from the State

For the purchase of stationery supplies and the payment of the necessary expenses of the said Supreme Court for the eastern district thereof the sum of fifteen thousand five hundred dollars ($15,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Supreme Court for the eastern district thereof

For the purchase of stationery supplies books for the library and other necessary expenses of the Supreme Court western district the sum of five thousand five hundred dollars ($5,500) to be paid on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said court for the said western district thereof

For the payment of the fees of the prothonotaries of the Supreme Court of the eastern middle and western districts on assignment of judges to counties other than their own under an order of the Supreme Court dated February nineteen one thousand nine hundred and nineteen the sum of five thousand dollars ($5,000) payments to be made monthly by the State Treasurer on warrants drawn by the Auditor General

For the payment of the expenses of the Supreme Court in the middle district and the Superior Courts of Harrisburg the sum of fifteen hundred dollars ($1,500)

For the payment of expenses of Board of Governorance of the Pennsylvania Bar the sum of five thousand dollars ($5,000)

Superior Court

For the payment of the salaries of the judges of the Superior Court the sum of two hundred fifty-three thousand dollars ($253,000)

For the payment of the salaries or compensation of the clerks briefers investigators stenographers and typewriters of the Superior Court and to reimburse the judge of said court for expenses incurred in the discharge of their duties the sum of forty-nine thousand dollars ($49,000)

For the payment of the salaries and expenses of the crier and necessary tipstaves of the Superior Court the sum of fifty-six thousand dollars ($56,000)

For the purchase of dockets stationery supplies books for the library and other necessary expenses of the said Superior Court of its officers the sum of ten thousand dollars ($10,000) to be pair on the warrant of the Auditor General upon presentation of specifically itemized vouchers approved by the prothonotary of the said Superior Court Philadelphia Harrisburg and Pittsburgh

Common Pleas Courts

For the payment of the salaries of the judges of the courts of common pleas learned in the law in the several judicial districts of the Commonwealth the sum of two million eight hundred thirty-six thousand dollars ($2,836,000)

For the payment of the compensation carfare and expenses of judges for holding court outside of their own judicial districts in accordance with law the sum of one hundred thousand dollars ($100,000)

For the payment of mileage allowed common pleas judges in judicial districts containing more than one county as provided by law the sum of five thousand dollars ($5,000)

For the payment of the judges of the courts of common pleas of Dauphin County for clerk hire in accord-

ance with the law the sum of fourteen thousand four hundred dollars ($14,400)

Orphans' Court

For the payment of the salaries of the orphans' court judges in the several judicial districts in which separate orphans' courts have been established by law the sum of five hundred sixty-four thousand dollars ($564,000)

Municipal Court of Philadelphia

For the payment of the salaries of the judges of the Municipal Court of Philadelphia in accordance with law the sum of two hundred twenty-one thousand dollars ($221,000)

County Court of Allegheny County

For the payment of the salaries of the judges of the County Court for County of Allegheny the sum of one hundred twenty-one thousand dollars ($121,000)

To the Juvenile Court of Allegheny County

For the payment of the salary of the judge of the Juvenile Court of the County of Allegheny the sum of twenty thousand dollars ($20,000)

Retired Judges

For the payment of the salaries of the judges of the Supreme Superior common pleas and orphans' courts who may resign or retire in accordance with the provision of the Act of Assembly approved June twelfth Anno Domini one thousand nine hundred and nineteen (Pamphlet Laws four hundred sixty-one) the sum of one hundred sixty thousand dollars ($160,000)

Associate Judges

For the payment of the salaries of the associate judges the sum of fifty thousand dollars ($50,000)

For the payment to the associate judges of mileage for the two fiscal years beginning June first one thousand nine hundred and thirty-seven the sum of seven thousand dollars ($7,000)

State Reporter

For the payment of the salary of the State Reporter the sum of ten thousand dollars ($10,000)

For the payment of the salary of the Assistant State Reporter the sum of six thousand dollars ($6,000)

For the payment of stationery clerk hire and assistants the sum of eight thousand dollars ($8,000)

Section 3 This act is not intended to be inconsistent with or to repeal any provision of any act enacted at this or any prior session of the General Assembly regulating the purchase of supplies the ordering of printing and binding the purchase maintenance and use of automobiles the method of making payments from the State Treasury for any purpose or the functioning of any administrative department board or commission

Section 4 No appropriation made by this act to any department board commission or agency of the Executive Department shall be available unless and until such department board commission or agency shall have complied with sections 604 605 and 606 of The Administrative Code

Section 5 The term "employes" as used in this act shall include all directors superintendents bureau of division chiefs assistants directors assistant superintendents assistant chief experts scientists engineers surveyors draftsmen accountants secretaries auditors inspectors examiners statisticians marshals clerks stenographers bookkeepers messengers and other assistant in any department board and commission

Section 6 The term "general expenses" shall include all postage traveling expenses mileage charges to the Department of Property and Supplies for the use of automobiles payments to the Department of Property and Supplies of any expenses or costs of services incurred through the Purchasing Fund telephone toll charges telegrams expenses of operating and maintaining automobiles and other motor equipment newspaper advertising and notices freight express cartage and incidental expenses

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. HERBERT B. COHEN. Mr. Speaker, I move that this bill be recommitted to the Committee on Appropriations for the purpose of further study and amendment.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2142 (Senate Bill No. 568), entitled:

An Act to amend sections one, two, three and section nine as amended, of the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (P. L. 888), entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting quarantining, and control of diseases declared communicable by this act or by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties," by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and quarantinable; shortening reports required of physicians in such cases, clarifying the duration of placarding; and empowering the Department of Health to obtain additional information from local health authorities.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2212 (Senate Bill No. 671), entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2138 (Senate Bill No. 429), entitled:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness

by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers county medical directors and physicians and increasing penalties for violation of said act.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2177 (Senate Bill No. 775), entitled:

A Supplement to an act approved the twentieth day of July one thousand nine hundred thirty-five (One thousand nine hundred thirty-five Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie available for the purchase of land to be available for the burial of deceased members of the home.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2192 (Senate Bill No. 806), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws 147) entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2187, Senate Bill No. 678, Printer's No. 239, was passed over at the request of Mr. CLIFF S. PATTERSON.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2126 (Senate Bill No. 65), entitled:

An Act to amend section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the court of common pleas for the county of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" be and the same is hereby amended to read as follows

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the court of common pleas of the county of Dauphin and the judges of the Orphans' Court of Dauphin County [is] are hereby clothed with jurisdiction throughout the state for the purpose of hearing and determining all suits claims and demands whatever at law in equity in which the [commonwealth] Commonwealth may be the party plaintiff for accounts unpaid balances unpaid liens taxes penalties and all other causes of action real personal and mixed

On the question,

Will the House agree to the section?

Mr. HERBERT B. COHEN. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (Sec. 1), page 2, line 11, by inserting after the word "equity" the following: "in the court of common pleas of said county"

On the question,

Will the House agree to the amendment?

It was agreed to,

On the question,

Will the House agree to the section as amended?

It was agreed to.

The titled was read and agreed to as follows:

An Act to amend section one of the act approved the seventh day of April one thousand eight hundred seventy (Pamphlet Laws fifty-seven) entitled "An act to enlarge the jurisdiction of the court of common pleas for the County of Dauphin in cases wherein the Commonwealth may be plaintiff and to provide for the issuing of writs of foreign attachment in such cases" by extending the provisions of the said section to the Judges of the Orphans' Court of Dauphin County

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2186 (Senate Bill No. 677), entitled:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet

Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that townships of the first class shall have the power to develop their own water supply

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 956, as follows:

An Act making an appropriation out of the Motor License Fund to the Auditor General State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifteen thousand dollars ($15,000) is hereby specifically appropriated out of the Motor License Fund to the Auditor General State Treasurer and Secretary of Highways as the Commission on the part of the Commonwealth of Pennsylvania acting in conjunction with a similar commission or agency of the State of New York for the purpose of paying the Commonwealth's share of the cost of acquiring the toll bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen under and in accordance with the provisions of the act approved the twenty-fifth day of June one thousand nine hundred and seventeen (Pamphlet Laws 1180) and the amendments thereto

Section 2 The appropriation herein made shall be available for the purposes for which made until such toll bridge shall have been acquired and shall not be held or construed to have lapsed for the reason that said money was not used within a specified time after the passage of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 947, as follows:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire department in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended by the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1523) is hereby amended to read as follows

Section 3 Special Requirements There shall be installed such emergency lighting systems sprinkler systems [and] fire alarm systems and gas and shut-off valves in such of the buildings enumerated in this act as the Department of Labor and Industry may specify and which in its judgment are necessary to give the proper protection from fire and panic to those employed assembled lodged or housed therein No such systems shall be installed unless they are of a type approved by the Department of Labor and Industry

All buildings enumerated in this act which may be supplied from some outside source with gas shall be equipped with a gas shut-off valve attached to the gas supply pipe or pipes on the inside of the building at a point where said pipes enter the building and before they reach the gas meter which valve shall be connected with a conspicuous and conveniently accessible control box at a place on the exterior of the building so arranged as to allow the gas supply to be shut off by any member of any fire department immediately wherever the necessity arises The fire department of any municipality shall have the exclusive use of gas shut-off valves and their operation in the event of fire or other emergency Such shut-off valve and said control box for the shut-off valve shall be so marked as to indicate their respective purpose The gas shut-off valve shall be so constructed as to automatically shut off the gas when subjected to sufficient heat

All gas shut-off valves and necessary appliances shall be designed to minimize the danger of explosion and to prevent or retard the escape of gas in case of fire and be of types approved by the Department of Labor and Industry

All existing buildings and every building hereafter erected subject to the provisions of this act shall be equipped with such device and necessary appliances within six months after the effective date of this act

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1732, as follows:

An Act to amend sections three hundred seventy-one and six hundred seventy section seven hundred thirty-two as amended sections seven hundred thirty-three eight hundred seventy-six and eight hundred ninety-six of and to add section seven hundred thirty-seven to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto' further regulating tax levies bond issues appropria-

tions and the procedure for rebuilding bridges in such counties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three hundred seventy-one and six hundred seventy of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" are hereby amended to read as follows

Section 371 Tax Levies No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed The county commissioners shall fix by resolution the rate of taxation for each year No tax for general county purposes [in] exclusive of the requirements for the payment of the interest and principal of the funded debt of any county shall in any one year exceed the rate of ten mills on every dollar of the adjusted valuation In fixing the rate of taxation the county commissioners if the rate is fixed in mills shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property

[Nothing in this section shall be construed to repeal or in any wise affect any provision of this or any other act of Assembly authorizing special tax levies for any special purposes]

The rate for any office or post of profit profession trade or occupation or on any single freeman who follows no occupation shall be lowered in due proportion as the tax on property shall be lower than the rate herein authorized

Section 670 Indebtedness Taxation The county commissioners of said counties may issue bonds for the purpose of acquiring lands or buildings for parks playgrounds playfields gymnasiums swimming pools public baths or other outdoor or indoor recreation centers and for the enlargement extension and equipment thereof and may annually appropriate and cause to be raised by taxation such taxes not to exceed one mill on the dollar of the assessed valuation of taxable property in such county for the purpose of establishing making enlarging extending and maintaining [such public park] same

Section 2 That section seven hundred thirty-two of said act as amended by section one of the act approved the ninth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 401) is hereby further amended to read as follows

Section 732 Rebuilding Insufficient Bridge Whenever it shall appear to the commissioners that any county bridge is not sufficient for any cause to accommodate the public travel they may upon the approval of the court of quarter sessions and of the grand jury obtained in the manner prescribed by subdivision (b) two of this article erect and construct a new and sufficient bridge to take the place of the insufficient destroyed or partially destroyed bridge or may widen and straighten county bridges where deemed necessary to accommodate the public travel Such new bridge when constructed shall be a county bridge

Section 3 That sections seven hundred thirty-three eight hundred seventy-six and eight hundred ninety-six of said act are hereby amended to read as follows

Section 733 Rebuilding Bridges Wholly or Partly Destroyed The county commissioners shall rebuild and reconstruct all bridges heretofore built or that may hereafter be erected by the county commissioners whether constructed under general special or local laws whenever any such bridge has been or shall hereafter be blown down destroyed partially destroyed or swept away by floods freshets ice storm fire or other casualty at the expense of the county wherein such bridge was located

For the purpose of carrying into effect the provisions of this section the county commissioners are hereby authorized to borrow any sum of money not exceeding the constitutional limitations at rate of interest not exceeding six per centum and to issue bonds therefor in sums not exceeding [five hundred] one thousand dollars each

Section 876 Borrowing Money [and] Bond Issue and Tax Levy The county commissioners may borrow money and secure any indebtedness created by them for the purpose of building improving repairing and maintaining the public roads and highways now constructed or to be constructed as aforesaid by issuing bonds [not to exceed in the aggregate two (2) per centum of the total of the assessed value of all property for taxable purposes in such county at the last preceding triennial valuation] in an amount not to exceed the limit of indebtedness prescribed by the Constitution of this Commonwealth and may also levy and collect taxes on all taxable property within the county in addition to all other taxes for the purpose of paying such indebtedness and interest thereon No such bond or indebtedness shall bear interest at a rate exceeding five (5) per centum per annum The county commissioners shall not issue bonds in any one year to an amount exceeding one-half (½) of one (1) per centum of the total valuation of all property for taxable purposes in said county as shown by the last triennial assessment The amount of bonds issued in any one year in excess of one-tenth (1/10) of one (1) per centum of the total valuation of all property for taxable purposes in said county as shown by the last triennial assessment shall be approved by the grand jury and the court of quarter sessions except in cases where the purpose for which such indebtedness is incurred shall have been approved by the grand jury and the court of quarter sessions

Section 896 Borrowing Money and Bond Issue Any county may borrow money and secure such indebtedness by issuing bonds for the purpose of building and improving the public roads and highways or any part thereof constructed under the provisions of subdivision (a) two of this article and may also levy and collect taxes on all taxable property within the county in addition to all other taxes for the purpose of paying such indebtedness and interest thereon Such indebtedness shall not exceed in the aggregate one (1) per centum of the total of the assessed value of all property for taxable purposes in said county at the last preceding triennial valuation No such bond or indebtedness shall bear interest at a rate exceeding four per centum per annum

The county commissioners shall not issue bonds in any one year to an amount exceeding one-half of one per centum of the total valuation of all property for taxable purposes in the county as shown by the last triennial assessment The amount of bonds issued in any one year in excess of one-tenth of one per centum of the total valuation of all property for taxable purposes as shown by the last triennial assessment shall be approved by the grand jury and the court of quarter sessions except in cases where the purpose for which such indebtedness is incurred shall have been approved by the grand jury and the court of quarter sessions

Section 4 That said act is hereby amended by adding thereto after section seven hundred thirty-six a new section to read as follows

Section 737 Appropriations Tax Levy and Incurring of Indebtedness For the purpose of carrying into effect the provisions of this sub-section (a) the county commissioners are hereby authorized to make appropriations levy taxes borrow money and incur indebtedness in accordance with the provisions of sub-division (b) two of this article

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1433, as follows:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177)

entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined' as amended permitting State institutions and sanatoria to supply water to individuals

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended by the act aproved the twenty-second day of May one thousand nine hundred and thirty-five (Pamphlet Laws 241) and by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 791) is hereby further amended to read as follows

Section 514 Sale of Real Estate and Grants of Rights of Way or Other Rights Over or in Real Estate Tapping Water Lines of Institutions and Sanatoria (a) Except as otherwise in this act expressly provided a department board or commission shall not sell or exchange any real estate belong to the Commonwealth or grant any easement right of way or other interest over or in such real estate without specific authority from the General Assembly so to do but a department board or commission may with the approval of the Governor grant a license to any public service corporation to place upon in or over any land or bridge of or maintained by the Commonwealth any public service line if such line will enable any State building or State institution to receive better service or if such line is necessary for the service of persons living adjacent to the Commonwealth's land upon in or over which it is proposed to run the line or if the running of such line over a bridge will be more economical than the erection of a separate bridge for the line Every such license shall be revocable upon six months' written notice by the Commonwealth and upon such other proper terms and conditions as the department board or commission with the approval of the Governor shall prescribe and unless any such line is primarily for the benefit of a State building or state institution the license shall provide for the payment to the Commonwealth of compensation for the use of its property in such amount as the department board or commission granting it shall with the approval of the Governor prescribe

But nothing herein contained shall authorize the Commonwealth to impose and collect from any municipality or townships any compensation for a license granted to such municipality or township for the running of a public service line over any such bridge

(b) Any department board or commission having control over lands of the Commonwealth underlaid with veins of coal may with the approval of the Governor exchange part of such coal for coal in place owned by private interests which may be necessary to insure lateral or surface support for any building reservoir or structure erected or to be erected on such lands of the Commonwealth Provided That the coal given by the department borad or commission to private interests shall be approximately equivalent in value to the coal received in exchange therefor every such department board or commission is hereby authorized and empowered to execute and deliver and to receive legal instruments and deeds necessary to effectuate any exchange authorized hereunder which instruments and deeds shall have the prior approval of the Department of Justice and a copy thereof shall be filed with the Department of Internal Affairs

(c) Any department board or commission having control over any water supply serving any State institution or sanitorium may with the approval of the Governor permit and authorize the public authorities or individuals of any political sub-division to which no other source of supply is available under suitable regulations to tap the lines of any such water supply for the purpose of supplying water to the people of any community living in proximity to such institution or sanitorium and may impose reasonable charges payable periodically by such political sub-division for the water so furnished All moneys received under the provisions of this clause shall be paid into the State Treasury through the Department of Revenue

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1524 as follows:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" by modifying the provisions relating to barber schools the licensing of persons as barbers and the issuing of renewal student or apprentice permits providing additional grounds for suspension and revocation of permits and registrations discontinuing the use of the term "barber college" and prescribing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title of the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled "An act to promote the public health and safety by providing for the examinations and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" is hereby amended to read as follows

AN ACT

To promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops and barber schools [and barber colleges] and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties

Section 2 Section three of said act as amended by section one of the act approved the ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 158) is hereby further amendd to read as follows

Section 3 Any person not holding a certificate of registration under the provisions of the preceding section and desiring to obtain a license under this act shall make application under oath or affirmation in such form as the department shall prescribe Such application shall be accompanied by an affidavit which shall be made by a practicing physician and shall set forth that the applicant was examined [and] that a test of his or her blood was made and that he or she is free from all contagious and infectious disease The applicant at the time of filing such application and affidavit shall pay to the department an examination fee of five dollars or such other fee as may be fixed by the department and shall present himself or herself at the next examination of applicants as hereinafter provided The department shall thereupon proceed to examine such person after being satisfied that he or she is above the age of sixteen years free from contagious and infectious disease has [completed work of the elementary school] a certificate showing graduation from an eighth grade school or its equivalent and has either (a) studied the occupation for a period of two years as a registered apprentice under a qualified and practicing barber as hereinafter provided or (b) studied the occupation and trained as a registered student in a registered and properly appointed and conducted school under the instruction of a registered teacher for a period of at least [two years] six months and served at least [six] eighteen months as an apprentice with a registered barber [or (c) practiced the occupation for a period of at least twenty-four months within the five years next preceding the effective date of this act] If the department is satisfied as a result of the examination the applicant is possessed of requisite skill in said occupation to properly perform all the duties thereof including his or her knowledge and ability in the antiseptic preparation of tools shaving hair cutting and all the duties and services incident thereto and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation and the knowledge of the Barber's Licensing Laws and rules and regulations of the department adopted thereunder it shall enter his or her name in the register hereinaftr provided for and shall issue a certificate of registration to him or her authorizing him or her to practice such occupation or to teach in registered barber schools as the case may be

For any person to be registered as a teacher in a barber school [or college] he must be at least [twenty-one] twenty-three years of age a graduate from an approved high school or its equivalent and have had either (a) at least five years' experience as a registered barber in a registered barber shop (b) training in a registered barber school of at least fifteen hundred hours and in addition thereto two years' experience as a registered barber or in lieu thereof fifteen years experience as a barber five years of which experience shall have been as a registered barber in a registered barber shop in this State The examination for a teacher's certicate shall differ from the examination for a barber's certificate in that it shall be of a more exacting nature and require higher standards of knowledge of the practice and theories of barbering including ability to teach properly the various practices and theories of barbering physiology hygiene elementary chemistry relating to sterilization and antiseptics massaging and manipulating the muscles of the face neck scalp hair cutting bobbing shaving the beard trimming and dyeing the hair and the Barber Laws of this State and the rules and regulations adopted by the department The registration fee and the Barber Laws of this State and the rules and regulations adopted by the department and advisory committee The registration fee for teachers shall be five dollars and the annual renewal fee shall be five dollars

Section 3 Section four of said act is hereby amended to read as follows

Section 4 [Any person who holds a certificate of registration granted after examination by a board of barber examiners of any other state who shall present credentials showing that he or she is a qualied barber under the laws of that state and who shall file an affidavit made by a practicing physician as hereinbefore provided may be granted a certificate of registration by the department without practical examination upon the payment of the registration fee of two dollars or such other fee as may be fixed by the department]

(a) Any person who is at least eighteen years of age and of good moral character and temperate habits and has a certificate showing graduation from an eighth grade school or an equivalent education as determined by an examination conducted by the department and either (1) Has a license or certificate of registration as a practicing barber from another state or country which has substantially the same requirements for licensing or registering barbers as required by this act or (2) can prove by sworn affidavits that he has practiced as a barber in another state or country for at least two years prior to making application in this state shall upon the payment of the required fee be granted permission to take an examination to determine his fitness to receive a certificate of registeration to practice barbering Should he fail to pass the examination upon payment of the required fee he may take another examination if he so desires In no event shall he or she be permitted to practice barbaring until such time as he has passed a satisfactory examination and has received a certificate of registration as a registered barber

(b) Any apprentice who is at least sixteen and one-half years of age and of good moral character and temperate habits and who has a diploma showing graduation from an eighth grade school or an equivalent education as determined by an examination conducted by the department and who (1) has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registering an apprentice as is provided in this act or (2) can prove by sworn affidavits that he has practiced in another state or country for at least six months prior to making application in this state shall upon payment of the required fee be granted permission to take an examination to determine his fitness to receive a certificate of registration as an apprentice Should he pass the required examination a certificate of registration as a registered apprentice shall be issued to him and the time spent in such other state or country as an apprentice shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber In no event shall he or she be permitted to practice as an apprentice until such time as he has passed a satisfactory examination and has received a certificate of registration as an apprentice barber

Section 4 Sections five and seven of said act as amended by section one of the act approved the ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 158) are hereby further amended to read as follows

Section 5 Nothing in this act shall prohibit any person from serving as an apprentice in such occupation under a registered barber of this Commonwealth or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered [barber] teacher authorized to[practice] teach such occupation in this Commonwealth Provided That such apprentice or student shall apply to the ment in a book which department to have his or her irgn department to have his or her name registered with the department in a book which shall be kept by the depart-

ment for the registering of apprentices or students and secure a permit upon the payment of a fee of one dollar to practice as an apprentice [or student] under a duly registered barber or student under a duly registered teacher such permit to be displayed in front of his or her working chair Students upon graduation from a registered barber school [or barber college] and having served [six] eighteen months' apprenticeship in a barber shop and apprentices upon completion of two years' apprenticeship in a barber shop shall make application for examination at the next regular period specified in this act [Temporary permits to practice barbering may be issued at the discretion of the department to persons filing application for examination and submitting proof of two years' practice as a journeyman barber within the five years immediately preceding the date of the application Upon receipt of the application with the proper fee the department shall issue a temporary permit which shall be valid until the results of the subsequent examination are determined] In case the applicant fails to pass such examination he or she shall secure a new [student or] apprentice permit upon the payment of a fee of one dollar which shall be valid for a period of one year [during which time the applicant shall present himself or herself for re-examination and pay the proper examination fee]

New apprentice permits not exceeding two to practice as an apprentice barber may be issued at the discretion of the department

Section 7 The department shall furnish to each person to whom a certificate of registration is issued a certificate stating that the holder thereof is entitled to practice the occupation of barbering or to teach in registered schools [or colleges] of barbering The holder of such certificate shall display the same in a conspicuous place in front or his or her working chair where it may be readily seen by all persons whom he or she may serve

Section 5 Section nine of said act is hereby amended to read as follows

Section 9 The department may suspend or revoke any permit or certificate of registration granted by it under this act to any person who (a) habitually indulges in the use of ardent spirits narcotics or other stimulants to such an extent as in the opinion of the department incapacitates such person from the duties of a barber (b) has or imparts any contagious or infectious disease to any recipient of such person's services as a barber (c) performs work in an insanitary or filthy manner or place of business [or] (d) who is grossly incompetent (e) who conducts his business of barbering on Sundays (f) who displays any price list for barber services in or upon any part of premises of a barber shop in such manner that such list shall be visible from the outside of the barber shop Before any certificate shall be suspended or revoked for any of the reasons contained in this section the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice which shall be at least five days after the service thereof be given a public hearing before a duly authorized representative of the department with a full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her Any person whose permit or certificate of registration has been so suspended or revoked may after the expiration of ninety days on application have the same reissued to him or her upon satisfactory showing that the disqualification has ceased except where such permit or certificate was suspended or revoked for having or imparting any contagious or infectious disease in which case a new certificate shall not be issued for a period of at least one year and then only after the provisions of this act have been duly complied with by such person in the same manner as if he or she had never been registered

Section 6 Sections ten twelve and thirteen of said act as amended by section one of the act approved the ninth day of May one thousand nine hundred and thirty-five (Pamphlet Laws 153) are hereby further amended to read as follows

Section 10 The department may adopt reasonable rules and regulations prescribing the sanitary requirements of each barber shop or barber school [or barber college] in cooperation with the Department of Health and shall cause the rules and regulations so approved to be printed in a suitable form and may transmit a copy thereof to the proprietor or person operating such barber shop or school [or barber college] which shall at all times be kept conspicuously displayed in such shop or school It shall be unlawful for any registered barber to open either a new barber shop or move his location to another place or take over an existing barber shop until he or she has filed an application with the department for the inspection and approval of such shop This application must be on file in the department in not less than forty-eight hours It it further provided that no barber shop may open for business until said inspection has been had and the shop approved It shall be unlawful [or college] It shall be unlawful for any person to sleep or for any owner or manager to permit any person to sleep in or use for residential purposes any room used as a barber shop or a school of barbering All rooms used for such purposes shall be used for barbering [and beauty] purposes exclusively Any officer or duly authorized agent of the department may enter and make reasonable examination of any barber school [or barber college] during the business hours for the purpose of ascertaining the sanitary conditions thereof and ascertaining whether the shop or school and all persons working therein are properly licensed and registered Any barber shop barber school [barber college] or tools appliances and furnishings in use therein kept in an unclean and unsanitary condition as to be a danger to health or to the creation and spreading of infectious and contagious diseases is hereby declared to be a public nuisance and the department may suspend or revoke the certificate of the proprietor thereof or any person operating in such barber shop or school [or barber college] or the permit hereinafter required for such shop or school [or college] or both the certificate and permit

Section 12 In no barber shop shall there be more than one apprentice who must at all times under the supervision of a barber authorized under this act to practice such occupation All barber schools [or barber colleges] shall keep prominently displayed at every entrance to said school at sign reading ["Barber College" or] "Barber School" Any copartnership corporation or person desiring to operate or conduct a barber shop or barber [college] school shall first secure from the department a permit or registration certificate to do so and shall keep the same prominently displayed The fee for registration of each barber school [or college] shall be fifty dollars and the annual renewal fee therefor shall be twenty-five dollars The department may pass upon the qualifications appointments and course of study in said [college] school which shall be not less than [two years] six months All barber schools [or barber colleges] shall have not less than one registered teacher or instructor for every [twelve] twenty students and in no case less than [two such teachers] one full-time teacher who shall be in attendance at all times during the hours the school is open for instruction

No school of barbering shall be granted a certificate of registration unless it requires as a prerequisite to admission thereto graduation from an eighth grade school or its equivalent as determined by an examination conducted by the department and it shall attach to its staff as a [consultant] part-time teacher a person licensed by the Commonwealth to practice medicine and employ and maintain a sufficient number of competent teachers registered as such and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum shall keep a daily record of the attendance of each student shall maintain regular class and instruction hours which shall not be less than seven nor more than eight hours per day the school is open for instruction shall establish grades and hold examination before issuance of diplomas and shall be required to maintain a course of study requiring not less than one thousand hours for completion in not less than six months and shall comprise all of [or a majority of the practices of barbering as provided by this act] the subjects pertaining to barbering the barber rules of this State and the rules and regulations adopted by the department and shall include practi-

cal demonstrations and theoretical studies and studies in sanitation sterilization and the use of antiseptics cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof

No school of barbering shall permit its students to practice barbering on the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after first being properly informed that the operator is a student No school of barbering shall directly or indirectly charge any money whatsoever for treatment by its students or for materials used in such treatments

Section 13 To shave or trim the beard or regular haircutting to give facial and scalp massaging facial and scalp treatment with any preparations made for this purpose either by hand or by mechanical appliances to singe and shampo the hair or apply any makes of hair tonics and to dye the hair of any person for hire by the person performing such services shall be construed as practicing the occupation of barber within the meaning of this act No person shall practice or attempt to practice barbering for pay directly or indirectly in any place other than a registered barber shop [or where the barber is a registered barber] except that any registered barber may furnish barber services to persons at their place of residence or in institutions in cases of [appointment] sickness incapacitation confinement and other emergencies Provided however That nothing contained in this act shall be construed to include hospitals or institutions of learning so-called beauty shops or hair-dressing parlors or schools of beauty culture patronized by women except that it shall be unlawful and a violation of this act for any person to employ or to accept employment in any such shops parlors or schools who has been refused a certificate by the department

Section 7 Section fifteen of said act is hereby amended to read as follows

Section 15 Any barber apprentice or student who shall practice the occupation of barber while suffering from contagious or infectious disease or who shall knowingly serve any person afflicted with such disease shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars or undergo an imprisonment not exceeding thirty days or both at the discretion of the court

Any barber apprentice or student who shall infect any person or who shall impart any contagious or infectious disease by reason of carelessnes or negligence in the practice of such occupation shall be guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not exceeding five hundred dollars or to undergo an imprisonment not exceeding six months or both at the discretion of the court

It shall be unlawful

(a) To own manage operate or control any barber shop unless continuously hot and cold running water be provided for therein

Nothing contained in this act or the act to which this is an amendment shall be construed as prohibiting any municipality from adopting appropriate ordinances not inconsistent with the provisions of this act or the rules and regulations adopted thereunder as may be deemed necesary to promote the public health and safety and regulate the conduct of barber shops schools and colleges and any municipality shall have power by proper ordinances to fix the days and hours during which barber shops in the said cities may be open for business provided however That in any such ordinance provisions shall be made that a designated local health or police official may upon application of the proprietor of any barber shop and upon proof that barber service to the public so requires issue a prmit effective for a limited time for the operation of a particular barber shop at such times outside of and beyond those fixed in the said ordinances as is required by temporary public necessity with the power to renew the said permit upon further proof of public necessity

(b) To own manage operate or control any barber school or part or portion thereof whether connected therewith or in a separate building wherein the practice of barbering is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work is done by students exclusively

(c) To own manage control or operate any barber shop unless the same displays a recognized sign indicating that it is a barber shop which shall be clearly visible at the main entrance to said shop

(d) For the owner of any barber shop to display a permit or certificate of registration of any barber not employed in such shop

The department and advisory committee shall have power to make such other rules and regulations and prescribe such other sanitary requirements as shall be deemed necessary to carry out the provisions of this act

Any person who shall violate any of the [other] provisions of this act except as herein otherwise provided shall [be guilty of a misdemeanor and] upon summary conviction thereof [shall] be sentenced to pay a fine [not exceeding one hundred dollars] of not less than ten dollars nor more than ninety dollars or to undergo an imprisonment [not exceeding ninety] of not less than ten days nor more than sixty days or both at the discretion of the court

Section 8 Said act is hereby amended by adding after section fifteen A thereof a new section to read as follows

Section 15 B Whenever a written agreement signed by an organized group comprising seventy-five per centum or more of the licensed barbers operating in any county whereby a scale of minimum prices for barber work is established in such county is submitted to the Department of Public Instruction the department shall investigate and make inquiry as to the propriety of such prices under all conditions and their adequacy to best protect the public health and safety by affording a sufficient minimum price for barber work to enable the barbers of the county to furnish modern services and appliances best designed to minimize the danger to the public health and if it finds that the conditions so warrant shall be departmental order fix the minimum price for all work usually performed in a barber shop

If at any time the department after investigation made either upon its own initiative or upon the complaint of a representative group of barbers determines that the minimum prices so fixed are insufficient to properly provide healthful service to the public and keep the shops sanitary the department shall have authority from time to time to change or refix any or all minimum prices for a barber's work in any county wherein prices have theretofore been fixed

After minimum prices for barber work have been established in any county as provided in this act it shall be unlawful to perform any such work for any price less than that prescribed in such schedule of minimum prices and any person so doing shall upon summary conviction be sentenced to pay a fine of ten dollars ($10) and costs of prosecution and upon default of payment thereof to be imprisoned for not more than five days

Section 9 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 606, entitled:

An Act relating to magistrates alderman and justices of the peace conferring power on the courts of quarter sessions of counties of second class to regulate and supervise the conduct of courts not of record and prescribing penalties

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the following words when used in this act shall have the meanings ascribed to them in this section

"Clerk" means any clerk of the court of quarter sessions

"Court" means any court of quarter sessions of this Commonwealth

"Magistrate" means any magistrate alderman and justice of the peace whether elected or appointed

On the question,

Will the House agree to the section?

BILL RECOMMITTED

Mr. McARDLE. Mr. Speaker, I move that this bill be recommitted to the Committee on State Government for the purpose of further study and possible amendment.

On the question,

Will the House agree to the motion?

Mr. SAMUEL A. WEISS. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. McArdle.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. McARDLE. I will, Mr. Speaker.

Mr. SAMUEL A. WEISS. Mr. Speaker, will the gentleman from Allegheny tell the House for what reason this bill is being recommitted to the Committee on State Government?

Mr. McARDLE. Mr. Speaker, for further study and possible amendment.

Mr. SAMUEL A. WEISS. Mr. Speaker, consistent with the vote of the gentleman from Allegheny to recommit the Squires' bill, I will have to ask him another question. Will the gentleman state what particular amendments are necessary to this bill?

Mr. McARDLE. Mr. Speaker, we are considering them now; they are under consideration now.

Mr. SAMUEL A. WEISS. Mr. Speaker, does the gentleman know that this bill has been on the calendar since February of this year?

Mr. McARDLE. Mr. Speaker, does the gentleman mean that this bill has been on the calendar since February?

Mr. SAMUEL A. WEISS. Mr. Speaker, no, it was introduced and has been in committee.

Mr. McARDLE. Mr. Speaker, no, it was not brought to my attention until a week ago.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I am opposed to recommit this bill to any committee, let alone the State Government Committee. This bill was introduced in the early part of February of this year and there can be no good design on the part of any member of this House—

POINT OF ORDER

Mr. McARDLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. McARDLE. Mr. Speaker, the gentleman is not talking on the question before the House.

The SPEAKER. The question before the House is the motion to recommit. The gentleman will confine his remarks to that motion and not to the merits of the bill.

Mr. SAMUEL A. WEISS. This bill, Mr. Speaker and members of the House, is confined to Allegheny county alone. We have an evil in Allegheny county that exists in other sections of the Commonwealth—

POINT OF ORDER

Mr. McARDLE. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. McARDLE. Mr. Speaker, the gentleman is not talking on the question before the House.

The SPEAKER. The Chair has ruled on the point of order raised by the gentleman from Allegheny, and asks the gentleman from Allegheny, Mr. Weiss, to confine his remarks to the motion before the House.

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I ask the help of the Republican members of the House, together with the Democrats, to vote "no" on the motion to recommit this bill. I say let it stay on the calendar and let it come up for a vote in the House tomorrow. I ask the members to vote "no" on the motion to recommit House Bill No. 606.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. SAMUEL A. WEISS and Mr. AUKERMAN.

Mr. PIOLE. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—65.

Achterman,	Finnerty,	Mallen,	Shugarts,
Alexander,	Fiss,	Matthews, J. F.,	Simon,
Allen,	Flannery,	McArdle,	Sloan,
Baker, J. J.,	Flinchbaugh,	McElroy,	Smith, James A.,
Bierly,	Hamilton, F. P.,	McFall,	Sollenberger,
Bohn,	Hays,	Moul,	Strode,
Boies,	Hering,	Muir,	Toole,
Bradley,	Holmes,	Munley,	Tumelty,
Brown,	Huntley,	O'Connor,	VanSickle,
Burrows,	Jirolanio,	O'Neill,	Wall,
Cadwalader,	Keenan,	Pearson,	Watkins,
Caesar,	Kelso,	Piole,	Westrick,
Coleman,	Kline,	Sarraf,	Whalen,
Coolahan,	LaRue,	Scanlon,	Wright,
Davies,	Lopresti,	Shepard,	Yanoshat,
DeNote,	Lyons,	Shoemaker,	Zappala,
Dougherty,			

NAYS—98.

Allmond,	Gorski,	McKinney,	Serrill,
Arnold,	Habbyshaw,	Melchiorre,	Shaw,
Aukerman,	Haberlen,	Mellott,	Spengler,
Baine	Hagerty,	Merrell,	Sproul,
Baker, F. T.,	Hall,	Mihm,	Stackpole,
Boyer,	Hess,	Moomaw,	Stewart,
Brigerman,	Hindman,	Mooney,	Stockham,
Broad,	Hirsch,	Moran,	Thompson,
Chervenak,	Holland,	Murrin,	Tronzo,
Coakley,	Holstrom,	O'Brien,	Trout,
Cohen, H. B.,	Hontz,	O'Keefe,	Turner,
Cohen, R. E.,	Horting,	Patterson, J. W.,	VanAllsburg,
Corrigan,	Imbrie,	Peale,	Vogt,
Costanzo,	Kane,	Perry,	Wagner,
Decker,	Kilroy,	Powers,	Webster,
Dickinson,	Kroll,	Preston,	Weiss, D. H.,
Donohoe,	Leisey,	Readinger,	Weiss, S. A.,
Dubbs,	Lewis,	Richter,	Wilson,
Dyson,	Longaker,	Robinson,	Winner,
Eckels,	Lovett,	Rothenberger,	Wood,

Elpern,	Marino,	Royer,	Woodside,
Fitch,	Matthews, H. T.,	Ruffennach,	Yeakel,
Flanagan,	McCullough,	Schrock,	Yourishin,
Ganser,	McDevitt,	Schumacher,	Furman,
Gillette,	McGee,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section was read as follows:

Section 2 The court of quarter sessions of each county of second class shall have authority

(a) To prescribe uniform records books and dockets and a uniform system of accounting for magistrates of said county

(c) To require magistrates in said county to file with the clerk on or before the first day of the courts of quarter sessions next convening after January first and July first each year reports in such form and containing such information as the court shall prescribe

(d) At any time on its own motion or on motion of the district attorney of said county to order the production by any magistrate of said county of his books papers correspondence memoranda and other records

(e) To cause to be audited at any time the books of any magistrate of said county and for said purpose to designate the county controller or county auditors to make such audit

On the question,

Will the House agree to the section?

Mr. PIOLE. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 2, page 2, line 2, by striknig out the following: "of second class" and inserting in lieu thereof: "other than counties of the first class".

On the question,

Will the House agree to the amendments?

Mr. SAMUEL A. WEISS. Mr. Speaker, I urge the membership of this House to support this amendment.

BILL AND AMENDMENT LAID ON TABLE

Mr. TURNER. Mr. Speaker, as I understand these amendments, they extend this act, which as it stands now applies to only second class counties, to all counties of the State except counties of the first class. Mr. Speaker, I move you that the bill together with the amendments be laid upon the table.

On the question,

Will the House agree to the motion?

Mr. SAMUEL A. WEISS. Mr. Speaker and members of the House, I ask the membership to vote "no" on this motion to lay on the table, and I ask for a roll call.

The yeas and nays were required by Mr. SAMUEL A. WEISS and Mr. TRONZO.

Mr. SAMUEL A. WEISS. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—101

Achterman,	Ganser,	Merrell,	Stackpole,
Alexander,	Gillette,	Moul,	Stank,
Allen,	Habbyshaw,	Muir,	Stewart,
Atkins,	Hall,	O'Connor,	Strode,
Baker, F. T.,	Hamilton, F. P.,	O'Neill,	Terry,
Baker, J. J.,	Hamilton, R. S.,	Peale,	Thompson,
Balthaser,	Hays,	Pearson,	Toole,
Bierly,	Hess,	Perry,	Trout,
Bohn,	Hetrick,	Piole,	Tumelty,
Boles,	Hindman,	Readinger,	Turner,
Boltz,	Huntley,	Richter,	Valibus,
Boyer,	Imbrie,	Rothenberger,	VanSickle,
Brown,	Jirolanio,	Royer,	Wall,
Burrows,	Keenan,	Sarraf,	Watkins,
Cadwalader,	Kline,	Schrock,	Weidemann
Caesar,	LaRue,	Schumacher,	Welliver,
Coakley,	Leisey,	Serrill,	Welsh,
Coleman,	Longaker,	Shoemaker,	Whalen,
Davies,	Lopresti,	Shugarts,	Winner,
Decker,	Lyons,	Siegel,	Wood,
Dougherty,	Matthews, J. F.,	Simon,	Yanoshat,
Eckels,	McArdle,	Sloan,	Yeakel,
Finnerty,	McDevitt,	Snyder,	Yourishin,
Fiss,	McElroy,	Sollenberger,	Zappala,
Flannery,	McFall,	Sproul,	Furman,
Flinchbaugh,			

NAYS—72

Allmond,	Falkenstein,	Marino,	Pershing,
Arnold,	Fitch,	Matthews, H. T.,	Powers,
Aukerman,	Flanagan,	McCullough,	Preston,
Baine,	Gerard,	McGee,	Reese,
Brigerman,	Haberlen,	McShane,	Reising,
Broad,	Hagerty,	Melchiorre,	Robinson,
Caputo,	Hering,	Mellott,	Ruffennach,
Cohen, H. B.,	Hirsch,	Mihm,	Scanlon,
Cohen, R. E.,	Holland,	Moomaw,	Shaw,
Corrigan,	Holmes,	Mooney,	Skale,
Costanzo,	Holstrom,	Moran,	Smith, James A.,
DeNote,	Hontz,	Murrin,	Spengler,
Dickinson,	Horting,	Nagel,	Stockham,
Donohoe,	Kane,	O'Brien,	Tronzo,
Downey,	Kelso,	O'Keefe,	Vogt,
Dubbs,	Lewis,	Ominsky,	Walsh,
Dyson,	Long,	Ostroff,	Weiss, D. H.,
Elpern,	Lovett,	Patterson, J. W.,	Weiss, S. A.,

So the question was determined in the affirmative and the motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'NEILL. Mr. Speaker, I ask permission of the House to hold a meeting of the Committee on Insurance immediately in Room 324.

The SPEAKER. Will the House give its consent for the Committee on Insurance to meet during the session of the House? Is there objection?

Mr. TURNER. Mr. Speaker, I would like to interrogate the gentleman from Lackawanna, Mr. O'Neill.

The SPEAKER. Will the gentleman from Lackawanna permit himself to be interrogated?

Mr. O'NEILL. I will, Mr. Speaker.

Mr. TURNER. Mr. Speaker, may I ask the purpose of a meeting?

Mr. O'NEILL. Mr. Speaker, to take action on House Bill No. 883.

Mr. TURNER. I have no objection, Mr. Speaker.

The SPEAKER. The Chair hears no objection and consent is granted.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 470, as follows:

An Act to amend Route 18033 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the

construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as added

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That Route 18033 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of such highways and making an appropriation to carry out the provisions of said act" as added by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 806) is hereby amended to read as follows

Route 18033 Beginning at a point on Route 18014 about 0.1 of a mile southwest of the intersection of Routes 18014 and 18021 thence in a southeasterly direction through Dunnstable [Township] and Wayne Townships to a point [on Route 23 near] at the southern end of the McElhattan Bridge on Application 7081 also southwesterly from the north end of the McElhattan Bridge through Dunnstable and Castanea Townships to a point on the east line of the city of Lock Haven in Clinton County a distance of about 4.4 miles

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1282, as follows:

An Act to further amend the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this State and to provide penalties for the violation of this act" by changing the preliminary educational requirements for licenses to practice osteopathy and operative surgery further defining osteopathy providing for issuing licenses to perform operative surgery to licensees of other states requiring annual renewals of osteopathic surgeons' licenses fixing fees extending the functions and authority of osteopathic physicians and surgeons and prescribing additional penal provisions

The first section was read and agreed to as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section ten of the act approved the nineteenth day of March one thousand nine hundred and nine (Pamphlet Laws 46) entitled "An act to regulate the practice of osteopathy in the State of Pennsylvania to provide for the establishment of a State Board of Osteopathic Examiners to define the powers and duties of said Board of Osteopathic Examiners to provide for the examining and licensing of osteopaths in this St te and to provide penalties for the violation of this act" as last amended by section one of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 10 Applicants examined and licensed by the State Boards of Osteopathic Examiners of other States on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners and filing in the office of the State Board of Osteopathic Examiners a copy of said license certified by the affidavit of the president or secretary of such board showing also that the standard of requirements adopted by said board of examiners is substantially the same as is provided by section eight of this act shall without further examination receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act

[Candidates for license to practice osteopathy in this State who present their applications and undergo examination after the first day of January Anno Domini one thousand nine hundred and twelve shall be obliged to present to the State Board of Osteopathic Examiners one of the following credentials satisfactory to the said board covering their preliminary education prior to their beginning the study of osteopathy in some legally incorporated reputable osteopathic college to wit A diploma of graduation from a reputable college or university granting the degree of bachelor of arts or science or equivalent degree or a diploma of graduation from an educational institution maintaining a four years' course of study equivalent to a standard four year high school course that is a State Normal School or a high school a seminary an academy or a college preparatory school or a certificate of having passed examination for admission to the freshman class of a reputable literary or scientific college or university or a certificate of having passed an equivalent examination conducted by the Bureau of Professional Education Nothing herein shall be construed as being incompatible with the following additional requirement namely that the preliminary education shall include one years' credits in physics chemistry and biology as approved by the Bureau of Professional Education]

After the first day of July one thousand nine hundred and twenty-eight applicants for licensure under the provisions of this act shall furnish prior to any examination by the State Board of Osteopathic Examiners satisfactory proof that he or she has had a general education of not less than a standard four years' high school course or its equivalent and not less than one year of college credits in chemistry biology and physics all of which have been received before admission to osteopathic study [On said date the provisions of the foregoing paragraph of this section are hereby repealed] After the first day of July one thousand nine hundred and forty-one such applicants shall have had not less than two years of college credits including one year in each of the subjects chemistry biology and physics all of which have been received before admission to osteopathic study

The second section was read as follows:

Section 2 Section eleven of said act as amended by section two of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 11 Every license to practice as an osteopathic physician issued by the State Board of Osteopathic Examiners shall authorize the holder thereof to practice osteopathy in all its branches including minor surgery and obstetrics without restriction as the same is herein defined and taught and practiced in the legally incorporated reputable colleges of osteopathy but it shall not authorize the holder thereof to practice operative surgery without obtaining an additional license to practice such surgery as provided in section eleven (b) of this act Any use or practice by osteopathic physicians of the agencies or means hereinafter named as embraced within the fundamentals of the principles and practice of the system of osteopathy when used for the purposes in the manner and to the extent as taught and practiced in the legally incorporated reputable colleges of osteopathy shall not be construed the practive of medicine or deemed to be in

violation of or contrary to any of the laws of this Commonwealth relating to the practice of medicine or regulating the public health

The word "osteopathy' as used in this act means a complete and independent scientific system for the preservation of health and the relief and cure of bodily disorders embracing a distinct etiology prophylaxis and therapeutics applicable to all types and conditions of disease which in its practice deals with the human body as an intricate machine holding as its foremost fundamental (a) that the body when in perfect structural alignment will function correctly and health ensue (b) that disease is the effect of anatomical abnormalities producing physiological discord emphasizing malposed part or parts of the spinal column its appendages and attachments as the chief pre-disposing and producing cause of disease to cure which the abnormal part or parts must be adjusted to the normal that [pathogenis] pathogenic bacteria are secondary to the predisposing anatomical cause and (c) which regards and uses non-drug adjunctive measures as palliatives (d) embraces obstetrics ophthalmology subscribes to sanitation and hygiene and to surgery when indicated and practiced from an osteopathic viewpoint (e) employs antiseptics anaesthetics and germicides in case of necessity and antidotes in case of poisoning and (f) opposes the introduction or drugs into the body organism as curative agencies

On the question,

Will the House agree to the section?

Mr. SHEA. Mr. Speaker, I desire to offer the following amendment:

The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the clerk as follows:

Amend sec. 2 (Sec. 11), page 5, line 25, by inserting after the word "ophthalmology" the following: "subject, however, to the provisions herein as to surgery"

On the question,

Will the House agree to the amendment?

Mr. BLANK. Mr. Speaker, I object to the amendment and I would like to interrogate the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. Shea, to explain the amendment to House Bill No. 1282.

Mr. SHEA. Mr. Speaker, which amendment is the gentleman asking me to explain?

Mr. BLANK. The first amendment, Mr. Speaker.

Mr. SHEA. Mr. Speaker, the first amendment and all the other amendments are simply offered to clarify this bill in case of its passage so that it will bring the asteopathic standard up to that of general medicine.

Mr. BLANK. Mr. Speaker, may I ask the gentleman from Philadelphia, Mr. Shea, to explain the nature of the amendment relating to ophthalmology.

Mr. SHEA. Mr. Speaker, what number is that amendment?

Mr. BLANK. Mr. Speaker, I will respectfully advise the gentleman from Philadelphia that he offered the amendment and not I.

Mr. SHEA. Mr. Speaker, accepting the statement of the gentleman from Philadelphia, in ophthalmology we subject it to the same provisions herein as to surgery. We want ophthalmology to come under the heading of surgery as well as under the heading of medicine. Anybody or any physician who anticipates doing surgery should have no trouble in complying with this particular amendment. His ability as a general surgeon must be the same in ophthalmology as it is in surgery, and not only that, in one section of this bill they claim that ophthalmology is an adjunct of osteopathy; I claim that that is not so.

Mr. BLANK. Mr. Speaker, did I understand the gentleman from Philadelphia to say that at one time he was a professor on the staff of Jefferson Medical College in Philadelphia?

Mr. SHEA. I still am, Mr. Speaker.

Mr. BLANK. Mr. Speaker, may I ask the gentleman from Philadelphia what are the number of hours in which ophthalmology is taught in Jefferson Medical College?

Mr. SHEA. Mr. Speaker, may I ask the gentleman from Philadelphia what kind of hours he means?

Mr. BLANK. Sixty minute hours, Mr. Speaker.

Mr. SHEA. Mr. Speaker, is the gentleman sure he does not mean semester hours?

Mr. BLANK. No, Mr. Speaker, I mean minute hours.

Mr. SHEA. Mr. Speaker, the gentleman of course understands what semester hours are. The forty hour statement is about as ridiculous a statement as can be made. I have spent not only forty hours in the study of the eye, but I have spent nigh onto forty years, and I would under no circumstances talk as flippantly about the eye even after forty hours study as some of my opponents do.

Mr. BLANK. Mr. Speaker and members of the House, I am going to ask the membership to vote down the amendments offered by the gentleman from Philadelphia, Mr. Shea.

On the question recurring,

Will the House agree to the amendment?

The SPEAKER declared the ayes appeared to have it.

Whereupon, a division was called for, sixty-seven members voting in the affirmative and forty-four in the negative the question was determined in the affirmative and the amendment was agreed to.

QUESTION OF INFORMATION

Mr. BLANK. Mr. Speaker, I rise to a question of information.

The SPEAKER. The gentleman will state his question of information.

Mr. BLANK. Mr. Speaker, may I ask whether or not I may have a roll call on the amendments?

The SPEAKER. The decision has already been rendered.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The third section was read and agreed to as follows:

Section 3 Section eleven (b) of said act as amended by section one of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 316) is hereby further amended to read as follows

Section 11 (b) Any person licensed to practice osteopathy in this State and desiring to enter upon the practice of operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy may deliver to the superintendent of Public Instruction upon the payment of a fee of [twenty-five] dollars or such fee as shall be fixed by the Superintendent of Public Instruction a written application for license together with satisfactory proof in such form as may be required by the

Osteopathy Surgeons' Examining Board that the applicant has served for a period of not less than two years as an interne or assistant surgeon in an approved osteopathic hospital which shall have at least ten beds per interne devoted to the treatment of diseases shall maintain a thoroughly equipped modern pathological and clinical laboratory proportionate to the necessities of the hospital and shall maintain a department of anaesthetics consisting of one or more anaesthetists who shall have supervision over the anaesthesia given in the institution and whose duty it shall be to instruct all internes in the administration of all anaesthetics After the first day of July one thousand nine hundred and forty-one all applicants shall in addition to the requirements hereinabove set forth have successfully completed one year of surgical training in some legally incorporated reputable osteopathic college or in lieu of such qualifications the applicant may submit pro as hereinbefore required that he has served for a period of not less than five years as an interne or as tant in any hospital approved by the Osteopathic Surgeons' Examining Board which shall meet the requirements hereinbefore set forth All applicants while serving an interne or assistant surgeon shall be registered with both the State Board of Osteopathic Examiners and the Osteopathic Surgeons' Examining Board The Osteopathic Surgeons' Examining Board shall examine and fix the rating of all osteopathic colleges and hospitals for graduate students and provide interne positions as hereinafter provided for this inspection and rating as it relates to surgery only [The same standard for graduates in medicine shall be used for examination by the Osteopathic Surgeons' Examining Board in the examination of the osteophatic graduates for licenses to practice surgery Provided That any] Any person duly licensed as an osteopath who has had at least five years of actual practice as a surgeon may be examined by the board without being required to prove that he has had two years' experience as an interne or assistant surgeon in a hospital as hereinafter provided

Thereupon the Osteopathic Surgeons' Examining Board if satisfied with said proof shall admit said applicant to examination as to his or her qualifications for practice of operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy Such examination shall include the subjects of surgical diagnosis and operative surgery and such other subjects as the said board may deem necessary to test the qualifications of the applicants The Osteopathic Surgeons' Examining Board shall cause the Department of Public Instruction to issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum and who shall have been adjudged by the said board of examiners to be duly qualified for the practice of operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy a license to practice such operative surgery in the State of Pennsylvania Such license shall be issued and recorded in the same manner as licenses to practice osteopathy are now issued by the State Board of Osteopathic Examiners under the provisions of this act Provided however That no such license shall be issued if any objection thereto is filed by the State Board of Osteopathic Examiners

[Each person to whom a license is issued to practice operative surgery by the Osteophatic Surgeons' Examining Board shall likewise register in the office of the prothonotary of the court of common pleas of the county or counties in which he or she desires to practice by exhibiting to the prothonotary of said county or counties a license duly granted to him or her as hereinbefore provided whereupon he or her shall be entitled upon the payment of one dollar to be duly registered in the office of the prothonotary of the court of common pleas of said county or counties as an osteophatic surgeon]

Every license issued by said board to practice surgery shall authorize the holder thereof to practice major or operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy and the use of anaesthetics antiseptics narcotics and germicides when used for the purposes in the manner and to the extent only as taught and practiced under surgical procedure in the legally incorporated reputable colleges of osteopathy shall not be considered the practice of medicine or in violation of any of the laws relating to the practice of medicine or regulating public health

Any osteopathic physician who has been practicing operative surgery for a period of not less than seven years prior to the passage of this act shall not be required to take the examinations required by this section and shall be eligible to appointment as a member of the Osteopathic Surgeons' Examining Board

Applicants examined and licensed by the osteopathic surgeons' examiners of any other state where such examiners exist separate from the osteopathic physicians' examiners on the payment of a fee of two hundred dollars ($200.00) and the filing with the Osteopathic Surgeons' Examining Board of this Commonwealth a copy of such license certified by the president or secretary of the examiners of such other state showing that the standard or requirements adopted by such examiners is substantially the same as is provided by this act shall without further examination receive a license conferring on the holder thereof the right to practice operative surgery as taught and practiced in the legally incorporated reputable colleges of osteopathy

Every person now or hereafter licensed under the provisions of this act to practice operative surgery shall register as such practitioners with the Osteopathic Surgeons' Examining Board on or before the first day of January one thousand nine hundred and thirty-eight and annually thereafter on or before the first day of January of each succeeding year The form for such registration shall be prescribed and furnished by the board The annual registration fee shall be ten dollars ($10.00) or such other sum as shall be fixed by the Department of Public Instruction under authority of law The fee shall in all cases accompany the application for such registration

The fourth section was read as follows:

Section 4 Section twelve of said act as amended by section four of the act approved the fourteenth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 795) is hereby further amended to read as follows

Section 12 Osteopathic physicians and osteopathic surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases the reporting and certifying of births and deaths and all matters pertaining to public health the same as physicians of other schools [and all] Osteopathic physicians and osteopathic surgeons may be appointed by the State or by any of its political subdivisions to any office or position where an osteopathic physician is desired and they are hereby authorized to make any report or certificate whatsoever required or provided for by law for the protection of the public health or in relation to the physical qualifications or disqualifications of individuals or in connection with their commitment to institutions hospitals and sanatoria All such reports and certificates when made or isued by osteopathic physicians licensed under the laws of the Commonwealth shall be acepted by the persons partnerships corporations or by the officers boards bureaus or departments of the State or of any of its political subdivisions to whom the same are made with the same force and effect as reports or certificates issued by physicians of other schools and such osteopathic physicians shall be entitled to the same fees and compensation as is provided by law for physicians of any other school [Provided That no report or certificate made under the provisions of this section in connection with a case involving operative surgery shall be valid unless the same is made by an osteopathic surgeon duly licensed to practice operative surgery under the provisions of this act]

On the question,

Will the House agree to the section?

Mr. SHEA. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend sec. 4 (sec. 12), page 11, line 1, by inserting after the word "desired" the following: "by the proper authorities"

Amend sec. 4 (sec. 12), page 11, line 15, by inserting after the word "school' the following: "when they have received educational qualifications equivalent to that required by law for doctors of medicine"

On the question,

Will the House agree to the amendments?

Mr. BLANK. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. BLANK. Mr. Speaker, will the gentleman from Philadelphia explain the nature of these amendments?

Mr. SHEA. Mr. Speaker, according to House Bill No. 1282, it is stated that osteopathic physicians may be admitted as medical authorities in any civil division of the State of Pennsylvania. Those civil divisions will include a director or directress, as the case may be, poor boards, institutions that we have built for a number of years, for the care of the insane, for the care of half-wits and any subdivision thereof. The reading of the original section is as follows:

"Osteopathic physicians and ostepathic surgeons may be appointed by the State or by any of its political subdivisions to any office or position where an osteopathic physician is desired."

Not caring for the word "desired" we have changed the amendment to read as follows:

"By the proper authorities' after the word "desired", line 1, page 11.

Mr. BLANK. Mr. Speaker and members of the House, the amendment offered by the gentleman from Philadelphia, Mr. Shea, has not been properly explained to the membership of this House. I had understood that the membership of this House was agreed on this bill, and I now find that amendments are being offered which would emasculate the bill. Not only would the amendments emasculate this bill but the amendments will emasculate the original bill which was passed by this House in 1909. Under the amendment which has just been offered, members of the House, osteopathic physicians would be required to have the same requirements as are required under the medical act so far as certain political jobs are concerned. So far as the membership of this House is concerned I should like to call your attention very plainly and very simply to the fact that the amendments which have been offered do not relate to the original act as amended by this bill, but the amendments which have been offered relate to the original act as drawn in 1909. I ask the membership of this House to vote "no" on these amendments.

Mr. OSTROFF. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. OSTROFF. Mr. Speaker, do I understand that the amendments now proposed by the gentleman from Philadelphia require osteopathic physicians to have the same training as medical physicians?

Mr. SHEA. Mr. Speaker, that is what we are demanding by these amendments, nothing more, nothing less.

Mr. OSTROFF. Mr. Speaker, then I understand that these amendments would wipe out the profession of osteopathy. Is that the purpose?

Mr. SHEA. Mr. Speaker, if the profession of osteopathy cannot stand these amendments it should be wiped out.

Mr. SARAFF. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. SARRAF. Mr. Speaker, may I inquire prior to the amendments now proposed by the gentleman from Philadelphia, what privileges did the original bill give to the osteopaths?

Mr. SHEA. Mr. Speaker, if the gentleman from Allegheny will permit me to read a little treatise on that particular subject I will be very glad to do so.

Mr. SARRAF. Mr. Speaker, I do not care to take up the time of the House. I will ask the gentleman to be brief in his answer. Maybe I can put the question in a different way. As the amendments of the sponsor of the bill now appear in the act, without such amendments, does that bill give the osteopath the same privileges as a medical doctor with reference to appointment to public institutions, state aided hospitals and health aided associations?

Mr. SHEA. No, Mr. Speaker.

Mr. SARRAF. Mr. Speaker and members of the House, I am sorry. For the information of the members of the House, the original bill and the amendments give the osteopath the same privileges as the medical doctor with reference to public and state aided institutions. I think that the amendments of Mr. Shea, as presented, are simply to make it that they remain in their own particular branch of work as osteopaths, who are duly licensed and who are taken care of by the state today under the statutes.

Mr. BLANK. Mr. Speaker, I would like to interrogate the gentleman from Allegheny, Mr. Sarraf.

The SPEAKER. Will the gentleman from Allegheny permit himself to be interrogated?

Mr. SARRAF. I will, Mr. Speaker.

Mr. BLANK. Do I understand, Mr. Speaker, from the gentleman from Allegheny that the amendments to this bill would permit an osteopathic physician to hold any job under any state or political subdivision?

Mr. SARRAF. Mr. Speaker, not in toto, but it does state that they can be appointed to a state institution or to a hospital or to any public health work.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from Allegheny whether or not the bill does not specifically state on page 10, line 29, as follows: "May be appointed by the state or by any of its political subdivisions to any office or position where an osteopathic physician is desired".

Mr. SARRAF. That is correct, Mr. Speaker, but then read on.

Mr. BLANK. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEA. I will, Mr. Speaker.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from Philadelphia, Mr. Shea, to explain to

the membership of this House the difference between a medical physician and an osteopathic physician.

POINT OF ORDER

Mr. SARRAF. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SARRAF. Mr. Speaker, I do not think that has anything to do with the amendments that are offered by the gentleman from Philadelphia, Mr. Shea.

The SPEAKER. The Chair feels that the point of order is not well taken and that the question is relevant to the amendments before the House. The gentleman will proceed.

Mr. BLANK. Mr. Speaker, I repeat the same question.

Mr. SHEA. Mr. Speaker, will the gentleman repeat his question?

Mr. BLANK. The question ,Mr. Speaker, was the difference between an allopathic physician and an osteopathic physician.

Mr. SHEA. First of all, Mr. Speaker, the word allopathic was discarded long ago. Today it is medicine, and the difference between a medical man and an osteopath is that the medical man has tradition. That is basic. Before I am through here I will show you that the other has a false basis. They tell you about back bones. If I had the time I could prove to you that you could not subluxate a back bone without a twenty pound sledge hammer or a fifty foot fall. We have a member of the House on the other side—I hate to refer to him, but he comes from Warm Springs in Georgia—

Mr. BLANK. Mr. Speaker, in view of the fact that the gentleman from Philadelphia, Mr. Shea, is a physician and a learned physician, and, we as humble laymen, do not comprehend or appreciate his technical language, I would ask the gentleman to make his explanation brief, and not only brief but so we can all understand it.

Mr. SHEA. Mr. Speaker, "Osteopathic physicians and osteopathic surgeons may be appointed by the state or by any of its political subdivisions to any office or position where an osteopathic physician is desired." We amend that simply because if anybody succeeds in the world he shall succeed under the efforts we have made to bring medicine to the fore.

POINT OF ORDER

Mr. BLANK. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BLANK. Mr. Speaker, the gentleman is not answering my question. I will ask for a responsive answer.

The SPEAKER. The Chair does not feel it is within his power to rule whether or not the answer is proper. It is up to the gentleman being interrogated to give the answers that he feels are correct.

Mr. SHEA. Mr. Speaker, I will bring my answers down to the real difference between an osteopath and a regular medical man. In this bill it says that "the word osteopath as used in this act", and which every osteopathic physician has to subscribe to, and to which we do not, "means a complete and independent scientific system for the preservation of the health and the relief and cure of bodily disorders." Listen to these next words: "embracing a distinct etioligy prophylaxis and therapeutics." I will have to use these big words because they are in the bill, Mr. Speaker —

Mr. BLANK. Mr. Speaker, may I withdraw my question?

The SPEAKER. The gentleman from Philadelphia withdraws his question.

Mr. BLANK. Mr. Speaker and members of the House, when the original amendment was offered by the gentleman from Philadelphia you will recall that I made no vigorous protest because the nature of the amendment was not material so far as this bill is concerned. There is, however, very serious objection to the amendment that is presently offered by the gentleman from Philadelphia, and when I say a serious objection I mean an objection which goes to the very vitals of this bill, which goes back to 1909, and which threatens the existence and livelihood of every osteopathic physician practicing in the State of Pennsylvania. It not only threatens their very existence but threatens the existence of the splendid institution, to wit, the Philadelphia College of Osteopathy and its hospital, both of which are doing splendid work throughout the state of Pennsylvania. I want to call the attention of the members of the House to the fact that in the act as originally written in 1909 any report or certificate by an osteopathic physician was recognized as such. In this amendment it is proposed to wipe out something that has been in existence in Pennsylvania since 1909. That provides that no such report and no such certificate should be accepted in this Commonwealth unless the person issuing that certificate has graduated from a medical college. I say it is unfair, I say it is improper and I say it has no place in the hall of this House, and I ask the members to vote "no" on the amendment.

Mr. BOYER. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blank.

The SPEAKER. Will the gentleman from Philadelphia, permit himself to be interrogated?

Mr. BLANK. I will, Mr. Speaker.

Mr. BOYER. Mr. Speaker, I happen to come from a third class city. If the council of my city at some time in the future after this bill becomes a law should decide to have an osteopath as city physician, could that council appoint him?

Mr. BLANK. It could, Mr. Speaker.

Mr. BOYER. Mr. Speaker, if the Governor should decide to appoint state medical directors or county medical directors could the Governor appoint an osteopath to such position?

Mr. BLANK. Most assuredly, Mr. Speaker.

Mr. BOYER. Mr. Speaker, if the Governor should decide to appoint as Secretary of Health an osteopath, could he do that too?

Mr. BLANK. Most assuredly, Mr. Speaker.

Mr. BOYER. I thank the gentleman.

Mr. BLANK. Mr. Speaker, I would like to interrogate the gentleman from Cambria, Mr. Boyer.

The SPEAKER. Will the gentleman from Cambria permit himself to be interrogated?

Mr. BOYER. I will, Mr. Speaker.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from Cambria whether or not he feels it is improper for an osteopathic physician to be appointed where he may be desired.

Mr. BOYER. Mr. Speaker, I have no opinion on the matter. I was interrogating the gentleman for information.

Mr. KANE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Blank.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. BLANK. I will, Mr. Speaker.

Mr. KANE. Mr. Speaker, under this bill which we have before us may I ask what are the educational requirements for the practice of osteopathy?

Mr. BLANK. Mr. Speaker, in reply to the gentleman from McKean I will say that the bill as originally drawn required one year of pre-osteopathy and four years of an osteopathy college education. Under the provisions of this bill two years of pre-osteopathic education is required and the same four year period of attendance at a recognized osteopathic college.

Mr. KANE. Mr. Speaker, under this section to which Mr. Shea has offered amendments, an osteopathic physician would be entitled to pass upon the commitment of persons to institutions, sanitoria, insane asylums and other institutions of that sort, is that correct?

Mr. BLANK. He would, Mr. Speaker.

Mr. KANE. Mr. Speaker, does the gentleman from Philadelphia mean to tell me he would be in favor of having the people of this Commonwealth, including the membership of this House, certified to such institutions upon the certificate of an osteopath who has not had any training whatever in medical and mental diseases?

Mr. BLANK. The gentleman has asked two questions, Mr. Speaker, and it is impossible to answer them together. It seems to me that the gentleman presumes what he tries to prove. He has asked me a question, would I be willing to agree that an osteopathic physician could commit one to an institution if that physician were untrained. Of course, I would not. I assume that the osteopathic physician is as equally well trained as the medical physician.

Mr. KANE. Mr. Speaker, that brings me to my third question. I would like to ask the gentleman one more question. If that is the case and you think that his education is the equivalent of a medical doctor, what objection would the gentleman have to the specific requirement that they should have the equivalent of a medical education in their training?

Mr. BLANK. Mr. Speaker, the answer is quite fundamental, and I really should ask the gentleman the question that I asked the gentleman from Philadelphia, Mr. Shea. It seems that neither of them recognizes the true distinction between an osteopathic physician and an allopathic physician. It seems it is not proper for a layman to call to the attention of this House the fundamental difference between the two and therefore I shall not attempt to do so unless questioned. I do want to call to the attention of the House this distinction which has existed, as I said before, for many, many years. There are many people, I understand, who insist upon osteopathic treatment for certain particular diseases or certain particular ailments, and there are people who prefer the other side. I hold no brief for either but I do certainly feel it is a function of this legislature to allow both to exist as they have in the past, and to allow the people to choose what kind of a healing art they desire for themselves.

Mr. KANE. Mr. Speaker and members of the House, I am not a member of the medical profession and I do not understand the technical distinction between osteopaths and homeopaths and any other "paths". I do understand this, however, that the bill clearly sets forth the educational requirements for the practice of osteopathy. The educational requirements as far as I can see them, which are plainly printed in the bill, require the equivalent of a four year high school course, the approximate equivalent of a freshman course in college, and thereafter the study of osteopathy and nothing else. Members of the House, a great majority of those here have had the substantial equivalent of that educational course with the exception of osteopathy. As far as I know and I feel that the gentleman connot refute this, the ordinary osteopath has not studied such subjects as mental diseases, he is not a surgeon and is completely ignorant with reference to the practice of the various healing art.

Mr. Speaker and members of the House, I have no objections to the practice of osteopathy in proper cases, — I most empathically have not, — but we are talking after all with reference to an amendment to a particular section of this bill. That amendment is whether or not we shall require people who are to be appointed to public posts dealing with medical matters and with the welfare of the general public, including, and let me emphasize this, the commitment of citizens of this Commonwealth, who might be yourselves or ourselves, the commitment of those people to insane institutions, and I submit to the members of this House that for important appointments of that sort which deal with your health, your welfare, and in some cases your liberty, it is essential that the men be trained highly in all subjects of the medical art and trained with the best all around medical education that science can produce. The educational requirements of this bill as they now stand most certainly do not require anything more than an elemental training and I ask the members of this House to vote favorably on these amendments.

Mr. BLANK. Mr. Speaker, I would like to interrogate the gentleman from McKean, Mr. Kane.

The SPEAKER. Will the gentleman from McKean permit himself to be interrogated?

Mr. KANE. I will, Mr. Speaker.

Mr. BLANK. Mr. Speaker, did I understand the gentleman from McKean to state that the same requirements were required for all healing arts as are required for the allopathic physician?

Mr. KANE. Mr. Speaker, I did not make any statement to the effect that the same requirements were required for all healing arts. I did make the statement and I repeat it, that people who receive appointments from the Governor in which they have control over the lives and welfare of our citizens, should be required to have the very highest training that science can produce, and I submit that this bill does not contain such educational requirements, Yet the provision which we are asked to pass upon here now would permit the appointment of a physician of osteopathy, of inferior training, to those very important public positions.

Mr. BLANK. Mr. Speaker, I should like to ask the gentleman from McKean what are the requirements under the Medical Licensure Act?

Mr. KANE. Mr. Speaker, I am sorry to say that I do not know the requirements precisely, but I believe they require a four year college course, —

Mr. BLANK. Mr. Speaker, may I say for the information of the House that the requirements under the Medical Licensure Act and the requirements under the Osteopathic Act will now be made similar so far as the number of years required for study is concerned.

Mr. KANE. I am sorry. The gentleman seems to know the answer to his question. I frankly stated I did not know the answer. However, I do not think that any reputable institution in Pennsylvania will permit people to practice the art of medicine who have not had the educational requirements which I have set forth. In addition, I believe they now require a two year interneship, in the case of surgery.

Mr. BLANK. Mr. Speaker and members of the House, the reason I asked that question of the gentleman from McKean is because it seemed to me quite clear from the tenor of his speech that he did not know what the requirements are, and I certainly feel it is improper for a gentleman who does not know the requirements under both acts to speak on the questions raised by the amendments to this act. I hold no brief for what has been said on the floor as to the varying requirements or the abilities or capacities of both classes of the healing art. That question is not up for decision in this House. The only question which is presented at this time is the question as to whether or not we feel that we can go back by these amendments and repeal the law which has been in existence in the Commonwealth of Pennsylvania since 1909. That is the question which is raised because at all times since that date the members of the osteopathic profession have been permitted to do the things which the amendment offered by the gentleman from Philadelphia will deny. I ask the members of the House to vote "no"

Mr. REISING. Mr. Speaker and members of the House, I did not intend to say anything on this question, but since it has been brought up quite vividly as to the liability of any of us being taken before an osteopath and committed to an insane asylum, and things of that sort. I just want to call to the attention of the House that down in Beaver county there was a man who had the courage to go into the borough of Aliquippa and ask other men there to join the union, that he was arrested by the local authorities and taken before the Medical Board and sent down to Torrence because he had the courage to ask men to join that union.

POINT OF ORDER

Mr. SARRAF. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SARRAF. Mr. Speaker, the gentleman is not speaking upon the amendment to this bill.

The SPEAKER. The point of order is well taken. The gentleman will confine his remarks to the amendments before the House.

Mr. REISING. I agree, Mr. Speaker, and neither did the previous speakers confine themselves to the amendments, I think.

MOTION TO LAY BILL AND AMENDMENTS ON TABLE

Mr. PERRY. Mr. Speaker, we have been listening to much technical language and I suppose that ninety percent of us are terribly confused. I therefore move, Mr. Speaker, that this bill together with the amendments, be laid upon the table.

On the question,

Will the House agree to the motion?

The yeas and nays were required by Mr. BLANK and Mr. JAMES A. SMITH.

Mr. BLANK. Mr. Speaker, I ask for a vrification of the roll.

The roll was verified and was as follows:

Yeas—83

Arnold,	Hall,	Mihm,	Stockham,
Atkins,	Hamilton, R. S.,	Muir,	Terry,
Baine	Hetrick,	Munley,	Toole,
Baker, J. J.,	Hindman,	O'Neill,	Trout,
Bierly,	Hirsch,	Patterson, J. W.,	Turner,
Bohn,	Holstrom,	Peale,	Valibus,
Boles,	Huntley,	Perry,	Wall,
Boyer,	Imbrie,	Powers,	Watkins,
Cadwalader,	Kane,	Preston,	Webster,
Caesar,	Keenan,	Richter,	Weidemann,
Cohen, H. B.,	Kline,	Royer,	Welliver,
Coleman,	Leisey,	Sarraf,	Welsh,
Coolahan,	Lyons,	Schrock,	Whalen,
Davies,	Matthews, H. T.,	Schumacher,	Wood,
Dickinson,	McCullough,	Serrill,	Wright,
Dougherty,	McDermott,	Shea,	Yanoshat,
Downey,	McDevitt,	Shoemaker,	Yeakel,
Eckels,	McElroy,	Snyder,	Yourishin,
Fiss,	Melchiorre,	Sollenberger,	Zappala,
Flannery,	Mellott,	Sproul,	Furman,
Gillette,	Merrell,	Stackpole,	

Nays—86

Allmond,	Gerard,	McKinney,	Scanlon,
Baker, F. T.,	Gorski,	McShane,	Shaw,
Blank,	Haberlen,	Moomaw,	Shepard,
Boltz,	Hagerty,	Mooney,	Siegel,
Brancato,	Hamilton, F. P.,	Moran,	Skale,
Brigerman,	Harkins,	Nagel,	Sloan,
Broad,	Harmuth,	O'Brien,	Smith, James A.,
Caputo,	Hays,	O'Connor,	Smith, John A.,
Coakley,	Hering,	O'Keefe,	Spengler,
Cohen, R. E.,	Hess,	Ominsky,	Stewart,
Corrigan,	Holland,	Ostroff,	Thomas,
Costanzo,	Jirolanio,	Pearson,	Tronzo,
DeNote,	Kilroy,	Pershing,	Tumelty,
Donohoe,	Kroll,	Piole,	VanAllsburg,
Dubbs,	Lewis,	Readinger,	Wagner,
Dyson,	Long,	Reese,	Walsh,
Elpern,	Lopresti,	Reising,	Weiss, D. H.,
Falkenstein,	Lovett,	Robinson,	Westrick,
Finnerty,	Marino,	Rothenberger,	Whitenight,
Fitch,	McArdle,	Ruffennach,	Wilson,
Flinchbaugh,	McFall,	Rush,	Woodside,
Ganser,	McGee,		

So the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House agree to the amendments?

BILL AND AMENDMENTS POSTPONED.

Mr. BLANK. Mr. Speaker, I move that the bill together with the amendments be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

POINT OF ORDER

Mr. SARRAF. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. SARRAF. Mr. Speaker, is this motion in order?

The SPEAKER. The motion is in order.

On the question recurring,

Will the House agree to the motion?

It was agreed to.

SENATE MESSAGE

The Clerk of the Senate being introduced, presented extracts from the Journal of the Senate which were laid upon the table.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 957 as follows:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll bridge at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the sum of fifty thousand dollars ($50,000) is hereby specifically appropriated out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission created by the act approved the twenty-fifth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1352) and a similar act of the State of New Jersey for the purpose of paying the Commonwealth's share of acquiring the toll bridge at Dingman's Ferry Pike County across the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey in accordance with the provisions of said act

Section 2 The appropriation herein made shall be available for the purpose for which made until such toll bridge shall have been acquired and shall not be held or construed to have lapsed for the reason that said money was not used within a specified time after the passage of this act

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Committee on State Government has a public hearing scheduled in the House Caucus Room. If there are no objections, the members of that Committee will be excused to attend that hearing. The Chair hears no objection and the members of that committee will be excused.

BILL PASSED OVER

There being no objection House Bill No. 1316, Senate Bill No. 243 Printer's No. 81, was passed over at the request of Mr. TUMELTY.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The House proceeded to the second reading and consideration of House Bill No. 1151, as follows:

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the State Treasurer is hereby authorized and directed from time to time during the two fiscal years beginning June first one thousand nine hundred thirty-seven to transfer from the General Fund to the State Insurance Fund such sums not exceeding in the aggregate the sum of one million dollars ($1,000,000) as the Governor shall direct Transfers shall be made hereunder upon warrants of the Auditor General upon requisitions of the Governor

The purpose of the transfers authorized by this act is to return to the State Insurance Fund the amount transferred therefrom by act number forty-two approved the seventh day of August one thousand nine hundred thirty-six (Pamphlet Laws one hundred two)

And said bill having been read at length the second time and agreed to

Ordered, To be transcribed for a third reading.

BILL PASSED OVER

There being no objection House Bill No. 2172, Senate Bill No. 639, Printer's No. 387 was passed over at the request of Mr. YOURISHIN.

BILL AND COMMUNICATION TAKEN FROM TABLE

Mr. LONGAKER. Mr. Speaker, I move that House Bill No. 1273, Printer's No. 428, together with the communication from the Governor which was laid upon the table be taken from the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 1273.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, April 29, 1937

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1273, Printer's No. 428, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. LONGAKER. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. WINNER. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Montgomery Mr. Longaker, vote on the final passage of this bill?

Mr. LONGAKER. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Montgomery, Mr. Winner, vote on the final passage of this bill?

Mr. WINNER. Mr. Speaker, I voted in the majority.

On the question.

Will the House agree to the motion?

It was agreed to.

Mr. LONGAKER. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. WINNER. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. LONGAKER. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend sec. 1 (Sec. 11), page 2, line 2, by striking out with light-face brackets the word "to"

Amend sec. 1 (Sec. 11), page 2, lines 2 and 3, by striking out with heavy-face brackets the words "one in either portion of the borough located entirely within the same county"

Amend sec. 1 (Sec. 11), page 2, line 5, by inserting after the word "office' the following: "to two and in case of consolidated boroughs lying in two counties, to one in either portion of the borough located entirely within the same county

Amend sec. 1 (Sec. 11), page 2, line 6, by striking out with heavy-face brackets the words "one to" and inserting in lieu thereof "and in the case of consolidated boroughs lying in two counties, one justice of the peace shall at all times

Amend sec. 1 (Sec. 11), page 2, line 9, by inserting after the word "election" the following: "All justices of the peace in consolidated boroughs shall

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

SENATE MESSAGE

RESOLUTION CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, informed that the Senate has concurred in the resolution from the House of Representatives, as follows:

In the House of Representatives, May 4, 1937

Resolved (if the Senate concur), that House Bill No. 1043, Printer's No. 730, entitled "An act to reenact and amend the act approved the twenty-second day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fourteen) entitled 'An act to provide revenue for State purposes imposing taxes upon certain classes of personal property and on the value of certain equitable interests providing for the assessment collection and lien of the same and the distribution of the proceeds thereof imposing duties on executors administrators registers of wills recorders of deeds prothonotaries and court clerks and on persons copartnerships associations banks national banks trust companies and other corporations receiving deposits of money and on certain corporations and limited partnerships conferring powers and imposing duties on certain State officers and departments imposing penalties and making an appropriation' as amended by imposing annual taxes for state purposes for two additional years imposing taxes on ground rents making further provision for the filing of reports and for the assessment and collection of said taxes and penalties and interest thereon and modifying and further defining certain exemptions from said taxes", be recalled from the Governor for the purpose of amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL NO. 390.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1937

To the Honorable, the House of Representatives
of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a Resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 390, Printer's No. 706, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. GERARD. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. RUFFENNACH. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny Mr. Gerard vote on the final passage of this bill?

Mr. GERARD. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Allegheny Mr. Ruffennach, vote on the final passage of this bill?

Mr. RUFFENNACH. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. GERARD. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

Mr. RUFFENNACH. Mr. Speaker, I second the motion.

The motion was agreed to.

On the question,

Will the House agree to the bill on third reading?

Mr. GERARD. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend section 21, page 18, line 10 by striking out at the end of the line the word: "[commissioner]" and inserting in lieu thereof the following: "Secretary of Labor and Industry"

Amend section 21, page 18, line 14 by striking out after the word "the" and before the word "to" the word: "[commissioner]" and inserting in lieu thereof the following: "Secretary of Labor and Industry or his authorized representative"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

RECONSIDERATION OF HOUSE BILL NO. 608

Mr. DUBBS. Mr. Speaker, I move that the vote by which House Bill No. 608, Printer's No. 660, entitled:

An Act abolishing capital punishment and providing for the substitution of a life sentence in lieu thereof repealing inconsistent legislation and providing that this act shall

not apply to any case in which it shall appear that the said crime was committed prior to the date of the approval of this act

was defeated on final passage, Monday, April 26, 1937, be reconsidered.

Mr. ALLMOND. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Dubbs vote on the final passage of the bill?

Mr. DUBBS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from Philadelphia, Mr. Allmond, vote on the final passage of the bill?

Mr. ALLMOND. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TUMELTY. Mr. Speaker, I arise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TUMELTY. Mr. Speaker, how many votes are needed to reconsider this vote?

The SPEAKER. A majority of those voting. It does not require a constitutional majority.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. SCANLON and Mr. HARKINS and were as follows:

YEAS—76

Allmond,	Hess,	McShane,	Skale,
Blank,	Hirsch,	Melchiorre,	Smith, James A.,
Boltz,	Holmes,	Mihm,	Spengler,
Brancato,	Horting,	Mooney,	Thomas,
Brand,	Imbrie,	Moran,	Thompson,
Caputo,	Jirolanio,	Murrin,	Tronzo,
Coakley,	Kane,	Nagel,	Turner,
Cohen, R. E.,	Keenan,	O'Connor,	Walsh,
Corrigan,	Kilroy,	Ominsky,	Weidemann,
DeNote,	Lewis,	Ostroff,	Weiss, D. H.,
Donohoe,	Long,	Piole,	Welsh,
Dubbs,	Lopresti,	Powers,	Westrick,
Elpern,	Lovett,	Preston,	Whalen,
Falkenstein,	Marino,	Readinger,	Whitenight,
Finnerty,	Matthews, H. T.,	Reese,	Wilson,
Fitch	McArdle,	Reising,	Winner,
Gerard,	McCullough,	Rothenberger,	Wood,
Gorski,	McDermott,	Ruffennach,	Wright,
Hall,	McDevitt,	Scanlon,	Yanoshak,
Harkins,	McElroy,	Shaw,	Yourishin,
Harmuth,	McFall,	Shepard,	Zappala,
Hering,	McGee,		

NAYS—41

Atkins,	Hamilton, R. S.,	Muir,	Snyder,
Baker, F. T.,	Hays,	Munley,	Sproul,
Bierly,	Hetrick,	Patterson, C. S.,	Terry,
Boyer,	Hontz,	Pearson,	Troutt,
Cadwalader,	Kline,	Schrock,	Tumelty,
Davies,	LaRue,	Schumacher,	VanAllsburg,
Fiss,	Leisey,	Serrill,	Wall,
Flanagan,	Lyons,	Shea,	Watkins,
Flannery,	Mellott,	Siegel,	Webster,
Gillette,	Moul,	Simon,	Furman,
Hamilton, F. P.,			

So the question was determined in the affirmative and the motion was agreed to.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. KANE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 60.

An Act to amend the title and section one of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L.1286) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the works constructed or acquired jointly with other municipalities

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments:

The Clerk read the amendments as follows:

Amend the title, page 1, line 1, by striking out the words "section one" and inserting in lieu thereof the words "sections one and two"; also on page two of the title, by insrting after the word "municipalities" the words "or furnished under contract by any authority or private corporation"

Amend Section 1, page 2, by striking out in line 4 the words "section one" and inserting in lieu thereof the words "sections one and two"; also in line 26, by inserting after the word "has" the words "wholly or partially"; also in same line by inserting after the word "hereafter" the words "wholly or partially"; also on page 3, line 2, by inserting after the word "acquired" the words "or shall hereafter acquire"; also in line 3, by inserting after the word "expense" the following: "or whenever any city borough incorporated town or township shall singly or jointly with other municipalities or townships or both enter into any contract with any authority established in accordance with law or with any private corporation for the furnishing of sewer or sewage treatment services or both for its or their benefit and the benefit of the inhabitants thereof"; also in line 4, their benefit and the benefit of the inhabitants thereof"; also in line 4, by inserting after the word "resolution" the words "enacted either before or after the acquisition or construction thereof or the entry into such contract"; also in line 5 by inserting after the word "the" and before the word "collection" the words "imposition and"; also in line 7, by inserting after the word "served" the words "or to be served"; also by inserting after line 9 the following new paragraph:

"The annual rental or charge so imposed shall be a lien on the properties served and such liens may be filed in the office of the prothonotary and collected in the manner provided by law for the filing and collection of municipal claims"

Amend bill, page 3, by inserting after section 1, the following new section:

"Section 2 Any such annual rental or charge may be such sum as may be sufficient to meet any or all of the following classes of expense (a) the amount expended annually by the city borough incorporated town or township in the operation maintenance repair alteration inspection depreciation or other expenses in relation to such sewer system or sewage treatment works (b) such annual amount as may be necessary to provide for the amortization of the indebtedness incurred or the non-debt revenue bonds issued by the city borough incorporated town or township in the construction or acquisition of such sewer sewage system or sewage treatment works and interest thereon

in order that said improvements may become self-liquidating or as may be sufficient to pay the amount agreed to be paid annually under the terms of any contract with any authority or private corporation furnishing sewer or sewage treatment services to such city borough town or township and (c) sufficient to establish a margin of safety of ten per centum Any unused surplus from any preceding year shall be paid into the fund accruing from said rentals or charges and whenever the amount in said fund exceeds the said margin of safety of ten per centum the excess shall be paid into the sinking fund The amount required for sinking fund and interest shall be paid into the sinking fund and the amount so paid including any excess as above provided shall not be used for any other purpose The said annual rental or whatever charge shall be decided upon by the city borough incorporated town or township shall be apportioned equitably among the properties served by the said sewer sewage system or sewage treatment works"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—207

Achterman,	Flinchbaugh,	McGee,	Simon,
Alexander,	Ganser,	McKinney,	Simpson,
Allen,	Gerard,	McShane,	Skale,
Allmond,	Gillette,	Melchiorre,	Sloan,
Arnold,	Gorski,	Mellott,	Smith, James A.,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Snyder,
Baine,	Hagerty,	Moomaw,	Sollenberger,
Baker, F. T.,	Hall,	Mooney,	Spengler,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Sproul,
Balthaser,	Hamilton, R. S.,	Moul,	Stackpole,
Bierly,	Harkins,	Muir,	Stank,
Blank,	Harmuth,	Munley,	Stewart,
Bohn,	Hays,	Murrin,	Stockham,
Boles,	Hering,	Nagel,	Strode,
Boltz,	Hess,	O'Brien,	Terry,
Boyer,	Hetrick,	O'Connor,	Thomas,
Bradley,	Hindman,	O'Keefe,	Thompson,
Brancato,	Hirsch,	Ominsky,	Toole,
Brigerman,	Holland,	O'Neill,	Tronzo,
Broad,	Holmes,	Ostroff,	Trout,
Brown,	Holstrom,	Patterson, C. S.,	Tumelty,
Brownfield,	Hontz,	Patterson, J. W.,	Turner,
Burrows,	Horting,	Peale,	Valibus,
Cadwalader,	Huntley,	Pearson,	VanAllsburg,
Caesar,	Imbrie,	Perry,	VanSickle,
Caputo,	Jirolanio,	Pershing,	Vogt,
Chervenak,	Kane,	Piole,	Wagner,
Coakley,	Keenan,	Powers,	Wall,
Cohen, H. B.,	Kelso,	Preston,	Walsh,
Cohen, R. E.,	Kilroy,	Readinger,	Wampole,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,
Flannery,	McFall,	Siegel,	

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 232.

An Act validating municipal claims of boroughs where not filed within the time specified by law

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title, page 1, line 1, by inserting after the word "of" the words "cities and"

Amend Section 1, page 1, line 4, by inserting after the word "any" the words "city or"; Also on page 2, line 8, by striking out after the word "the" the word "lieu" and inserting in lieu thereof the word "lien".

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

Yeas—206

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, James A.,
Aukerman,	Haberlen,	Mihm,	Smith, John A.,
Baine	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boles,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Trout,
Brownfield,	Hontz,	Patterson, J. W.,	Tumelty,
Burrows,	Horting,	Peale,	Turner,
Cadwalader,	Huntley,	Pearson,	Valibus,
Caesar,	Imbrie,	Perry,	VanAllsburg,
Caputo,	Jirolanio,	Pershing,	VanSickle,
Chervenak,	Kane,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,
Flannery,	McFall,		

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 646.

An Act to promote the public health safety morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold providing for the acquisition of property by the exercise of the power of eminent domain providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof defining the rights powers and duties of such companies and of persons investing in or dealing with such companies authorizing such companies to lease and operate or to manage projects of any housing authority and borrow money from agencies of the United States Government exempting all such companies from the payment of any capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions authorizing certain existing companies to accept the provisions of this act and repealing inconsistent acts

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 1, by inserting in line 9 after the word "domain" the words "through the State Board of Housing."

Amend Section 4, page 5' by striking out at the beginning of line 17 the word "only"; also same line by inserting after the word "earnings" the word "only"; also in line 27 by striking out the words "or of shares and income debentures"; also at the end of line 29 by inserting after the word "project" the words "income debentures may be redeemed to one hundred per cent."

Amend Section 12, page 10, by striking out in line 28 after the word "Section" the word and figures "Fourteen (14)" and inserting in lieu thereof the word and figures "Thirteen (13)".

Amend Section 14, page 11, by striking out at the beginning of line 26 the word "revert" and inserting in lieu thereof the words "be paid"; also in same line by inserting after the word "Commonwealth" the words "and shall become part of the fund appropriated to the State Board of Housing."

Amend Section 15, page 12, by striking out in line 4 the word "preferred"; also in line 9 by striking out after the word "Section" the word and figures "Fourteen (14)" and inserting in lieu thereof the word and figures "Thirteen (13)."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McFall,	Shugarts,
Alexander,	Ganser,	McGee,	Siegel,
Allen,	Gerard,	McKinney,	Simon,
Allmond,	Gillette,	McShane,	Simpson,
Arnold,	Gorski,	Melchiorre,	Skale,
Atkins,	Habbyshaw,	Mellott,	Sloan,
Aukerman,	Haberlen,	Merrell,	Smith, James A.,
Baine,	Hagerty,	Mihm,	Smith, John A.,
Baker, F. T.,	Hall,	Moomaw,	Snyder
Baker, J. J.,	Hamilton, F. P.,	Mooney,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Moran,	Spengler,
Bierly,	Harkins,	Moul,	Sproul
Blank,	Harmuth,	Muir,	Stackpole,
Bohn,	Hays,	Munley,	Stank,
Boles,	Hering,	Murrin,	Stewart,
Boltz,	Hess,	Nagel,	Stockham,
Boyer,	Hetrick,	O'Brien,	Strode,
Bradley,	Hindman,	O'Connor,	Terry,
Brancato,	Hirsch,	O'Keefe	Thomas,
Brigerman,	Holland,	Ominsky,	Thompson,
Broad,	Holmes	O'Neill,	Toole,
Brown,	Holstrom,	Ostroff,	Tronco,
Brownfield,	Hontz,	Patterson, C. S.,	Trout,
Burrows,	Horting,	Patterson, J. W.,	Tumelty,
Cadwalader,	Huntley,	Peale,	Turner,
Caesar,	Imbrie,	Pearson,	Vallbus,
Caputo,	Jirolanio,	Perry,	VanAllsburg,
Chervenak,	Kane,	Pershing,	VanSickle,
Coakley,	Keenan,	Piole,	Vogt,
Cohen, H. B.,	Kelso,	Powers,	Wagner,
Cohen, R. E.,	Kilroy,	Preston,	Wall,
Coleman,	Kline,	Readinger,	Walsh,
Coolahan,	Kroll,	Reese,	Watkins,
Corrigan,	LaRue,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.,
Decker,	Lewis,	Rothenberger,	Weiss, S. A.,
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Dyson,	Marino,	Schrock,	Winner,
Eckels,	Matthews, H. T.,	Schrope,	Wood,
Elpern,	Matthews, J. F.,	Schumacher,	Woodside,
Falkenstein,	McArdle,	Serrill,	Wright,
Finnerty,	McCullough,	Shaw,	Yanoshat,
Fiss,	McDermott,	Shea,	Yeakel,
Fitch,	McDevitt,	Shepard,	Yourishin,
Flanagan,	McElroy,	Shoemaker,	Zappala,
Flannery,			Furman,

NAYS— 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative, and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 655.

An Act to amend section thirty of the act approved the second day of May one thousand nine hundred and twenty nine (Pamphlet Laws 1237) entitled "An act effecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for service on respondents who are lunatics or persons non compos mentis

With the information that the Senate has passed the

same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend title page 1, last line, by inserting after the syllable "mentis" the words "or confined in institutions for mental treatment."

Amend section 1, page 3, line 7, by inserting after the word "upon" the words "any one of"; Also by inserting after the word "kin" the words "who is sui juris"; Also in line 10, by striking out after the word "notice" the word "in" and inserting in lieu thereof the word "In"; Also in line 15, by inserting after the word "If" the word "any"; Also in line 18, by striking out after the word "if" the word "said"; Also in line 20, by inserting after the word "requested" the following new paragraph: "Where the respondent has several next of kin in the same degree of consanguinity service as herein required need be made only upon any one of such next of kin"

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—205

Achterman,	Flinchbaugh,	McFall,	Shugarts,
Alexander,	Ganser,	McGee,	Siegel,
Allen,	Gerard,	McKinney,	Simon
Allmond,	Gillette,	McShane,	Simpson,
Arnold,	Gorski,	Melchiorre,	Skale,
Atkins,	Habbyshaw,	Mellott,	Sloan,
Aukerman,	Haberlen,	Merrell,	Smith, James A.
Baine,	Hagerty,	Mihm,	Smith, John A.,
Baker, F. T.,	Hall,	Moomaw,	Snyder,
Baker, J. J.,	Hamilton, F. P.,	Mooney,	Sollenberger,
Balthaser,	Hamilton, R. S.,	Moran,	Spengler,
Bierly,	Harkins,	Moul,	Sproul,
Blank,	Harmuth,	Muir,	Stackpole,
Bohn,	Hays,	Munley,	Stank,
Boies,	Hering,	Murrin,	Stewart,
Boltz,	Hess,	Nagel,	Stockham,
Boyer,	Hetrick,	O'Brien,	Strode,
Bradley,	Hindman,	O'Connor,	Terry,
Brancato,	Hirsch,	O'Keefe,	Thomas,
Brigerman,	Holland,	Ominsky,	Thompson,
Broad,	Holmes,	O'Neill,	Toole,
Brown,	Holstrom,	Ostroff,	Tronzo,
Brownfield,	Hontz,	Patterson, C. S.,	Trout,
Burrows,	Horting,	Patterson, J. W.,	Turner,
Cadwalader,	Huntley,	Peale,	Vallbus,
Caesar,	Imbrie,	Pearson,	VanAllsburg,
Caputo,	Jirolanio,	Perry,	VanSickle,
Chervenak,	Kane,	Pershing,	Vogt,
Coakley,	Keenan,	Piole,	Wagner,
Cohen H. B.,	Kelso,	Powers,	Wall,
Cohen, R. E.,	Kilroy,	Preston,	Walsh,
Coleman,	Kline,	Readinger,	Watkins,
Coolahan,	Kroll,	Reese,	Webster,
Corrigan,	LaRue,	Reising,	Weidemann,
Costanzo,	Leisey,	Richter,	Weiss, D. H.,
Davies,	Levy,	Robinson,	Weiss, S. A.,
Decker,	Lewis,	Rothenberger,	Welliver,
DeNote,	Long,	Royer,	Welsh,
Dickinson,	Longaker,	Ruffennach,	Westrick,
Donohoe,	Lopresti,	Rush,	Whalen,
Dougherty,	Lovett,	Sarraf,	Whitenight,
Downey,	Lyons,	Scanlon,	Wilson,
Dubbs,	Mallen,	Schor,	Winner,
Dyson,	Marino,	Schrock,	Wood,
Eckels,	Matthews, H. T.,	Schrope,	Woodside,
Elpern,	Matthews, J. F.,	Schumacher,	Wright,
Falkenstein,	McArdle,	Serrill,	Yanoshat,
Finnerty,	McCullough,	Shaw,	Yeakel,
Fiss,	McDermott,	Shea,	Yourishin,
Fitch,	McDevitt,	Shepard,	Zappala,
Flanagan,	McElroy,	Shoemaker,	Furman,
Flannery,			

NAYS— 1

Tumelty,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE.

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1159.

An Act to amend Section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers or private bankers and of the officers directors trustees shareholders attorneys and other employees of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation conferring powers and imposing duties upn the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 4, line 4, by inserting at the end of the line after the word "has" the words "been created"; also in line 21 by striking out the word "restrictions" and inserting in lieu thereof the word "restriction"; also on page 5, by inserting at the beginning of line 13 after the word "to" the words "a bank or."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—206

Achterman,	Flinchbaugh,	McGee,	Siegel,
Alexander,	Ganser,	McKinney,	Simon,
Allen,	Gerard,	McShane,	Simpson,
Allmond,	Gillette,	Melchiorre,	Skale,
Arnold,	Gorski,	Mellott,	Sloan,
Atkins,	Habbyshaw,	Merrell,	Smith, John A.,
Aukerman,	Haberlen,	Mihm,	Smith, James A.,
Baine,	Hagerty,	Moomaw,	Snyder,
Baker, F. T.,	Hall,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, F. P.,	Moran,	Spengler,
Balthaser,	Hamilton, R. S.,	Moul,	Sproul,
Bierly,	Harkins,	Muir,	Stackpole,
Blank,	Harmuth,	Munley,	Stank,
Bohn,	Hays,	Murrin,	Stewart,
Boies,	Hering,	Nagel,	Stockham,
Boltz,	Hess,	O'Brien,	Strode,
Boyer,	Hetrick,	O'Connor,	Terry,
Bradley,	Hindman,	O'Keefe,	Thomas,
Brancato,	Hirsch,	Ominsky,	Thompson,
Brigerman,	Holland,	O'Neill,	Toole,
Broad,	Holmes,	Ostroff,	Tronzo,
Brown,	Holstrom,	Patterson, C. S.,	Trout,
Brownfield,	Hontz,	Patterson, J. W.,	Tumelty,
Burrows,	Horting,	Peale,	Turner,
Cadwalader,	Huntley,	Pearson,	Vallbus,

Caesar,	Imbrie,	Perry,	VanAllsburg,
Caputo,	Jirolanio,	Pershing,	VanSickle,
Chervenak,	Kane,	Piole,	Vogt,
Coakley,	Keenan,	Powers,	Wagner,
Cohen, H. B.,	Kelso,	Preston,	Wall,
Cohen, R. E.,	Kilroy,	Readinger,	Walsh,
Coleman,	Kline,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	LaRue,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	Levy,	Rothenberger,	Weiss, S. A.,
Decker,	Lewis,	Royer,	Welliver,
DeNote,	Long,	Ruffennach,	Welsh,
Dickinson,	Longaker,	Rush,	Westrick,
Donohoe,	Lopresti,	Sarraf,	Whalen,
Dougherty,	Lovett,	Scanlon,	Whitenight,
Downey,	Lyons,	Schor,	Wilson,
Dubbs,	Mallen,	Schrock,	Winner,
Dyson,	Marino,	Schrope,	Wood,
Eckels,	Matthews, H. T.,	Schumacher,	Woodside,
Elpern,	Matthews, J. F.,	Serrill,	Wright,
Falkenstein,	McArdle,	Shaw,	Yanoshat,
Finnerty,	McCullough,	Shea,	Yeakel,
Fiss,	McDermott,	Shepard,	Yourishin,
Fitch,	McDevitt,	Shoemaker,	Zappala,
Flanagan,	McElroy,	Shugarts,	Furman,
Flannery,	McFall,		

NAYS— 0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, that the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 1779.

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuties policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend Section 1, page 3, by inserting in line 6 after the syllable "fits" and before the word "under" the words "and to the reservation of rights and benefits"; also by striking out at the beginning of line 8 the words "of marine"; also at the end of same line by striking out the words "Credit fidelity"; also in line 9 by striking out the words "surety or reinsurance contracts"; also same page by inserting after line 26 the following new paragraph:

"The amendments to this section shall not be construed as extending the provisions of this section to domestic mutal fire insurance companies not heretofore subject to the provisions hereof."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the ye and nays were taken and were as follows, viz:

Yeas—206

Achterman,	Ganser,	McGee,	Siegel,
Alexander,	Gerard,	McKinney,	Simon,
Allen,	Gillette,	McShane,	Simpson,
Allmond,	Gorski,	Melchiorre,	Skale,
Arnold,	Habbyshaw,	Mellott,	Sloan,
Atkins,	Haberlen,	Merrell,	Smith, John A.,
Aukerman,	Hagerty,	Mihm,	Smith, James A.
Baine,	Hall,	Moomaw,	Snyder,
Baker, F. T.,	Hamilton, F. P.,	Mooney,	Sollenberger,
Baker, J. J.,	Hamilton, R. S.,	Moran,	Spengler,
Bierly,	Harkins,	Moul,	Sproul,
Blank,	Harmuth,	Muir,	Stackpole,
Bohn,	Hays,	Munley,	Stank,
Boies,	Hering,	Murrin,	Stewart,
Boltz,	Hess,	Nagel,	Stockham,
Boyer,	Hetrick,	O'Brien,	Strode,
Bradley,	Hindman,	O'Connor,	Terry,
Brancato,	Hirsch,	O'Keefe,	Thomas,
Brigerman,	Holland,	Ominsky,	Thompson,
Broad,	Holmes,	O'Neill,	Toole,
Brown,	Holstrom,	Ostroff,	Tronzo,
Brownfield,	Hontz,	Patterson, C. S.,	Trout,
Burrows,	Horting,	Patterson, J. W.,	Tumelty,
Cadwalader,	Huntley,	Peale,	Turner,
Caesar,	Imbrie,	Pearson,	Vallbus,
Caputo,	Jirolanio,	Perry,	VanAllsburg,
Chervenak,	Kane,	Pershing,	VanSickle,
Coakley,	Keenan,	Piole,	Vogt,
Cohen, H. B.,	Kelso,	Powers,	Wagner,
Cohen, R. E.,	Kilroy,	Preston,	Wall,
Coleman,	Kline,	Readinger,	Walsh,
Coolahan,	Kroll,	Reese,	Watkins,
Corrigan,	LaRue,	Reising,	Webster,
Costanzo,	Leisey,	Richter,	Weidemann,
Davies,	Levy,	Robinson,	Weiss, D. H.
Decker,	Lewis,	Rothenberger,	Weiss, S. A.
DeNote,	Long,	Royer,	Welliver,
Dickinson,	Longaker,	Ruffennach,	Welsh,
Donohoe,	Lopresti,	Rush,	Westrick,
Dougherty,	Lovett,	Sarraf,	Whalen,
Downey,	Lyons,	Scanlon,	Whitenight,
Dubbs,	Mallen,	Schor,	Wilson,
Dyson,	Marino,	Schrock,	Winner,
Eckels,	Matthews, H. T.,	Schrope,	Wood,
Elpern,	Matthews, J. F.,	Schumacher,	Woodside,
Falkenstein,	McArdle,	Serrill,	Wright,
Finnerty,	McCullough,	Shaw,	Yanoshat,
Fiss,	McDermott,	Shea,	Yeakel,
Fitch,	McDevitt,	Shepard,	Yourishin,
Flanagan,	McElroy,	Shoemaker,	Zappala,
Flannery,	McFall,	Shugarts,	Furman,
Flinchbaugh,			

Nays—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entiled as follows:

HOUSE BILL No. 1754.

An Act to amend the act approved the fifth day of May one thousand nine hundred thirty-three (P. L. 289) entitled "An act relating to nonprofit corporations defining and providing for the organization merger consolidation and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the

inclusion of certain existing corporations of the first class within the provisions of this act prescribing the terms and conditions upon which foreign nonprofit corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas prothonotaries of such courts recorders of deeds and certain State departments commissions and officers authorizing certain local public officers and State departments to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" by providing for and regulating the incorporation of nonprofit corporations organized to provide hospital care and service for subscribers and conferring powers on the Insurance Department with respect thereto

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend the title, page 2, by inserting in line 7 after the word "thereto" the words "and further defining the scope of the act."

Amend Section 1, page 3, by striking out at the end of line 16 the words "The Public Service"; also at the beginning of line 17 by striking out the word "Commission" and inserting in lieu thereof the words "the Pennsylvania Public Utility Commission."

Amend Section 2, page 4, by striking out in line 2 the words "In the case of the" and inserting in lieu thereof the words "Whenever articles of incorporations for the"; also in lines 7 to 15 inclusive by striking out as follows: "the articles of incorporation shall in addition to the information heretofore required in this article contain a provision that a majority of the directors of such corporation must at all times be directors trustees or administrators of any hospital with which such corporation has a contract for such care and service.

Whenever articles of incorporation of any such corporation are"; also in line 15 by inserting before the word "filed" the word "are."

On the question,

Will the House concur in the amendments made by the Senate?

BILL AND MESSAGE LAID ON TABLE

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the bill together with the message from the Senate be laid upon the table.

The motion was agreed to.

SENATE MESSAGE

SENATE ADOPTS CONFERENCE COMMITTEE REPORT ON HOUSE BILL No. 555.

The Clerk of the Senate being introduced informed that the Senate has adopted the report of the Committee of Conference on the subject of the difference existing between the two Houses on House Bill numbered and entitled as follows:

HOUSE BILL No. 555.

An Act to amend sections two four five eight thirteen fifteen sixteen seventeen and twenty-three of the act approved the twenty-sixth day of May one thousand nine hundred and thirty-three (P. L. 1076) entitled "An act to provide for the organization incorporation operation and supervision of cooperative savings and credit associations to be termed credit unions designating such credit unions as corportions and defining their powers and duties conferring certain powers and duties on the Department of Banking and providing penalties" changing certain requirements for incorporations providing for the scope of membership permitting compensation to directors and committee members clarifying the basis for the collection of interest and fines providing for refunds of interest and fines on obligations paid before maturity and permitting officers directors and committee members a limited right of borrowing further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The Clerk of the Senate being introduced, returned bills from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 233.

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made

HOUSE BILL No. 569.

An Act to amend sections three and nine of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 650) entitled "An act requiring persons associations partnerships and corporations and their agents herein defined as dealers and brokers engaging in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of certain domestic animals to be licensed by the Department of Agriculture providing for the revocation of such licenses imposing certain duties on such dealers and brokers and their agents conferring powers on said department and providing penalties" by providing for the payment of license fees for dealers and brokers and their agents

HOUSE BILL No. 746.

An Act to further amend section one of an act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth' liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto county and township bridges over mill races

HOUSE BILL No. 747.

An Act to amend section fourteen of the act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Laws four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and dep-

uties and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said township or counties of authority over same requiring borough and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by changing the requirements for public notices of proposals for construction reconstruction or improvement of all State highways under the provisions of this act

HOUSE BILL No. 751.

An Act authorizing the Secretary of Highways with the approval of the Governor to enter into agreement with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquisition of such bridges or for the division of responsibility for such maintenance thereof

HOUSE BILL No. 1129.

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

HOUSE BILL No. 1176.

An Act to amend article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment

HOUSE BILL No. 1188.

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts

HOUSE BILL No. 1299.

An Act to establish a separate orphans' court in and for the County of York.

With the information that the Senate has passed the same without amendment.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1043.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1043, Printer's No. 730, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

BILL AND COMMUNICATION LAID ON TABLE

Mr. HARKINS. Mr. Speaker, I move that the bill together with the communication from the Governor be laid upon the table.

The motion was agreed to.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 114.

An Act to further amend the act approved the eighteenth day of May one thousand nine hundred and eleven (P. L. 309) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged creating a county board of school directors for school districts under the direction of a county superintendent defining its powers and duties further regulating the affairs of certain school districts conferring powers and imposing duties on the Department of Public Instruction the State Council of Education and county superintendents of schools and imposing certain expenses on counties

HOUSE BILL No. 302.

An Act to amend the title and section one of the act approved the twenty-eigth day of June one thousand nine hundred and thirty-five (P. L. 477) entitled "An act providing for the payment of the compensation medical and hospital expenses of policemen and firemen by cities (except of the second class A) boroughs town and townships who are injured in the performance of their duty

and providing that absence during such injury shall not reduce any usual sick leave period" clarifying the provision of said act as to payments to disabled policemen and firemen and providing for the payment over of workmen's compensation to the city borough town or townsship

HOUSE BILL No. 369.

An Act to amend section one of article fifteen of the act approved the seventh day of March one thousand nine hundred and one (P. L. 20) entitled "An act for the government of cities of the second class" as amended by reducing the number of newspapers for official advertising

HOUSE BILL No. 890.

An Act to amend section two thousand five hundred eighty-three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" correcting a defect in said section by supplying omitted matter

HOUSE BILL No. 60.

An Act to amend the title and sections one and two of the act approved the eighteenth day of July one thousand nine hundred and thirty-five (P. L. 1286) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and sewage treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" extending the provisions thereof to cities of the first class providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities or furnished under contract by any authority or private corporation

HOUSE BILL No. 569.

An Act to amend sections three and nine of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (P. L. 650) entitled "An act requiring persons associations partnerships and corporations and their agents herein defined as dealers and brokers engaging in the business of buying receiving selling exchanging negotiating or soliciting the sale resale exchange or transfer of certain domestic animals to be licensed by the Department of Agriculture providing for the revocation of such licenses imposing certain duties on such dealers and brokers and their agents conferring powers on said department and providing penalties" by providing for the payment of license fees for dealers and brokers and their agents

HOUSE BILL No. 746.

An Act to further amend section one of an act approved the twenty-first day of May one thousand nine hundred thirty-one (P. L. 147) entitled "An act placing upon the Commonwealth of Pennsylvania responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridge in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county for disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto county and township bridges over mill races

HOUSE BILL No. 747.

An Act to amend section fourteen of an act approved the thirty-first day of May one thousand nine hundred and eleven (Pamphlet Law four hundred sixty-eight) entitled "An act providing for the establishment of a State Highway Department by the appointment of a State Highway Commissioner two Deputy State Highway Commissioners chief engineer chief draughtsman superintendents of highways and a staff of assistants and employes defining their duties and the jurisdiction of the State Highway Department and fixing salaries of commissioner and deputies and other appointees providing for taking over from the counties or townships of the Commonwealth certain existing public roads connecting county seats principal cities and towns and extending to the State line describing and defining same by route numbers as the State highways of the Commonwealth providing for the improvement maintenance and repair of said State highways solely at the expense of the Commonwealth and relieving the several townships or counties from any further obligation and expense to improve or maintain the same and relieving said townships or counties of authority over same requiring boroughs and incorporated towns to maintain certain State highways wholly and in part requiring the State Highway Commissioner to make maps to be complete records thereof conferring authority on the State Highway Commissioner providing for the payment of damages in taking of property or otherwise in the improvement thereof providing for purchase or acquiring of turnpikes or toll-roads forming all or part of any State highway and procedure therein providing for work of improvement of State highways to be done by contract except where the State Highway Commissioner decides the work be done by the State providing aid by the State to counties and townships desiring the same in the improvement of township or county roads defining highways and State-aid highways providing method of application for State-aid in the improvement maintenance and repair of township or county roads and prescribing the contents of township county borough or incorporated town petitions providing for percentage of cost of improvement or repairs to be paid by State county township borough or incorporated town and requiring contracts by counties townships boroughs and incorporated towns with Commonwealth governing same providing for the minimum width of State highways and State-aid highways and kind of materials to be used in the improvement providing for payment of cost of improvement and repairs providing penalty for injuring or destroying State highways making appropriations to carry out the provisions of the act and providing for the repeal of certain acts relating to Highway Department and improvement of roads and of all acts or parts of acts inconsistent herewith and providing that existing contracts are not affected by provisions of this act" by changing the requirements for public notices of proposals for construction reconstruction or improvement of all State highways under the provisions of this Act

HOUSE BILL No. 751.

An Act authorizing the Secretary of Highways with the approval of the Governor to enter into agreements with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquisition of such bridges or for the division of responsibility for such maintenance thereof

HOUSE BILL No. 1129.

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

HOUSE BILL No. 1176.

An Act to amend article three of the act approved the seventh day of March one thousand nine hundred and one (Pamphlet Laws 20) entitled "An act for the government of cities of the second class" as amended removing the authority of the Superintendent of Police to appoint additional patrolmen at the exepnse of persons asking such appointment

HOUSE BILL No. 1188.

An Act to amend section eight hundred two of the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for competitive bidding on contracts

HOUSE BILL No. 1299.

An Act to establish a separate orphans' court in and for the County of York

HOUSE BILL NO. 1779.

An Act to amend section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" to include contracts pertaining to pure endowments and annuities policies of fire marine and title insurance and contracts issued by assessment insurance corporations and all other forms of insurance contracts issued in Pennsylvania

Whereupon,

The SPEAKER, in the presence of the House, signed the same

RESOLUTIONS

SYMPATHY EXTENDED

Mr. KILROY offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 4, 1937.

Whereas Word has just been received of the death of the loving and devoted sister of Honorable John B. Kelly, Mrs. Anne Frommeyer, Philadelphia, Pennsylvania; and

Whereas While we feel the ineffectiveness of any act or expression on our part will in no way reduce the grief and sense of loss to the family who sorrowfully survive, yet we find it fitting that we pause at this moment to extend our sympathy; therefore be it

Resolved That this House of Representatives, having full cognizance of the fact that the Honorable John B. Kelly and his family has suffered their second loss within a short space of time, and knowing of the deep affection that existed between Mr. Kelly and his sister, extend its deepest and most profound sympathy; and be it further

Resolved That a copy of this resolution be transmitted to Mr. Kelly by the Chief Clerk of the House of Representatives.

SYMPATHY EXTENDED

Mr OMINSKY offered a resolution which was twice read, considered and adopted as follows:

House of Representatives, May 4, 1937.

Whereas, The third day of May, one thousand nine hundred thirty-seven, marked the sudden passing of the Honorable Charles Edwin Fox; and

Whereas, This great civic leader did render noble service to all the people of the City of Philadelphia, and of this Commonwealth; and

Whereas, His noble achievements are recorded this day in an editorial of one of the Philadelphia newspapers; and

Whereas, This House concurs in the sentiments and respect for this great citizen as expressed in such editorial: Therefore be it

Resolved, That the contents of such editorial, as follows:

"The death of Charles Edwin Fox comes as a shock.

"As senior counsel of The Record, he was our beloved associate, a man who, over the years, worked with us and for us. As such we mourn him. Even more, we mourn with our fellow-citizens the loss of a real leader in this community and a man known even above his brilliant legal career as the Big Brother' of the boys of Philadelphia—and especially of the boys who needed a 'Big Brother' most.

"Charles Edwin Fox headed one of the busiest law firms in the city. He was active in every phase of his profession, especially with the Philadelphia Criminal Justice Association, and on special committees of the Philadelphia Bar Association devoted to reform work. Two of his most notable legal accomplishments were his service from 1924 to 1927, as a director of the Committee of Seventy which uncovered widespread election frauds, and his more recent chairmanship of the State committee which drafted a notable series of bills aimed to modernize our criminal procedure and wipe out abuses and frauds committed under the cloak of legal technicality.

"Beyond his legal career, Charles Edwin Fox served the community in many ways through the United Campaign, as a director of the Philadelphia Orchestra, in various charitable and religious organizations. Yet with all these, he found time—and a great deal of time—to wage the greatest of all his fights—

"The fight to give the boys of Philadelphia a chance to be men.

"Founder of the Big Brothers Association, he served as a Boy Scout Commissioner, chairman or director of such various organizations as the Child Guidance Clinic, the Recreation Commission, the Playgrounds Association, and as chairman of the Glen Mills School changed that institution from a reformatory to an industrial school.

"How many boys had their start—a good start—as a result of his interest in their welfare? Not even 'Charlie' Fox knew that.

"But the boys—especially boys who were 'in bad'—boys who had started off on the wrong foot—knew that in him they had a real friend and a ready counselor.

'And there is precisely the great lesson of Fox's career. Busy as he was, he found time to take an interest in the young people coming up in the world about him. Most busy business men just don't take that time, or show that concern. Fox not only was interested, he joined their activities, as one of them, played with them, talked with them, fought for them.

"We only hope his career will make more of us—especially busy business men—stop and think. Those shadowy figures who run errands, carry messages, do the office boy's chores as unobtrusively as possible, they're not robots, they're the men of a generation to come—the men who will either carry on or fumble the ball which the present generation tosses them in this game of living.

"So it is that the boys of Philadelphia, most of all, will mourn the passing of Charles Edwin Fox—with a knowledge and an understanding which even we of The Record have only been able to glimpse. For his greatest achievement was that he understood them. Far more than the words imply, he was their big brother."

be spread upon the record of this House; And be it further

Resolved, That this House express its heartfelt condolences to his bereaved family and that such condolences be

conveyed by the clerk of this House to the immediate members of the family.

RESOLUTION

Mr. ELPERN offered a resolution which was filed with the Clerk under the rules.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bills numbered and entitled as follows:

SENATE BILL No. 780. (HOUSE BILL No. 2247).

An Act for conveyance to the United States of America of title in and to certain land comprising the Marcus Hook Pennsylvania Quarantine Station property and ceding to the United States Jurisdiction over said land.

Referred to the Committee on State Government.

SENATE BILL No. 945. (HOUSE BILL No. 2248).

An Act to provide for a Sinking Fund in cities of the first class in this Commonwealth requiring the Sinking Fund Commission to estimate the amount annually needed for such Sinking Fund and to transmit such estimate or copy thereof to the City Council the Mayor and the City Controller making it the duty of the Council to appropriate and provide the sum so estimated to be required and repealing inconsistent legislation.

Referred to the Committee on Cities.

SENATE BILL No. 946. (HOUSE BILL No. 2249).

An Act to amend section two of an act approved the sixteenth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws seventeen hundred and seventy-three) entitled "An act to supplement an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws sixty-five) entitled 'An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for illegal increase thereof' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation and providing for the disposition of the funds realized from such sale" by eliminating the requirement that the proceeds of the sale of property acquired in fee simple with funds raised by a public corporation through an increase of its indebtedness in an amount exceeding two (2) per centum of the last preceding assessed valuation of the taxable property therein shall be deposited in the funds of such corporations for the redemption of bonds of said corporation when the said bonds issued for the acquisition of such property or bonds refunding such original issue shall have been redeemed and paid.

Referred to the Committee on Cities.

SENATE BILL No. 1044 (HOUSE BILL No. 2250).

An Act authorizing courts of common pleas to stay writs of execution against and tax sales of certain real property in certain cases providing for the continuance of return days of writs of execution and authorizing sales thereon without issuance of further writs and exempting mortgages issued under the National Housing Act.

Referred to the Committee on Judiciary General.

SENATE BILL No. 66. (HOUSE BILL No. 2251).

An Act to amend section five of the act approved the sixteenth day of May one thousand nine hundred twenty-nine (Pamphlet Laws one thousand seven hundred eighty) entitled "An act to fix the salaries and compensation of the judges of Supreme Court the judges of the Superior Court the judges of the courts of common pleas the judges of the orphans' courts the judges of the Municipal Court of Philadelphia and the judges of the County Court of Allegheny County" by extending the provisions of the said section to the judges of the Orphans' Court of Dauphin County.

Referred to the Committee on Judiciary General.

SENATE BILL No. 357. (HOUSE BILL No. 2252).

An Act to amend sections one thousand six and one thousand thirty-five as amended and section one thousand sixty-two of the act approved the fourth day of May one thousand nine hundred twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" providing for and regulating the method of making appropriations expenditures employments contracts and purchases by boroughs relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Boroughs and Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs regulating the preparation of the auditor's statement requiring the controller or secretary to file an annual report with such department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties.

Referred to the Committee on Boroughs.

SENATE BILL No. 358. (HOUSE BILL No. 2253).

An Act to amend section five hundred forty-seven as amended and sections eight hundred two and nine hundred two of and to add section nine hundred and two A to the act approved the first day of May one thousand nine hundred thirty-three (Pamphlet Laws one hundred three) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" providing for and regulating the method of making appropriations expenditures contracts employments and purchases by the townships relating to the preparation of the annual budget on forms to be prepared by representatives of the State Association of Township Supervisors the Department of Highways and the Department of Internal Affairs providing for public notice of the preparation of such budget relating to the filing of such budget with the Department of Internal Affairs requiring auditors to file an annual report with such Department conferring jurisdiction of certain cases upon aldermen magistrates and justices of the peace and providing penalties.

Referred to the Committee on Townships.

SENATE BILL No. 771. (HOUSE BILL No. 2254).

An Act relating to nonprofit cooperative corporations organized to engage in rural electrification providing for the organization consolidation and dissolution of such corporations prescribing the qualification for membership therein conferring certain rights powers duties and immunities upon them and their officers and members prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing cooperative or nonprofit corporations and associations within the provisions of this act conferring powers and imposing duties on certain State departments commissions and officers fixing fees conferring the right of eminent domain prohibiting the use of certain powers in the corporate names of other corporations exempting such corporations from excise taxes imposing on them a license fee and exempting such corporations from the jurisdiction of the Pennsylvania Public Utility Commission and from the provisions of the Securities Act.

Referred to the Committee on Public Utilities.

SENATE BILL No. 875. (HOUSE BILL No. 2255).

An Act to code jurisdiction to the United States over that portion of the Carlisle Barracks known as the "Main Reservation" located in Cumberland County and over the tract of land and buildings occupied by the New Cumberland Depot located in York County.

Referred to the Committee on Military Affairs.

SENATE BILL No. 892. (HOUSE BILL No. 2256).

An Act concerning children under six years of age with defective hearing imposing duties on the Department of Health the Department of Public Instruction on parents guardians nurses and physicians and placing certain costs on school district.

Referred to the Committee on Welfare.

SENATE BILL No. 1045. (HOUSE BILL No. 2257).

An Act to amend the title and sections one two three four and five of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1349), entitled "An act providing for the purchase and for the distribution of vitamin products as defined in this act to certain pupils in the public schools conferring powers and imposing duties on the Department of Health the Department of Public Instruction the Department of Property and Supplies school districts teachers and medical inspectors of schools and making an appropriation" extending the provisions of said act to children under ten years of age.

Referred to the Committee on Public Health and Sanitation.

SENATE BILL No. 1086. (HOUSE BILL No. 2258).

An Act validating certain proceedings and elections of municipalities had and held pursuant to the provisions of an act approved the twentieth day of April one thousand eight hundred and seventy-four (Pamphlet Laws 65) entitled "An act to regulate the manner of increasing the indebtedness of municipalities to provide for the redemption of the same and to impose penalties for the illegal increase thereof" and the amendments and supplements thereto and validating bonds issued or authorized to be issued in pursuance of such proceedings and elections and in case any bonds have been sold by a municipality and the publication of notices of the sale have been defective to cure such defective publication of sale notices and validate the sale thereof.

Referred to the Committee on Municipal Corporations.

RESOLUTION INTRODUCED AND REFERRED

By Mr. ELPERN RESOLUTION No. 77.

In the House of Representatives, May 4, 1937.

Whereas, The Governor of the Commonwealth has repeatedly expressed the desire of his administration to provide work for the unemployed, and

Whereas, Act No. 6 of the 1936 special session appropriated $700,000 for the pumping of water out of flooded anthracite and bituminous coal mines of which $300,000 remains unexpended, and

Whereas, The Commonwealth is now in possession of 28 pumps which are at present located in the anthracite coal region where they were formerly employed in pumping water from coal mines which pumping it appears has not resulted in providing additional employment, and

Whereas, In the Latrobe-Connellsville bituminous coal region there is now available 3700 acres of rich coal territory, enough to put 2000 men to work for a period of 20 years, and

Whereas, The Jamison Coal and Coke Company, and the Humphrey Coal and Coke Company with mines at Whitney, Hostetter, Carpentertown and Mammouth are anxious to reopen these mines when the water has been pumped for existing workings, and these companies have an outlet for their coal, therefore be it

Resolved, That it is the sense of the House of Representatives that the pumps available in the anthracite region should immediately be moved to the bituminous region and be employed, with the funds available, referred to in the preamble hereof, to pump water from bituminous coal mines, where the result of such pumping will provide employment for the bituminous coal miners of this Commonwealth.

Resolved, That a copy of this resolution be transmitted to the Department of Health and the Department of Mines of this Commonwealth by the Chief Clerk of this House.

Referred to the Committee on Mines and Mining.

REPORTS FROM COMMITTEES

Mr. O'BRIEN, from the Committee on Insurance, reported as amended, House Bill No. 883, entitled:

An Act authorizing savings banks to establish life insurance departments, providing procedure and prerequisites.

Mr. REUBEN E. COHEN, from the Committee on Insurance, reported as amended, House Bill No. 2233, (Senate Bill No. 788), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies.

Mr. ROBINSON, from the Committee on Game, re-reported as amended, House Bill No. 1000, entitled:

An Act concerning game and other wild birds and wild animals and amending revising consolidating and changing the law relating thereto.

ANNOUNCEMENTS BY THE CLERK

The Committee on Labor will meet immediately after this session in Room 521.

The Committee on Ways and Means will meet immediately after this session in Room 100.

The Committee on Agriculture will meet immediately after this session in Room 521.

There will be a public hearing on Tuesday, May 11th at 11 o'clock A. M. on House Bill No. 883 in the House Caucus Room before the Committee on Insurance.

The Committee meetings for tomorrow:

Boroughs at 11 A. M. in Room 301.
Counties at 11 A. M. in Room 324.
Education at 10 A. M. in the House Caucus Room.
Insurance at 12 noon in Room 324.
Judiciary General at 11 A. M. in Room 325.
Mines and Mining at 12:45 P. M. in Room 521.
Motor Vehicles at 11 A. M. in Room 323.
Public Utilities at 12 noon in Room 101.
State Boards after the session in Room 101.

The meeting of the Committee on State Government scheduled for tomorrow is cancelled.

ADJOURNMENT

Mr. KROLL. Mr. Speaker, I move that this House do now adjourn until tomorrow at 1:00 p. m.

The motion was agreed to, and (at 5:31 p. m.) the House adjourned until Wednesday, April 5, 1937, at 1:00 p. m.

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal.

Session 1937. 132d of the General Assembly.

Vol. 21. HARRISBURG, PA., WEDNESDAY, MAY 5, 1937. No. 53.

SENATE

WEDNESDAY, May 5, 1937.

The Senate met at 12:00 o'clock noon.

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the Chair.

PRAYER

The Chaplain, Rev. GEORGE WALKER BUCKNER, L.L.D. offered the following prayer:

Blessed be Thy name, O Lord, from this time forth, and for evermore! From the rising of the sun unto the going down of the same, praise be unto Thy holy name.

It is better to trust Thee than man, however good—than princes, however great; yet to love our fellowman is highest praise of Thee.

Thy law is perfect, restoring the soul; and Thy commandments are not grievious. Ere we lift our hand to write our own, open Thou our eyes, O God, that we may behold the wondrous things out of Thy law.

In the hastening days of this session, give unto us strength, and wisdom and patience; and above all, a discerning love of truth. We pray in His name. Amen.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present the Clerk will read the Journal of the preceding session.

The Clerk proceeded to read the Journal of the preceding session, when, on motion of Mr. SONES, the further reading was dispensed with, and the Journal was approved.

PETITIONS AND REMONSTRANCES

The Chair cleared his table and laid before the Senate the following communications:

OPPOSING FUEL OIL TAX

Communication from Alfred Eyrich, Reading, Pa., protesting against the Fuel Oil Tax.

Which was referred to the Committee on Finance.

URGING THE BLIND PENSION FUND TO REMAIN

Petitions from numerous blind persons, asking that the pension for the blind remain as it now stands.

Which was referred to the Committee on Pensions.

FAVORING ENACTMENT OF THE McGINNIS BILL SENATE BILL No. 341) AND OPPOSING McGINNIS BILL (SENATE BILL No. 343)

Petitions from numerous citizens, favoring the enactment of the McGinnis Bill (Senate Bill No. 341) and opposing the McGinnis Bill (Senate Bill No. 343) which is to amend the fermented liquor law.

Which was referred to the Committee on State Boards.

ALSO Petitions from R. H. Martin, President of the National Reform Association, of Pittsburgh, Pa., favoring and opposing the same McGinnis bills.

Which were referred to the Committee on State Boards.

NOMINATIONS BY THE GOVERNOR

The Secretary to the Governor being introduced, presented communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows, and referred to the Committee on Executive Nominations:

JUSTICE OF THE PEACE

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate Mrs. Martha A. Shiflet, of Lincoln Township, Allegheny County, for appointment as Justice of the Peace in the Township of Lincoln, Allegheny County, to fill a vacancy, until the first Monday of January, 1938.

GEORGE H. EARLE.

NOTARIES PUBLIC

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 5, 1937.

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate the following persons for appointment as Notaries Public for terms of four years to compute from the date of confirmation:

ALLEGHENY COUNTY

Miss Margaret M. Coyne, 212 Oakland Ave., Pittsburgh.
John W. Fink, 300 34th St., Pittsburgh.

BERKS COUNTY

J. Ernest Kohl, Reading.

CRAWFORD COUNTY

James E. Jack, Titusville.

LUZERNE COUNTY

Miss Catherine M. Grier, Pittston.

MONTGOMERY COUNTY

H. I. Phillips, Lower Merion Twp., Ardmore.

PHILADELPHIA COUNTY

Leo N. Bedard, 4640 Roosevelt Blvd., Philadelphia.
John K. Bolinger, 1072 Public Ledger Bldg., Philadelphia.
Frank H. Cassentino, 6860 Rising Sun Ave., Philadelphia.
B. F. Lieber, 58th St and Grays Ave., Philadelphia.

WESTMORELAND COUNTY

George F. Crouse, Smithton.

GEORGE H. EARLE.

HOUSE MESSAGES

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 646

The Clerk of the House being introduced presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 646, entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the exercise of the power of eminent domain; providing for the supervision and regulation of the activities of such companies by the state Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1159

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1159, entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (P. L. 624), entitled "Banking Code," as amended, by providing further with regard to limitations upon loans to one corporation or person.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 60

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 60, entitled:

An Act to amend section one of the act, approved the eighteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand two hundred eighty-six) entitled "An act empowering cities (except cities of the first class) boroughs incorporated towns and townships to charge and collect annual rentals for the use of certain sewers sewage systems and treatment works including charges for operation inspection maintenance repair depreciation and the amortization of indebtedness and interest thereon" providing for the charging and collection of annual rentals for the use of sewers sewage systems and sewage treatment works constructed or acquired jointly with other municipalities

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 232

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 232, entitled:

An Act validating municipal claims of boroughs where not filed within the time specified by law.

HOUSE CONCURS IN AMENDMENTS TO HOUSE BILL No. 1779

He also presented communication from the House of Representatives informing the Senate that the House has concurred in amendments made by the Senate to House Bill No. 1779, entitled:

An Act to amend Section three hundred and fifty-four of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "Insurance Company Law of 1921," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 60, entitled:

An Act to amend section one of the act, approved the eighteenth day of July, one thousand nine hundred and thirty-five (P. L. 1286) entitled "An act empowering cities (except cities of the first class), boroughs, incorporated towns, and townships to charge and collect annual rentals for the use of certain sewers, sewage, systems, and treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon," providing for the charging and collection of annual rentals for the use of sewers, sewage, system and sewage treatment works constructed or acquired jointly with other municipalities.

House Bill No. 114, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hunred and eleven (P. L. 309), entitled "Public School Code," by requiring certain school districts to merge with other districts and thereafter to function as a part of the districts with which they have been merged; creating a county board of school directors for school districts under the direction of a county superintendent; defining its powers and duties; further regulating the affairs of certain school districts; conferring powers and imposing duties on the Department of Public Instruction, the State Council of Education and county superintendents of schools; and imposing certain expenses on counties.

House Bill No. 302, entitled:

An Act to amend the title and section one of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 477), entitled "An act providing for the payment of compensation, medical and hospital expenses of policemen and firemen by cities (except of the second class A), boroughs, towns, and townships who are injured in the performance of their duty, and providing that absence during such injury shall not reduce any usual sick leave period;" clarifying the provision of said act as to payments to disabled policemen and firemen.

House Bill No. 369, entitled:

An Act to amend section one of Article fifteen of the act, approved the seventh day of March, one thousand nine hundred and one, (P. L. 20), entitled "Second Class City Law," as amended, by reducing the number of newspapers for official advertising.

House Bill No. 569, entitled:

An Act to amend sections three and nine of the act, approved the twenty-second day of June, one thousand nine hundred and thirty-one (P. L. 650) entitled "An act requiring persons, associations, partnerships, and corporations, and their agents, herein defined as dealers and brokers, engaging in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of certain domestic animals, to be licensed by the Department of Agriculture; providing for the revocation of such licenses; imposing certain duties on such dealers and brokers, and their agents; conferring powers on said department; and providing penalties;" by providing for the payment of license fees for dealers and brokers and their agents.

House Bill No. 746, entitled:

An Act to further amend section one of an Act approved the twenty-first day of May one thousand nine hundred thirty-one (Pamphlet Laws one hundred forty-seven) entitled "An act placing upon the Commonwealth the responsibility for the construction and maintenance of certain bridges on State highway routes or continuations of State highway routes in boroughs incorporated towns cities of the third class and townships under certain conditions and restrictions and appropriating money in the Motor License Fund for such purposes providing for a limitation of the Commonwealth's liability for reconstruction and maintenance in certain cases under orders of court or the Public Service Commission providing for the Commonwealth to succeed to the rights of the county under certain existing agreements or contracts authorizing the department to issue licenses to public service companies for occupancy of such bridges in accordance with existing laws subject to certain conditions and restrictions providing for the crediting of certain moneys to the Motor License Fund and providing for the return to the county or disposal of said bridges in certain cases and repealing certain acts with reference to county bridges" by adding thereto county and township bridges over mill races

House Bill No. 747, entitled:

An Act to amend Section fourteen of an act, approved the thirty-first of May one thousand nine hundred and eleven (P. L. 468), entitled "Sproul State Highway Law," by changing the requirements for public notices of proposals for construction, reconstruction or improvement of all State highways under the provisions of this Act.

House Bill No. 751, entitled:

An Act authorizing the Secretary of Highways, with the approval of the Governor, to enter into agreements with private owners of bridges other than toll bridges forming part of a State highway or a continuation thereof or connecting two State highways for the acquisition of such bridges or for the division of responsibility for such maintenance thereof.

House Bill No. 890, entitled:

An Act to amend section two thousand five hundred eighty-three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entiled "Third Class City Law," correcting a defect in said section by supplying omitted matter.

House Bill No. 1188, entitled:

An Act to amend Article three of the act, approved the approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws one hundred three), entitled "The Second Class Township Law," providing for competitive bidding on contracts.

House Bill No. 1176, entitled:

An Act to amend Article three of the act, approved the seventh day of March, one thousand nine hundred and one (P. L. 20), entitled "Second Class City Law," as amended, removing the authority of the Superintendent of Police to appoint additional patrolmen at the expense of persons asking such appointment.

House Bill No. 1129, entitled:

An Act for the protection of producers of farm produce providing for the licensing the bonding or holding collateral of and the regulation of certain dealers in farm produce as herein defined within this Commonwealth conferring powers and imposing duties on the Department of Agriculture providing for appeals and injunctions and prescribing penalties

House Bill No. 1299, entitled:

An Act to establish a separate orphans' court in and for the County of York.

House Bill No. 1779, entitled:

An Act to amend Section three hundred and fifty-four of the Act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "Insurance Company Law of 1921," to include contracts pertaining to pure endowments and annuities; policies of fire, marine, and title insurance; and contracts issued by assessment insurance corporations; and all other forms of insurance contracts issued in Pennsylvania.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

REPORTS FROM COMMITTEES

Mr. CHAPMAN, from the Committee on Education, reported as committed, Senate Bill No. 972 (House Bill No. 1467), entitled:

An Act to amend section one thousand six hundred seven of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or maybe inconsistent therewith" as amended providing for the furnishing of the National Flag Code to certain pupils and for the use thereof

Mr. BUCKMAN, from the Committee on Highways, reported as committed, Senate Bill No. 772, entitled:

An Act to amend section four hundred nine of the act, approved the first day of May, one thousand nine hundred twenty-nine (P. L. 905) entitled. "An act for the protection of the public safety; regulating the use of high-

ways, and the operation of vehicles, tractors, streets cars, trackless trolley, omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation and providing for refunds," as amended, exempting certain non-residents from the provisions of said act regulating equipment on motor vehicles, trailers and semi-trailers.

Also from the Committee on Insurance, reported as committed, Senate Bill No. 1053, entitled:

A Joint Resolution authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy, wisdom and practicability of the laws of the Commonwealth relating to automobile insurance, and the laws in effect in other states relating to automobile insurance, for the purpose of ascertaining the advisability of enacting in this Commonwealth a compulsory motor vehicle insurance law, or an automobile accident compensation law, or both; requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as such legislation as may be necessary or desirable; and conferring upon the Insurance Commissioner and the Secretary of Revenue power to issue subpoenas, and the courts power to punish those refusing to obey the same.

Mr. GELDER, from the Committee on Agriculture, reported as committed, Senate Bill No. 594, entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress, approved the twenty-ninth day of June, one thousand nine hundred and thirty-five (Public—No. 182—74th Congress).

Also from the Committee on Law and Order, reported as committed, Senate Bill No. 1037, entitled:

An Act to amend the title and section one as amended, of the act approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws one thousand three hundred sixty-four) entitled, "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

Mr. RODGERS, from the Committee on Highways, reported as committed, Senate Bill No. 971, entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Commonwealth providing for and regulating the procedure in prosecuting claims before such Board defining the powers of the Board and fixing the compensation of members and employes thereof providing that the awards of such Board shall be final providing for the payment of awards and authorizing an appropriation

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 232, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to; and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1124, entitled:

An Act making an appropriation to the Safety Commission.

Mr. JASPAN, from the Committee on Education, rereported as amended, Senate Bill No. 144, entitled:

An Act to further amend the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof, providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws, general, special or local, or any parts thereof that are or may be inconsistent therewith," by increasing the powers and duties of district superintendents, supervising principals and county superintendents, changing the qualifications of county, district, assistant and associate superintendents and supervising principals, increasing the terms of county and district superintendents and conferring powers and imposing duties on the State Council of Education.

With the understanding that it be re-committed to the Committee on Education after two readings.

Mr. KILGALLEN, from the Committee on Highways, rereported as amended, Senate Bill No. 200, entitled:

An Act to amend clause (c) of section two thousand and three of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws one hundred seventy-seven) entitled, "An act providing for and re-organizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools or Teachers Colleges, abolishing, creating re-organizing or authorizing the re-organization of certain administrative departments, boards and commissions, defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments, boards, commissions and officers, fixing the salaries of the Governor, Lieutenant Governor and certain other executive and administrative officers, providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments, boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined, eliminating certain powers of the Department of Highways.

Also from the Committee on Municipal Government, reported as amended, Senate Bill No. 1108, entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city.

Mr. EROE, from the Committee on Highways, reported as committed, Senate Bill No. 475, entitled:

An Act to further amend section seven hundred twenty-three of the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this

Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; inmposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds;" authorizing boroughs to levy a license fee or tax on certain motor vehicles under certain circumstances.

Also from the Committee on Insurance, reported as amended, Senate Bill No. 748, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties ;and repealing existing laws," so that sections 541 to 551 inclusive are repealed and two new sections to be known as sections five hundred and forty-one (541), five hundred and forty-two A (542A) and five hundred and forty-two B (542B) are added establishing one or more fire rating bureaus subject to supervision and to examination by the Insurance Commissioner and requiring the filing by insurance of a sworn report of premium and loss experience with the Insurance Commissioner.

Mr. JACOBS, from the Committee on Agriculture, reported as committed, Senate Bill No. 898 (House Bill No. 1715), entitled:

An Act to prevent fraud and deception regulating the weights and measures in the sale or offering for sale of fruits and vegetables in this Commonwealth regulating sales of fruits and vegetables in original unbroken standard containers imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures and prescribing penalties.

Mr. RUTH, from the Committee on Appropriations, reported as amended, Senate Bill No. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July, one thousand nine hundred and thirty-six ,P. L. 79), and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement, the first courts of law and the first capital within what is now Pennsylvania; and making an appropriation therefor out of the Motor License Fund.

Also from the Committee on Appropriations, reported as amended, Senate Bill No. 860, entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (P. L. 70), and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an appropriation.

Mr. McCREESH, from the Committee on Appropriations, reported as committed, Senate Bill No. 773, entitled:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth, including information pertaining to civil rights and constitutional guarantees, and conferring powers and duties with respect thereto upon the Department of State.

Mr. HEYBURN, from the Committee on Agriculture, reported as committed, Senate Bill No. 980 (House Bill No. 1705), entitled:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (P. L. 86) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed.

Mr. PYTKO, from the Committee on Insurance, reported as committed, Senate Bill No. 1082 (House Bill No. 1774), entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance.

Mr. SONES, from the Committee on Banking, reported as amended, Senate Bill No. 765 (House Bill No. 794), entitled:

An Act to amend sections one and two as amended and sections four and six of the act, approved the seventeenth day of June, one thousand nine hundred and fifteen (P. L. 1012), entitled "An act regulating the business of loaning money in sums of three hundred ($300) dollars or less, either with or without security, to individuals pressed by lack of funds to meet immediate necessities; fixing the rates of interest and charges therefor; requiring the licensing of lenders; and prescribing penalties for the violation of this act," by restricting the business of lending by others than license lenders by enlarging the powers of the Secretary of Banking; providing for the refusal or revocation of licenses, authorizing the Secretary of Banking to make rules and regulations and providing penalties for the violation thereof; requiring licensees to file annual reports; increasing the license fee; reducing the rate of interest on loans; extending the rights, powers, duties, liabilities and immunities of and limitations upon the rights and powers of licensed lenders, increasing the penalty for operation without a license; and bringing certain transactions within the scope of the act providing additional exemptions from the provisions of the act providing for appeal to the courts in certain cases and imposing additional penalties.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1052, entitled:

An Act transferring money from the Manufacturing Fund to the General Fund.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 1042, entitled:

An Act to amend section one thousand five hundred four of the act approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws, three hundred forty-three) entitled, "An act relating to the finances of the State government; providing for the settlement,

assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political sub-division of the State, and certain officers of such sub-divisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provision relating to advances out of appropriations.

Also from the Committee on Appropriations, reported as committed, Senate Bill No. 562, entitled:

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission.

Mr. RANKIN, from the Committee on Law and Order, reported as committed, Senate Bill No. 944, entitled:

An Act to further amend section eleven of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (P. L. 644), entitled "An act relating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," by exempting certain organizations from the provisions of said act.

Mr. LANIUS, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 885, entitled:

An Act providing for special, vocational, trade, industrial and commercial schools and classes and occupational adjustment offices through public school districts and in cooperation with employment and re-employment offices for the training, retraining, instruction and adjustment of certain persons in order to enable them to enter re-enter or continue employment under changing conditions, conferring powers and imposing duties upon the Superintendent of Public Instruction and making an appropriation.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1056, (House Bill No. 958), entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford, Pike County, Pennsylvania.

Mr. RICE, from the Committee on Appropriations, re-reported as amended, Senate Bill No. 406, entitled:

An Act making an appropriation to the Local Government Commission to Continue its work.

Also, from the Committee on Appropriations, reported as amended, Senate Bill No. 23, entitled:

An Act making an appropriation out of the Motor License Fund to carry into effect the provisions of the act, approved the nineteenth day of July, one thousand nine hundred and thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish, and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation," and its amendments; and defining the purposes for which said appropriation may be expended.

Also, from the Committee on Appropriations, reported as committed, Senate Bill No. 1078, House No. 1200), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine, apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two, permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges, requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years, authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

Also, from the Committee on Appropriations, reported as amended, Senate Bill No. 430, entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

Mr. SHAPIRO, from the Committee on Insurance, reported as committed, Senate Bill No. 754, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (P. L. 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," so that two new sections to be known as sections six hundred and seventy-six (676), six hundred and seventy-seven A (677A) and six hundred and seventy-seven B (677B) are added establishing one or more rating bureaus for the classification or risks, underwriting rules, premium rates, and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experienced by insurers.

Also, from the Committee on Insurance, reported as committed, Senate Bill No. 1023, entitled:

An Act to amend section six hundred and nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two) entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," requiring certain existing corporations to comply with the provisions of the aforementioned act.

Mr. OWLETT, from the Committee on Insurance, reported as committed, Senate Bill No. 1103, (House Bill No. 1568), entitled:

An Act to amend the act approved the seventeenth

day of May, one thousand nine hundred and twenty-one (P. L. 682) entitled, "An act relating to insurance, amending, revising and consolidating the law, providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties, and repealing existing laws," by adding thereto sections four hundred and twenty B (420 B) four hundred and twenty C (420 C) and four hundred and twenty D (420 D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

BILLS INTRODUCED

Mr. KILGALLEN read in his place and presented to the Chair Senate Bill No. 1156, entitled:

An Act authorizing and regulating the issuing by cities of the second class of non-debt revenue bonds for the construction or acquisition of waterworks and for extensions and improvements to waterworks; providing for the redemption of such bonds and the payment of interest thereon from rentals and charges imposed upon consumers; and establishing the rights of bondholders.

Which was committed to the Committee on Municipal Government.

ALSO read in his place and presented to the Chair Senate Bill No. 1157, entitled:

An Act authorizing and empowering cities of the second class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase, lease, gift, and the power of eminent domain, and to use, sell and purchase water within and without their corporate limits; prescribing the powers and duties of such cities; providing for the assessment of damages, and repealing inconsistent laws.

Which was committed to the Committee on Municipal Government.

ALSO read in his place and presented to the Chair Senate Bill No. 1158, entitled:

An Act providing a method of annexation of townships and parts of townships to cities and boroughs, and regulating the proceedings pertaining thereto.

Which was commited to the Committee on Municipal Government.

Also read in his place and presented to the Chair Senate Bill No. 1159, entitled:

An Act to amend subsection (e) of section 206 of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by providing minimum capital and financial requirements to do business for title insurance companies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 1160, entitled:

An Act to further amend Article VI of the act, approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by adding thereto sub-article VI (h) consisting of sections 685 (six hundred and eighty-five) to 696 (six hundred and ninety-six) inclusive defining the specific powers and financial requirements of title insurance companies and providing for the regulation and supervision thereof and prohibiting the guaranteeing of mortgages by such companies.

Which was committed to the Committee on Insurance.

Also read in his place and presented to the Chair Senate Bill No. 1161, entitled:

An Act to amend section 101 of the act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two entitled "An act relating to insurance amending, revising and consolidating the law providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" by including title insurance companies within the definition of the word "company" as used in the act.

Which was committed to the Committee on Insurance.

Mr. RICE read in his place and presented to the Chair Senate Bill No. 1162, entitled:

An Act to amend the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 1199), entitled "An act for the acceptance of a site from the University of Pittsburgh, and for surveys and the preparation of preliminary plans and estimates for a Western State Psychiatric Hospital; providing for the erection, construction, and equipment of said hospital when appropriations are made available, and for its management by the Department of Welfare," providing for the conveyance of said tract to the General State Authority, for the construction of said hospital, and for the leasing thereof by the Commonwealth after construction.

Which was committed to the Committee on Judiciary General.

Messrs. DENT and STIEFEL read in his place and presented to the Chair Senate Bill No. 1163, entitled:

An Act to prevent restraint of trade by prohibiting the system of "blind booking" in the public exhibitions of motion picture films whereby exhibitors are required to lease films for public exhibition without first having opportunity to view such films; requiring leases of films to contain a synopsis of such films; and prescribing penalties.

Which was committed to the Committee on Law and Order.

Mr. DENT read in his place and presented to the Chair Senate Bill No. 1164, entitled:

An Act to prevent restraint upon free competition by prohibiting the system of compulsory "block booking" as herein defined in the public exhibition of motion picture films; prescribing a method of determining the price to be paid for a portion of a block or group of motion picture films to be leased; conferring certain powers on courts of common pleas sitting in equity; and prescribing penalties.

Which was committed to the Committee on Law and Order.

Also read in his place and presented to the Chair Senate Bill No. 1165 entitled:

An Act prohibiting the specification of a certain day or days for the public exhibition of motion picture films in this Commonwealth in any contract for sale, lease, license, loan, distribution or barter of such film for public exhibition purposes; and imposing penalties.

Which was committed to the Committee on Law and Order.

Mr. REED read in his place and presented to the Chair Senate Bill No. 1166 entitled:

An Act authorizing the Department of Property and Supplies with the approval of the Governor and the Board of Trustees of the California State Teachers College to acquire a certain tract of land for the use of said college, and making an appropriation.

Which was committed to the Committee on State Government .

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 372 (Printer's No. 216)

Mr. FREY offered the following resolution, which was twice read, considered and agreed to:

In the Senate May 5, 1937.

Resolved, (if the House of Representative concur) That Senate Bill No. 372, Printer's No. 216, entitled:

An Act to amend section two hundred fourteen section two hundred sixteen as amended and section two hundred seventeen of the act, approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof, that are or may be inconsistent therewith" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class, in counties of the fourth class.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION RECALLING FROM THE GOVERNOR SENATE BILL NO. 22 (Printer's No. 271)

Mr. LAW offered the following resolution, which was twice read, considered and agreed to:

In the Senate May 5, 1937

Resolved, (if the House of Representatives concur) That Senate Bill No. 22, Printer's No. 271, entitled:

An Act to amend section one of and to add sections two and three to the act approved the nineteeth day of July one thousand nine hundred thirty-five (P. L. 1348) entitled "An act creating a commission to compile edit publish and distribute pamphlets descriptive of scenic and historic interest and making an appropriation" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities advantages and attractions of the Commonwealth to provide for programs of information advertising and publicity to coordinate advertising activities and to provide for exhibits at fairs expositions and celebrations

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

RESOLUTION

REQUESTING THE APPOINTMENT OF A COMMISSION TO PREPARE A NEW ANTHRACITE MINE CODE

Mr. MUNDY. Mr. President, I present a Resolution requesting the appointment of a Commission to prepare a new Anthracite Code, which covers some changes in the present code which we have had for a period of over forty years. I believe this code is far reaching in effect and goes into detail so far as the mining industry is concerned, that I wish to present the following resolution asking for the appointment of a Commission to make a further study of this matter.

Mr. MUNDY offered the following resolution, which was twice read:

In the Senate of Pennsylvania, May 5, 1937.

Whereas, The present Anthracite Mine Code was enacted more than forty years ago since which time mining conditions have changed materially; and

Whereas, It appears that the development of the mining laws has not kept step with the development of this industry and are in need of study and revision; therefore be it

Resolved, (if the House of Representatives concur), That a joint legislative committee is hereby created which shall be composed of three persons appointed by the President Pro Tempore of the Senate, and four persons appointed by the Speaker of the House of Representatives, whose duty it shall be to make a thorough study and prepare a complete revision and restatement of the laws regulating anthracite mines in this Commonwealth, and report the same to the General Assembly at its session in the year 1939, not later than February first;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Mr. MUNDY. Mr. President, I ask unanimous consent that Rule 39, which requires concurrent resolutions to be referred to an appropriate committee, be suspended and that the Senate do now proceed to the consideration of the resolution just read.

The PRESIDENT. Is there any objection?

The Chair hears none.

On the question,

Will the Senate agree to the resolution?

It was agreed to.

Ordered, That the Clerk present the same to the House of Representatives for concurrence.

BILL ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 801, as follows:

An Act to amend the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (P. L. 108) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the title and sections one and two of the act approved the twenty-sixth day of April one thousand nine hundred and seventeen (P. L. 108) entitled "An act to give exclusive jurisdiction to the municipal court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the municipal court of Philadelphia and repealing all acts or parts of acts inconsistent herewith" are hereby amended to read as follows

An Act to give exclusive jurisdiction to the [municipal court] Family Court of Philadelphia over all houses of detention established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the [municipal court] Family Court of Philadelphia and repealing all acts or parts of acts inconsistent herewith

Section 1 Be it enacted etc That hereafter the [municipal court] Family Court of Philadelphia shall have exclusive jurisdiction over all houses of detention that are now or may hereafter be established within the limits of the city of Philadelphia for the care of delinquent dependent and neglected children and that the board of managers of the said house or houses of detention shall hereafter be appointed by the judges of the [municipal] [court] Family Court of Philadelphia to the exclusion of any authority to appoint said board that may be now vested in the judges of the court of oyer and terminer and general jail delivery and the courts of quarter sessions of the peace having jurisdiction in the said city

Section 2 The said board of managers shall have the same power and authority and shall serve for the same terms and be subject to the same supervision as now provided by law subject however to removal from office by the judges of the [municipal court] Family Court of Philadelphia

Section 2 This act shall become effective immediately upon its final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—30

Cavalcante,	Huffman,	McCreesh,	Rodgers,
Dando,	Jacobs,	McGinnis,	Rupp,
Dent,	Jaspan,	Mundy,	Ruth,
DiSilvestro,	Kahle,	Pytko,	Shapiro,
Eroe,	Kilgallen,	Rankin,	Sipe,
Frey,	Kunkel,	Reed,	Sones,
Gilson,	Lanius,	Rice,	Stiefel,
Haluska,	Law,		

NAYS—13

Buckman,	Gelder.	Howell.	Scarlett.
Chapman,	Heyburn,	Mallery,	Wolfenden,
Deitrick,	Homsher,	Owlett,	Woodward,
Ealy,			

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILL RECOMMITTED

Mr. WOLFENDEN. Mr. President, I move that Senate Bill No. 713 (House Bill No. 904), on final passage, entitled:

An Act relating to peace officers providing for the powers and duties of sheriffs and deputy sheriffs and for the qualifications and appointments of deputy sheriffs regulating the manner of their selection and compensation regulating the source of compensation for other peace officers declaring void certain contracts inconsistent with the provisions hereof providing penalties and repealing inconsistent acts

be recommitted to the Committee on Municipal Government.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILL ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the third reading and consideration of Senate Bill No. 725 (House Bill No. 1284), as follows:

An Act to facilitate vehicular traffic between the eastern and western sections of the Commonwealth by providing for the construction operation and maintenance of a turn-pike from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County providing for the creation of the Pennsylvania Turnpike Commission and conferring powers and imposing duties on said Commission authorizing the issuance of turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such turnpike providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this Act providing for the collection of tolls for the payment of such bonds and for the cost of maintenance operation and repair of the turnpike making such bonds exempt from taxation constituting such bonds legal investments in certain instances prescribing conditions upon which such turnpike shall become free providing for condemnation granting certain powers and authority to municipal subdivisions and agencies of the Commonwealth to cooperate with the Commission and authorizing the issuance of turnpike revenue refunding bonds

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in

General Assembly met and it is hereby enacted by the authority of the same That in order to facilitate vehicular traffic between the eastern and western sections of the Commonwealth the Pennsylvania Turnpike Commission hereinafter created is hereby authorized and empowered to construct operate and maintain a turnpike at such location as shall be approved by the Department of Highways from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County together with connecting tunnels and bridges and to issue turnpike revenue bonds of the Commonwealth payable solely from tolls to pay the cost of such construction

Section 2 That turnpike revenue bonds issued under the provisions of this act shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth but such bonds shall be payable exclusively from the fund herein provided therefor from tolls All such bonds shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from tolls and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of such bonds The issuance of turnpike revenue bonds under the provisions of this act shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment

Section 3 That the following words and terms shall have the following meanings

(a) The word "Commission" shall mean the Pennsylvania Turnpike Commission hereinafter created or if said Commission shall be abolished any board commission or officer suceeding to the principal functions thereof or upon whom the powers given by this Act to said Commission shall be given by law

(b) The word "owner" shall include all individuals copartnerships associations or corporations having any title or interest in any property rights easements or franchises authorized to be acquired by this Act

(c) The words "the turnpike" shall mean the turnpike to be constructed as hereinafter provided from a point at or near Middlesex in Cumberland County to a point at or near Irwin in Westmoreland County and shall be deemed to include not only the turnpike and all tunnels and bridges connected therewith but also all property rights easements and franchises relating thereto and deemed necessary or convenient for the construction or the operation thereof

(d) The term "cost of the turnpike" shall embrace the cost of constructing the turnpike and all connecting tunnels and bridges the cost of all lands properties rights easements and franchises acquired which are deemed necessary for such construction the cost of all machinery and equipment financing charges interest prior to and during construction and for one year after completion of construction cost of traffic estimates and of engineering and legal expenses plans specifications surveys estimates of cost and of revenues other expenses necessary or incident to determining the feasibility or practicability of the enterprise administrative expense and such other expenses as may be necessary or incident to the financing herein authorized the contruction of the turnpike and connecting tunnels and bridges the placing of the same in operation and the condemnation of property necessary for such construction and operation Any obligation or expense heretofore or hereafter incurred by the Department of Highways of the Commonwealth for traffic surveys preparation of plans and specifications supervision of construction and other engineering services performed by the Department and its agents and employes in connection with the construction of the turnpike or any of the connecting tunnels and bridges shall be regarded as a part of the cost of the turnpike and shall be reimbursed to the Department of Highways out of the proceeds of the turnpike revenue bonds hereinafter authorized

Section 4 That there is hereby created a commission to be known as the "Pennsylvania Turnpike Commission" and by that name the Commission may sue and be sued plead and be impleaded contract and be contracted with and have an official seal The Commission is hereby constituted an instrumentality of the Commonwealth and the exercise by the Commission of the powers conferred by this Act in the construction operation and maintenance of the turnpike shall be deemed and held to be an essential governmental function of the Commonwealth The Commission shall consist of five members and the Secretary of Highways shall be a member ex officio The four remaining members shall be appointed by the Governor by and with the advice and consent of two-thirds of the members of the Senate and shall be residents of the Commonwealth of Pennsylvania at the time of their appointment and qualification and shall also at such time have been qualified electors therein for a period of at least one year next preceding their appointment The appointed members of the Commission shall continue in office for terms of four six eight and ten years respectively from the dates of their appointment and until their respective successors shall be duly appointed and qualified the term of each appointed member to be designated by the Governor at the time of his appointment but their successors shall each be appointed for a term of ten years except that any person appointed to fill a vacancy shall serve only for the unexpired term and any member of the Commission shall be eligible for reappointment Immediately after such appointments the members of the Commission shall enter upon their duties Each appointed member of the Commission before entering upon his duties shall take the oath prescribed by Article VIII of the Constitution of the Commonwealth The Commission shall elect one of the appointed members as Chairman of the Commission and shall also elect a Secretary and Treasurer who may not be a member of the Commission Three members of the Commission shall constitute a quorum who for all purposes must act unanimously No vacancy in the Commission shall impair the right of a quorum of the commissioners to exercise all the rights and perform all the duties of the Commission Before the issuance of any turnpike revenue bonds under the provisions of this Act each appointed member of the Commission shall execute a bond in the penalty of $25,000 and the Secretary and Treasurer shall execute a bond in the penalty of $50,000 each such bond to be approved by the Governor and to be conditioned upon the faithful performance of the duties of his office which bonds shall be filed in the office of the Secretary of the Commonwealth The Commission shall make necessary rules and regulations for its own government and shall have power and authority to acquire own use hire lease operate and dispose of personal property real property and interest in real property and to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this Act and to employ engineering traffic architectural and construction expert and inspectors and attorneys and such other employes as may be necessary in its judgment and fix their compensation provided however that all contracts and agreements relating to the construction of the turnpike and connecting tunnels and bridges shall be approved by the Department of Highways and the turnpike and connecting tunnels and bridges shall be constructed under the supervision of the Department of Highways Each appointed member of the Commission shall receive an annual salary of $5,000 payable in monthly installments and each member of the Commission shall be reimbursed for necessary expenses incurred in the performance of his duties All such compensation and salaries and all expenses incurred in carrying out the provisions of this act shall be paid solely from funds provided under the authority of this act and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this act All public or private property damaged or destroyed in carrying out the powers granted by this act shall be restored or repaired and placed in their original condition as nearly as practicable or adequate compensation made

therefor out of funds provided under the authority of this act

Section 5 The Commission with the approval of the Department of Highways is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient such tunnels whether wholly or partly constructed rights of way franchises easements and other interests in lands as it may deem necessary for the construction and operation of the turnpike upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the Commission and the owner thereof and to take title thereto in the name of the Commission

Section 6 Whenever a reasonable price cannot be agreed upon or whenever the owner is legally incapacitated or is absent or is unable to convey valid title or is unknown the Commission is hereby authorized and empowered to acquire by condemnation any such tunnel or tunnels whether wholly or partly constructed or interest or interests therein and any lands rights easements franchises and other property deemed necessary or convenient for the construction or the efficient operation of the turnpike in the manner hereinafter provided In such event application shall be made by the Commission acting through the Department of Justice or by any owner or owners to the court of common pleas of the county in which the property is located or in the case of property on the boundary line between two or more counties then in any such counties for the appointment of viewers Whereupon said court or any law judge thereof shall appoint three disinterested freeholders to view such property and estimate the value thereof None of the freeholders shall be a resident of the county wherein such application shall be made The court shall fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the property and view the same The viewers shall cause at least ten days' personal notice of the time and place of such meeting to be given to the Attorney General and to the owner or owners if resident within said county If the owner is a corporation such notice shall be given to the president secretary or treasurer thereof if such officer resides within said county If neither owner nor any of such officers reside within the county or cannot be found therein or is unknown notice of such first meeting shall be given as the court may direct The viewers having been duly sworn or affirmed faithfully and impartially to perform the duties required of them under the provisions of this act shall at the time fixed for the first meeting proceed to ascertain as accurately as may be the value of such tunnel land rights easements or franchises and to that end may require the attendance of any person whose testimony may be pertinent thereto and production of any such books or papers as the viewers may deem necessary If any person shall refuse to appear and testify before such viewers or refuse to produce such books and papers when they are required then the court or any judge thereof shall on application of the viewers or a quorum thereof make such order therein as may be necessary Whenever the viewers shall have ascertained the value of the tunnel lands rights easements or franchises they shall prepare a full report of their labors Upon the completion of the report the viewers shall fix a time when they shall meet and exhibit same Ten days' written notice of the time and place of such meeting together with a copy of said report shall be given to the Chairman of the Commission to the Attorney General and to the owner or owners of the property condemned At the time and place mentioned in such notice the viewers shall meet and publicly exhibit the report and hear all exceptions thereto After making any changes in such report as they may deem necessary the same shall be filed in the court Within thirty days after the filing of the report in the court the Commission acting through the Department of Justice or any person interested may file exceptions thereto Whereupon the court may confirm the report absolutely or modify it or refer it back to the same or to any viewers with like powers and duties of the former viewers Within thirty days after final action on the report by the court the Commission acting through the Department of Justice or any person interested may demand a trial by jury From the action of the court on exceptions or from any judgment after a jury trial an appeal may be taken by any party to the Supreme or Superior Court Each of the viewers shall receive a sum not exceeding ten dollars for each day actually and necessarily employed in the performance of the duties herein prescribed and all necessary expenses actually incurred in the performance of his duties Title to any property condemned by the Commission shall be taken in the name of the Commission The Commision shall be under no obligation to accept and pay for any property condemned or any costs incidental to any condemnation proceedings and shall in no event pay for the same except from the funds provided by this act and in any condemnation proceedings the court having jurisdiction of the suit action or proceeding may make such orders as may be just to the Commission and to the owners of the property to be condemned and may require an undertaking or other security to secure such owners against any loss or damages by reason of the failure of the Commission to accept any pay for the property but such undertaking or security shall impose no liability upon the Commonwealth except such as may be paid from the funds provided under the authority of this Act

In addition to the foregoing powers the Commission and its authorized agents and employes may enter upon any lands waters and premises in the State for the purposes of making surveys soundings drillings and examinations as it may deem necessary or convenient for the purposes of this act and such entry shall not be deemed a trespass

All counties cities boroughs townships and other political subdivisions and municipalities and all public agencies and commissions of the Commonwealth of Pennsylvania notwithstanding any contrary provision of law are hereby authorized and empowered to lease lend grant or convey to the Commission upon its request upon such terms and conditions as the proper authorities of such counties cities boroughs townships political subdivisions or other municipalities may deem reasonable and fair and without the necessity for any advertisement order of court or other action or formality other than the regular and formal action of the authorities concerned any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Commission including real property already devoted to public use

Section 7 Whenever the Commission decides to acquire any such tunnel or tunnels lands rights easements and franchises or interests therein by condemnation as hereinbefore provided and has tendered a bond or other security in sufficient sum to secure the owner or owners for damages and the same has been acepted or if the acceptance of said bond has been refused and the same has been filed in and approved by the court in which such condemnation proceeding is instituted the Commission shall have the right to immediate possession of the property which is the subject matter of the condemnation proceedings and may enter thereon in the name of the Commission If the owner leasee or occupier of any of said premises shall refuse to remove his personal property therefrom or give up possession thereof the Commission may proceed to obtain possession in the manner now provided by law for the obtaining possession by the Secretary of Highways of occupied structures.

Section 8 The Commission is hereby authorized to provide by resolution at one time or from time to time for the issuance of turnpike revenue bonds of the Commonwealth for the purpose of paying the cost as hereinabove defined of the turnpike which resolution shall recite an estimate of such cost The principle and interest of such bonds shall be payable solely from the special fund herein provided for such payment The bonds shall be dated shall bear interest at such rate or rates not exceeding six per centum per annum payable semi-annu-

ally shall mature at such time or times not exceeding forty years from their date or dates as may be determined by the Commission and may be made redeemable before maturity at the option of the Commission at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds provided however that the amount of premium on any bonds shall not cause the yield to be more than six per centum per annum from the date of such bonds to the date of their redemption The bonds may be issued in series with varying provisions as to rates of interest maturity and other provisions not inconsistent with this Act but all bonds of whatever series shall share ratably in the tolls hereinafter pledged as security therefor The principal and interest of such bonds may be made payable in any lawful medium The Commission shall determine the form of the bonds including any interest coupons to be attached thereto and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the Commonwealth The bonds shall be signed by the Governor and by the Chairman of the Commission and the official seal of the Commission shall be affixed thereto and attested by the Secretary and Treasurer of the Commission and any coupons attached thereto shall bear the facsimile signature of the Chairman of the Commission In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery All turnpike revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of the negotiable instruments under the negotiable instruments law of the Commonwealth The bonds may be issued in coupon or in registered form or both as the Commission may determine and provision may be made for registration of any coupon bond as to principal alone and also as to both principal and interest and registered and coupon bonds shall be interchangeable The Commission may sell such bonds in such manner and for such price as it may determine to be for the best interests of the Commonwealth but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per centum per annum computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values The proceeds of such bonds shall be used solely for the payment of the cost of the turnpike and shall be disbursed upon requisition of the Chairman of the Commission under such restrictions if any as the resolution authorizing the issuance of the bonds or the trust indenture hereinafter mentioned may provide If the proceeds of such bonds by error of calculation or otherwise shall be less than the cost of the turnpike additional bonds may in like manner be issued to provide the amount of such deficit and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued If the proceeds of the bonds shall exceed the cost of the turnpike the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds Prior to the preparation of definitive bonds the Commission may under like restrictions issue temporary bonds with or without coupons exchangeable for definitive bonds upon the issuance of the latter The Commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost Such turnpike revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings conditions and things which are specified and required by this act.

Such bonds are hereby made securities in which all State and municipal officers and administrative departments boards and commissions of the Commonwealth all banks bankers savings banks trust companies saving and loan associations investment companies and other persons carrying on a banking business all insurance companies insurance associations and other persons carrying on an insurance business and all administrators executors guardians trustees and other fiduciaries and all other persons whatsoever who now or may hereafter be authorized to invest in bonds or other obligations of the Commonwealth may properly and legally invest any funds including capital belonging to them or within their control and said bonds or other securities or obligations are hereby made securities which may properly and legally be deposited with and received by any State or municipal officers or agency of the Commonwealth for any purpose for which the deposit of bonds or other obligations of the Commonwealth is now or may hereafter be authorized by law.

Section 9 All moneys received from any bonds issued pursuant to this act shall be applied solely to the payment of the cost of the turnpike or to the appurtenant fund and there shall be and hereby is created and granted a lien upon such moneys until so applied in favor of holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

Section 10 In the discretion of the Commission such bonds may be secured by a trust indenture by and between the Commission and a corporate trustee which may be any trust company or bank having the powers of a trust company within or outside of the Commonwealth Such trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the turnpike or any part thereof Either the resolution providing for the issuance of such bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law including covenants setting forth the duties of the Commission in relation to the acquistion of properties and the construction maintenance operation and repair and insurance of the turnpike and the custody safe-guarding and application of all moneys It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bonds or revenues and to furnish such indemnity bonds or to pledge such securities as may be required by the Commission Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations In addition to the foregoing such trust indenture may contain such other provisions as the Commission may deem reasonable and proper for the security of bondholders All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance operation and repair of the turnpike.

Section 11 The accomplishment by the Commission of the authorized purposes stated in this Act being for the benefit of the people of the Commonwealth and for the improvement of their commerce and prosperity in which accomplishment the Commission will be performing essential governmental functions the Commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this Act and the bonds or other securities and obligations issued by the Commission their transfer and the income therefrom including any profits made on the sale thereof shall at all times be free from taxation within the Commonwealth

Section 12 The turnpike when completed and opened to traffic shall be maintained and repaired by and under the control of the Commission through the Department of Highways of the Commonwealth and all charges and costs for such maintenance and repairs actually expended by said Department of Highways shall be paid to it by the Commission upon certification thereof out of tolls Such turnpike shall also be policed and operated by such force of police toll-takers and other operating employes as the Commission may in its discretion employe.

The Commission is hereby authorized to fix and to revise from time to time tolls for the use of the turnpike and the different parts or sections thereof and to charge and collect the same and to contract with any person partnership association or corporation desiring the use of any part thereof including the right of way adjoining the paved portion for placing thereon telephone telegraph electric light or power lines gas stations garages stores hotels restaurants and advertising signs or for any other purpose except for tracks for railroad or railway use and to fix the terms conditions rents and rates of charges for such use Such tolls shall be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike if any to pay (a) the cost of maintaining repairing and operating the turnpike and (b) the bonds and the interest thereon and all sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds or by the trust indenture as the same shall become due Such tolls shall not be subject to supervision or regulation by any other state commission board bureau or agency The tolls and all other revenues derived from the turn pike except such part thereof as may be required to pay the cost of maintaining repairing and operating the turnpike and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of the bonds or in the trust indenture shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to and charged with the payment of (1) the interest upon such bonds as such interest shall fall due (2) the principal of the bonds as the same shall fall due (3) the necessary fiscal agency charges for paying principal and interest and (4) any premium upon bonds retired by call or purchase as herein provided The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the inssuance of bonds or in the trust indenture but except as may otherwise be provided in such resolution or trust indenture such sinking fund shall be a fund for the benefit of all bonds issued hereunder without distinction or priority of one over another Subject to the provisions of the resolutions authorizing the issuance of bonds or of the trust indenture any moneys in such sinking fund in excess of an amount equal to one year's interest on all bonds then outstanding may be applied to the purchase or redemption of bonds All bonds so purchased or redeemed shall forthwith be cancelled and shall not again be issued

Section 13 The Commission is hereby authorized to provide by resolution for the issuance of turnpike revenue refunding bonds of the Commonwealth for the purpose of refunding any turnpike revenue bonds issued under the provisions of this act and then outstanding The issuance of such turnpike revenue refunding bonds the maturities and other details thereof the rights of the holders thereof and the duties of the Commonwealth and of the Commission in respect to the same shall be governed by the foregoing provisions of this act insofar as the same may be applicable and by the following provisions.

(a) No turnpike revenue refunding bonds shall be delivered unless delivered in exchange for turnpike revenue bonds to be refunded thereby except in the amount necessary to provide for the payment of matured or redeemable turnpike revenue bonds or turnpike revenue bonds maturing or redeemable within three months including any redemption premium thereon.

(b) No turnpike revenue refunding bonds shall be issued unless issued to refund turnpike revenue bonds which have matured or will mature within three months or unless the interest rate of the turnpike revenue refunding bonds shall be at least one-fourth of one per centum less than the interest rate born by the turnpike revenue bonds to be refunded.

Section 14 Any holder of bonds issued under the provisions of this act or any of the coupons attached thereto and the Trustee under the trust indenture if any except to the extent of the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture may either at law or in equity by suit action mandamus or other proceedings protect and enforce any and all rights granted hereunder or under such resolution or trust indenture and may enforce and compel performance of all duties required by this act or by such resolution or trust indenture to be performed by the Commission or any officer thereof including the fixing charging and collecting of tolls for the use of the turnpike.

Section 15 When all bonds and the interest thereon shall have been paid or a sufficient amount for the payment of all bonds and the interest to maturity thereon shall have been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose the turnpike and the connecting tunnels and bridges shall become a part of the system of state highways and shall be maintained by the Department of Highways free of tolls and thereupon the Commission shall be dissolved and all funds of the Commission not required for the payment of the bonds and all machinery equipment and other property belonging to the Commission shall be vested in the Department of Highways

Section 16 The foregoing sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing Such sections being necessary for the welfare of the Commonwealth and its inhabitants shall be liberally construed to effect the purposes thereof

Section 17 The Provisions of this Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included therein

Section 18 All acts and parts of acts inconsistent with this Act are hereby repealed

Section 19 This Act shall become effective upon its approval by the Governor

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

Mr. EALY. Mr. President, this bill, which is now before us, is one of the most important upon which we are called to vote at this session of the Legislature.

The so-called South Penn Tunnel Highway, which is provided for in this bill, will pass through more of my district than that of any other Senator.

The proposed project is a vast one. The road, when constructed, will extend from a point near Carlisle westward to a point on the Lincoln Highway near Irwin, a distance of approximately 164 miles. If the road is built as proposed, it will go through 9 tunnels; four of which are a mile in length, three are considerably over one-half mile long and only two are short ones.

The road is to be made of four lanes of travel and, I assume, the tunnels will be twin tunnels with two tracks each way. All of the larger tunnels will doubtless require artificial ventilation with probably central air shafts sunk from the tops of the mountains, and four will be required in constant use, operated by electricity to expel the exhaust gasses from the automobiles. The deep cuts will present a great deal of difficulty in the matter of snow removal and in preventing slides.

The work already done in grading the old South Penn right of way is rather insignificant as compared with the

amount of work that will be required to complete the road.

In understand that the estimate of the completed cost of this road is $50,000,000. I think, however, that this estimate does not include the cost of rights-of-way, and I have seen no figures on the cost of maintenance. Many people think it will require double the estimated amount to build the road, or even more.

In its maintenance and operation, provision will have to be made for numerous tunnel guards, ventilator operators, toll keepers, maintenance men, etc. Perhaps five or ten million dollars, depending on cost of construction, will be necessary each year for interest and sinking fund charges.

However, with all this, the road is considered feasible and will doubtless prove of great advantage to the State and County, and it has been my intention to support the bill.

I may say I am doing this, however, not without some misgivings. The bill sets up a Commission to build the road and the Commissioners are given almost unlimited power. They may issue bonds in any amount they deem necessary and as often as they need money. These bonds are to be paid from the revenues of the road — tolls and rentals.— The Commission may take land by eminent domain or buy as they choose. They fix the rate of tolls; they may lease to others the land, that they have acquired along the right-of-way, for hotels, restaurants, gas stations, etc. They may make any and all rules and regulations for the use of the road.

It is said that this road will provide unlimited jobs to keep in power the present political party. Perhaps that may be, if the same corrupt methods are used as in the W. P. A., which has not even permitted itself to be investigated.

The road may prove a great monument to its builders, if construction costs are kept down and the management is efficient and honest, but it has the greatest possibilities for corruption if the Governor fails to select men of the highest character and ability for Commissioners.

I am disturbed somewhat about a few other points which I hope the Highway Department will clear up.

This proposed highway will cross numerous other roads. It will go through farm land. If I felt that undue hardships were to be caused to local travelers by preventing them from crossing the road, or that the use of farms would be destroyed without a liberal policy in the payment of damages, I would be compelled to vote against the bill, as I think all real damages occasioned in building a road, which is designed to be a National road, should be paid promptly and liberally.

I have felt constrained to put these considerations on record on account of the importance of this road to my district and to the State, and I shall expect that the Commissioners to be chosen shall be selected with the greatest care, and that before any bonds are offered to the public a most careful and detailed estimate of the cost of the road shall be presented, as well as the cost of maintenance, so that the people may not be induced to invest their money without full information on the subject.

Mr. PRESIDENT, this bill in my opinion needs little amending. It was originally proposed that a Commission should condemn property if they could not agree with the owners of the land, but the title should be taken in the name of the Commonwealth. Now, that has been amended so that the title is now taken in the name of the Commission." The bill originally provided that the Commonwealth shall be under no obligation to accept or pay for any property condemned, or any costs incidental to any condemnation proceeding; but they have stricken out the word "Commonwealth" and put in the word "Commission," so that the bill now reads that the Commission shall be under no obligation to accept and pay for any property condemned and taken, and with the thought that this is an error, I believe this bill should go over in order for another day, and if there is no objection, I will ask that the bill go over.

The PRESIDENT. Is there objection to the bill going over in order?

Mr. DENT. Mr. President, I will be very glad to let the bill on the Calendar if the Senator from Somerset will see me later on in the day and will discuss the amendments so that they can be acted upon tomorrow.

Mr. EALY. Mr. President, I am satisfied to have the bill go back to the Highway Committee if the Senator wishes.

Mr. REED. Mr. President, I would like to interrogate someone who knows something about this bill, either the Chairman of the Committee on Highways, or Senator Dent.

The PRESIDENT. Will the Senator from Westmoreland, Mr. Dent permit himself to be interrogated?

Mr. DENT. Mr. President, certainly.

Mr. REED. Mr. President, I would like to inquire of the Senator from Westmoreland whether or not, since the bill was amended it makes this Commission an agency of the Commonwealth.

Mr. DENT. Mr. President, it does.

Mr. REED. Mr. President, and then, under this bill, you are aware that the principal, the Commonwealth, will be responsible for the Acts of the agent?

Mr. DENT. Mr. President, this is entirely financed with private funds and when the bonds are advertised and paid for and the income is received from tolls on the highway. It is entirely a proposition where a person uses the road only because he wants to, as it runs paralled to two main highways that are in existence today, and any person who desires to use it will do so for the time that is saved, and after a period of years it will be paid for.

Mr. REED. Mr. President, I would like to have the Senator inform me who is liable in case of damages to the land in the event the Commission collapses after sometime.

Mr. DENT. Mr. President, the syndicate that builds the road. Your commissioners are only the directors of the board of the state, to see that the road is built according to specifications and see that the state's interest is protected and to see that the people collect their damages, and so forth.

Mr. REED. Mr. President, another question on that point: Suppose as the work goes on and the fifty million dollars appropriation is used up and they will need $50,000,000 to complete the work, as Senator Ealy has said, and the syndicate will not go along with the other $50,000,000?

Mr. DENT. Mr. President, I would say to the Senator that before these bonds are sold by the syndicate, it

assumes an obligation of $50,000,000, and it will assume all future obligations that are necessary to complete the work, because to protect their original investment, they would have to do it. No concern is going to spend $50,000,000, who would not put up the additional money. There are three or four bidders who are interested in the bonding of this particular project who have already made an engineering survey of this proposed road, and I think they are convinced that $50,000,000, or $60,000,000, will be sufficient to complete it.

Mr. REED. Mr. President, as this bill is going to lie over until tomorrow, it would be well to consider those matters.

Mr. DENT. Mr. President, I will be glad to sit down and talk over any question.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator from Westmoreland if he can inform me whether or not under the provisions of this bill, these bonds that are provided will be a legal investment for trust funds?

Mr. DENT. Mr. President, yes, I understand that they are.

Mr. BUCKMAN. Mr. President, I would like to ask the Senator if that was originally in the bill it was underwritten by the Commonwealth, and if it is still there, notwithstanding the fact that the whole project is not being underwritten by the Commonwealth.

Mr. DENT. Mr. President, I do not think so.

Mr. LAW. Mr. President, I would like to suggest for the consideration of the Committee that there is one other point involved, that is whether or not the Attorney General has been asked as to the Constitution question.

The PRESIDENT. The Chair suggests inasmuch as the bill is going over in order, that you settle these difficulties off the floor of the Senate.

BILLS OVER IN ORDER

The PRESIDENT. Is there objection to the bill going over in order? The Chair hears none.

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 759, on final passage, entitled:

An Act to amend sections one two seven and nineteen of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1513) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" by further regulating the construction and maintenance of boilers and extending the provisions of the act to certain boilers heretofore exempt therefrom and repealing existing laws

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 796 (House Bill No. 917) on final pasage entitled:

An Act providing for the licensing of all persons engaged as blasters except in anthracite or bituminous coal mines or in agricultural employment requiring examination for such license providing for the payment of a fee for examination and for the issuance and renewal of licenses and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE. Mr. President, I ask unanimous consent that Senate Bill No. 797 (House Bill No. 1560) on final passage, entitled:

An Act for the protection of the public health and the prevention of fraud and deception requiring clean sanitary establishments for the manufacture preparation or bottling of non-alcoholic drinks and liquid foods including clean sanitary ingredients and containers regulating the maintenance and operation of such establishments and prescribing penalties and providing for injunctions in certain cases.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING AND FINAL PASSAGE

Agreably to order,

The Senate resumed the consideration of Senate Bill No. 953 as follows:

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate the footways sidewalks and curbs adjacent thereto and providing for the service of process in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in cases where claims are made for damages arising from any acident or injury occurring upon real estate the footways sidewalks and curbs adjacent thereto it shall be lawful to commence an action for the recovery of damages in any Court of record in the county wherein the real estate footways sidewalks and curbs are located and service of process may be made by the sheriff of the county in which the action is brought by deputizing the sheriff of the county wherein the defendant resides or where service may be had upon such defendant under the existing laws of this Commonwealth in like manner as process may be now served in the proper county

Section 2 This act shall become effective immediately upon final enactment

An the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—44

Buckman,	Gilson,	Lanius,	Rodgers,
Cavalcante,	Haluska,	Law,	Rupp,
Chapman,	Heyburn,	Mallery,	Ruth,
Dando,	Homsher,	McCreesh,	Scarlett,
Deitrick,	Howell,	McGinnis,	Shapiro,
Dent,	Huffman,	Mundy,	Sipe,
DiSilvestro,	Jacobs,	Owlett,	Sones,
Ealy,	Jaspan,	Pytko,	Stiefel,
Eroe,	Kahle,	Rankin,	Thompson,
Frey,	Kilgallen,	Reed,	Wolfenden,
Gelder,	Kunkel,	Rice,	Woodward,

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk present said bill to the House of Representatives for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The Senate resumed the consideration of Senate Bill No. 955 as follows:

An Act authorizing and empowering cities of the first class to erect and construct waterworks as herein defined within and without their corporate limits to acquire property within and without their corporate limits by purchase lease gift and the power of eminent domain for such purposes to generate power and erect power plants stations and lines in connection therewith and to use sell and purchase water water power and electric energy within and without their corporate limits prescribing the powers and duties of such cities providing for the assessment of damages and repealing inconsistent laws

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 The word "property' as used in this act shall be construed to mean and include lands buildings earth sand clay gravel rock stone wood materials streams rivers lakes easements and rights of way together with any facilities constructed thereon except property used in rendering service to the public

The term "water-works" as used in this act shall be construed to mean reservoirs dams storing lakes power plants viaducts aquaducts canals tanks cisterns water mains and pipes pumping stations filtration plants buildings machinery and any other works connected with a public water supply system and necessary for the collection reception storage purification conveyance and distribution of water for domestic and industrial consumption

The word "city" means a city of the first class

Section 2 Any city shall have power and authority to acquire by purchase lease gift or the exercise of the power of eminent domain any property whether situate within or without the corporate limits of such city and to erect or construct thereon water-works for the purpose of supplying water to such city and the inhabitants thereof Any such city shall have power to lay its water mains and pipes over or under any creek stream river bridge highway railroad or railway

Section 3 Whenever any city shall exercise the power of eminent domain for any of the purposes of this act it shall not be necessary for such city to give or tender security for the taking injury or destruction of property but the funds raised or proper and lawful to be raised by the power of taxation in such city shall be pledged and are hereby made security to the owner or owners of property so taken injured or destroyed for all damages which they may sustain on account of such taking injury or destruction and such city shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever

Section 4 Whenever any city has condemned property for water-works purposes under the provisions of this act in any county of this Commonwealth other than the one in which such city is located it shall record a copy of the ordinance making such condemnation in the office of the recorder of deeds of each county where any of such property is located together with any subsequent amendments or supplements to such ordinance

Section 5 Upon the recording of the ordinance of condemnation in the county where any property is located it shall be lawful for the city by its officers agents or contractors to enter upon and take possession of any property so condemned and to erect and construct thereon water-works and to do all things necessary for the purpose of fully carrying out the purposes of this act

Section 6 If the owner lessee or occupier shall refuse to remove his personal property or give up possession of any property taken by the city in the exercise of its power of eminent domain the city may serve written notice upon such owner lessee or his agent or the occupier to remove his personal property and give up possession of such property within sixty days from the date of the service of such notice

If the owner lessee or occupier shall refuse to remove his personal property and give possession upon proof of the service of the notice a writ of habere facias possessionem shall forthwith issue directing the sheriff to give to the city possession

Section 7 If any city in erecting and constructing waterworks shall find it necessary in storing water to occupy and overflow with water any portion of any public road the city shall cause such road to be reconstructed at its own expense on a favorable location and in as perfect a manner as the original road and for such purposes is authorized to condemn lands Whenever an agreement as to the price cannot be had with the owners the damages for land so taken shall be assessed as herein provided in the case of property taken for water-works purposes

Section 8 The city shall attempt to agree with the owner of any property taken or to be taken injured or destroyed as to the amount of damage done or likely to be done to him in the taking of such property and in the erection and construction of such water-works and if no agreement can be reached or if the owner cannot be found or is not sui juris the city or the owner or any person interested may apply by petition to the court of common pleas of the county where the property is located or to any law judge thereof in vacation whereupon the court or judge shall appoint three viewers from the county board of viewers to view and ascertain the damages done by reason of said taking use occupancy injury or destruction and appoint a time not less than twenty nor more than thirty days thereafter when the viewers shall meet at or upon the premises affected Thereupon the same proceedings shall be had for the assessment of damages and the costs and expenses in connection therewith with the same right of appeal and trial by jury as is provided by the act approved the sixteenth day of May one thousand eight hundred and ninety-one (Pamphlet Laws 75) entitled "An act in relation to the laying out opening widening straightening extending or vacating streets and alleys and the construction of bridges in the several municipalities of this Commonwealth the grading paving macadamizing or otherwise improving streets and alleys providing for ascertaining the damages to private property resulting therefrom" the assessment of the damages costs and expenses thereof upon the property benefitted and the construction of sewers and payment of the damages costs and expenses thereof including damages to private property resulting therefrom and the amendments and supplements thereto.

Section 9 Any such city shall have power to use the reservoirs dams and water-works erected for water supply purposes for the generation of electric power and to erect the necessary power plants distribution systems substations and inter-tie or transmission lines to enable it to use purchase sell and dispose of electric energy inside and outside its corporate limits and with the consent of the owner thereof to connect its water-works or power plants and lines with any other water-works or electric distribution systems within and without its corporate limits and to use purchase sell and dispose of water for water supply and power purposes and also to sell and distribute water in territory not supplied with water

Section 10 All acts and parts of acts general local or special inconsistent with this act are hereby repealed but this act shall not be construed to repeal or modify the act approved the eighth day of April one thousand nine hundred thirty-seven (Act No 64) entitled "An act providing for the appropriation of certain waters of the Commonwealth to the Commonwealth for the benefit of the people thereof declaring void certain condemnations and appropriations of waters by municipalities corporations copartnerships or persons providing for ascertainment of the validity and the filing of the records of certain condemnations and appropriations of water by municipalities corporations copartnerships or persons and appeals therefrom conferring jurisdiction on the Court of Common

Pleas of Dauphin County in relation thereto providing for future condemnations and appropriations of waters by and allocation of waters to municipalities corporations co-partnerships or persons and for compensation for waters hereafter to be taken for public water supply purposes and conferring powers and imposing duties upon the Water and Power Resources Board" and it is the legislative intent that the power herein given so far as it relates to condemnation of streams rivers and lakes shall be exercised in subordination thereto

Section 11 This act shall become effective immediately upon final enactment

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

BILL POSTPONED

Mr. DiSILVESTRO. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILLS OVER IN ORDER

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 975 (House Bill No. 1572) on final passage entitled:

An Act to amend sections one eight eleven and thirteen of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand five hundred thirteen) entitled "An act regulating the construction equipment maintenance operation and inspection of boilers granting certain authority to and imposing certain duties upon the Department of Labor and Industry providing penalties for violations of this act and repealing all acts or parts of acts inconsistent with this act" extending the provisions of said act to unfired pressure vessels

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. LAW. Mr. President, I ask unanimous consent that Senate Bill No. 1012 (House Bill No. 843) on final passage entitled:

An Act to regulate the sale and advertising for sale of goods, wares and merchandise purporting to be an insurance, bankruptcy, mortgage, insolvent assignees, receivers, trustees, removal or closing-out sale, or sale of goods damaged by fire, smoke or water in cities of this Commonwealth and to prevent fraudulent practices in connection therewith; and providing penalties for the violation thereof, and for the imposition of license fees for permission to conduct the same.

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 189 on third reading entitled:

An Act to amend sections two hundred and two of the act approved the second day of May one thousand nine hundred twenty-five (Pamphlet Laws four hundred forty-eight) entitled "An act relating to fish and amending revising consolidating and changing the law relating to fish in the inland waters and the boundary lakes and boundary rivers of the Commonwealth by providing additional penalties for killing fish by pollution or explosions

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. FREY. Mr. President, I ask unanimous consent that Senate Bill No. 337 on third reading entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 655 (House Bill No. 228) on third reading entitled:

An Act relating to memorial halls in counties of the second class erected in memory of the soldiers sailors and marines who served in the Civil War and providing for the use upkeep and management and control of such halls

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 723, (House Bill No. 1157) as follows:

An Act to amend section one section three as amended and sections four five and nine as added of the act approved the twenty-eighth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" extending said act to motor boats on boundary waters exempting out-board motor boats from licensure and regulating license fees for such motor boats providing for new license plates each license year and fixing license years and regulating the installation of mufflers

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the twenty-eighth day of May one thousand nine hundred thirty-one (Pamphlet Laws 202) entitled "An act providing for the licensing and regulation of motor boats operated or navigated upon any public stream artificial or natural body of water or non-tidal waters of any river within the Commonwealth conferring powers and imposing duties on certain police officers and the Board of Fish Commissioners including the enforcement of certain existing laws and prescribing penalties" is hereby amended to read as follows

Section 1 Be it enacted etc That the following words and terms when used in this act shall have the meanings ascribed to them in this section

"Board" The Board of Fish Commissioners of the Commonwealth or its duly authorized representative

"Inland Waters" Any public stream river lake artificial or natural body of water [or non-tidal waters of any river] within or on the boundaries of the Commonwealth

"Motor Boat" Any boat electrically propelled or any boat propelled by any type of internal combustion motor of one or more cylinders [including any type of water craft propelled by] including any type of water craft propelled by an out-board motor except boats on boundary waters en-

gaged wholly or partly in the transportation of freight and boats on boundary waters owned by non-residents which are not customarily housed or docked along shores in Pennsylvania

"Person" An individual copartnership association or corporation

The masculine shall include the feminine or neuter and the singular shall include the plural

Section 2 That section three of said act as amended by section one of the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) is hereby further amended to read as follows

Section 3 Any person owning a motor boat and desiring to operate or navigate the boat or cause it to be operated or navigated on any inland water shall make a written application to the Department of Revenue for a license for such boat Such application shall be made on a form prescribed prepared and furnished by the Department of Revenue and together with such other information as the Department of Revenue may require shall state

(a) The name and address of the applicant and if the applicant is a partnership the names and addresses of all the partners and if the applicant is a corporation the names and addresses of its officers

(b) The size seating or other capacity gross weight and type of the boat

(c) The type number of cylinders the horse power and maximum speed of the motor and the type of muffler under-water exhaust used in connection with such motor

(d) The engine number of the motor which propels the boat

Upon receipt of an application and upon the payment of a license fee of one dollar for each cylinder of the motor built in or a fee of two dollars in the case of electrically propelled boat the Department of Revenue shall isue to the applicant owner a license for his boat together with duplicate metallic license plates which plates shall contain a serial number [at least five inches in height] corresponding with the number on the license issued to the owner and shall be displayed conspicuously at all times one on each side of the bow of the boat [The owner may paint or stencil a facsimile of the license plates one on each side of the bow of the motor boat provided such license plates are stored in such motor boat] Such license plates [or facsimilie of such license plates] shall be used only on the boat the engine of which bears the number set forth in the application

Section 3 That sections four five and nine of said act as added by the act approved the thirty-first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 1122) are hereby amended to read as follows

Section 4 Dealers' licence plates bearing the additional mark may be used on any motor boat in the possession of such manufacturer jobber or dealer when the boat is being used for demonstration purposes Application for dealers' licenses shall be made upon a form provided by the Department of Revenue and shall set forth the full name and business address of the applicant and such other information as the Department of Revenue shall require and shall be signed by such manufacturer jobber or dealer Upon receipt of the application and upon the payment of a license fee of [five] five dollars for the initial set and five dollars for each additional set the Department of Revenue shall issue to the applicant manufacturer jobber or dealer a dealer's license together with duplicate metallic license plates which plates shall contain the letter "X" and a serial number corresponding with the number on the license issued to the dealer and shall be displayed conspicuously one on each side of the bow of the boat being used by the dealer

Section 5 Dealers' and owners' license plates shall be valid [from year to year provided the license is renewed as hereinafter required If the license is not renewed it shall be the duty of the motor boat owner to forward the license plates in his possession to the Department of Revenue and remove the facsimile of such license plates immediately upon the expiration of his license In the event the license plates have been lost or destroyed a sworn statement to that effect shall be submitted to the Department of Revenue in lieu of the license plates Dealers' and owners' licenses shall be valid until the thirty-first day of December next following the date of their issuance and may be renewed from year to year upon application and payment of a fee as in the case of procurement of an original license] only for the license year April first of one year to March thirty-first of the succeeding year Upon the renewal of a license for any subsequent year new license plates shall be issued by the department

Section 9 No boat propelled by any type of internal combustion motor of one or more cylinders including out-board motors shall be operated on any of the inland waters unless the same is equipped with [an underwater exhaust or with a muffler having at least two baffle plates Such muffler and baffle plates shall be in good working order and of a type approved by the board No cut-outs or other devices shall be used to make such muffler ineffective] a muffling device supplied by the manufacturer of the motor for that particular model without modification to prevent excessive or unusual noise which shall at all times be maintained in good working order No person shall operate a motor boat with the cut-out open or muffler removed Provided That nothing contained in this section shall be construed to require motors to be so muffled when boats are engaged in legitimate racing contests or in preparation for the same The Board of Fish Commissioners shall have power to require the installation of any type of muffler if that supplied by a manufacturer is not deemed satisfactory to the board

Section 4 This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, and the amendments made thereto having been printed as required by the Constitution,

On the question,

Will the Senate agree to the bill?

Mr. HEYBURN. Mr. President, I would like somebody to tell me why and what is the motive in this bill, which will tax motor boats on inland waters, for instance, on the Delaware River. Down in my county, anybody having a motor boat will have to pay $1.00 per cylinder. Now why this tax? I see that the revenue goes to the Department of Game and Fish. We are now paying a 25% gas tax, and I cannot see any reason for the passage of this bill. Is it just a bill to get more tax? I would like to have it explained by somebody.

Mr. BUCKMAN. Mr. President, I join with the Senator from Delaware in his position on this bill. I am told that if this bill becomes a law, it will mean the death-knell to the future of the motor boat associations. I have over forty miles of the Delaware River fronting on my district, and my people consider it a very vicious bill, and

MOTION TO RECOMMIT BILL

I move that this bill be recommitted to the Committee on Game and Fisheries.

Mr. SHAPIRO. Mr. President, I think it is time to do something on this calendar and to begin to get our bills through and stop recommitting them back to committees. As I recall it, this is a departmental bill, prepared by the Department of Forests and Waters, and in my opinion they gave very good reasons for the amendments to this act. Under those circumstances I do not think that this bill should go back to committee. The people who are handling this bill should stand on the floor and tell us something about it, and if they do not know, they should ask that it go over in its order until somebody in the department can be consulted about it. We ought not be send-

ing these administration bills back to committees and have them going back and forth to re-list them again. We are getting near the wind-up of what we hope to be the close of the session, and something ought to be done about these bills, therefore, I object to this bill going back to commitee.

MOTION TO RECOMMIT WITHDRAWN

Mr. BUCKMAN. Mr. President, I withdraw my motion, and move that the bill be placed on the postponed calendar.

BILL POSTPONED

Mr. BUCKMAN. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. HUFFMAN. Mr. President, I second the motion.

The motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 740, entitled:

An Act to re-enact and amend the act approved the tenth day of March one thousand nine hundred and thirty-seven (Act No. twenty-one) entitled "An act to protect miners in the bituminous coal regions of this Commonwealth from fraudulent deprivation of wages providing standard weights and measurements for coal mined and prohibiting the use of other standards providing methods for the ascertainment of proper weights and measurements through checkweighmen and checkmeasures elected by the miners imposing duties and liabilities upon operators and imposing penalties" clarlfying the provisions of said act providing for the filing of complaints with the court of common pleas and for the procedure thereon and providing additional penalties

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. CAVALCANTE, Mr. President, I ask unanimous consent to Amend section 1, page 3, line 15, by striking out the words "mine inspector of the district" and insert in lieu thereof the following: "sealer of weights and measures of the county"; amend section 1, page 3, line 16, by inserting after the word "located" and before the word "any" the following: "or by the Department of Internal Affairs"; amend section 1, page 3, line 20, by striking out the words "mine inspector of the district where the mine" and insert in lieu thereof the following: "sealer of weights and measures or the Department of Internal Affairs, as the case may be"; amend section 1, page 3, line 21, by striking out at the beginning of said line the words "is located"; amend section 1, page 3, line 26, by striking out after the word "shall" and before the word "enforce" the following words: "be his duty to"; amend section 1, page 3, lines 27, 28 and 29, by striking out after the part word "tion" all of said lines.

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

BILLS OVER IN ORDER

Mr. OWLETT. Mr. President, I ask unanimous consent that Senate Bill No. 809, on third reading, entitled:

An Act to amend section three of Article twelve of the act, approved the twenty-fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws five hundred eighty-one) entitled, "An act for the better government of cities of the first class of this Commonwealth," by further defining the powers and duties of the city controller imposing limitations on the powers of and duties on departments trusts and officers regulating commitments by officers and providing for the audit of firemen's pension funds

go over in its order.

The PRESIDENT. Is there objection?

Mr. STIEFEL. Mr. President, I would like to interrogate the Senator from Tioga, Mr. Owlett.

The PRESIDENT. Will the Senator from Tioga, Mr. Owlett, permit himself to be interrogated?

Mr. OWLETT. Mr. President, I will.

Mr. STIEFEL. Mr. President, I would like to ask the Senator from Tioga, the reason for this bill going over in order.

Mr. OWLETT. Mr. President, I have not had a chance to read the bill with a full understanding as to what it means, and two or three other Senators tell me the same thing. Mr. President, I ask that the bill go over in its order so that we may study the bill.

The PRESIDENT. Is there objection?

Mr. SHAPIRO. Mr. President, I should like to explain to the Senator from Tioga, Mr. Owlett, and the other Senators that if they have not read this bill on first and second readings, that with the exception of a clarifying amendment which was put in the bill on third reading, it is the same as it was on the calendar on first reading. The bill is an important measure for the city of Philadelphia, and provides that the Controller of the City of Philadelphia shall have the right to pre-audit the accounts of the various departments, in order to avoid an evil which has created a deficit of $5,000,000. or $6,000,000. by mandamuses on various departments in the city of Philadelphia. After the budget is made up for a certain year in the department and a deficiency arises then it goes into the next year and crops up as a deficiency, with the result that we have about a $10,000,000. deficit, $5,000,000. of which has been created in this manner.

Under the provisions of this bill, each department, before it may make purchases, it will be required to submit the request to the Controller, who will look it up and compare it with the allowances in the budget for that year. I think this is a good bill that may be followed in the rest of the state, but in order that we may not be accused with interfering in the management of local governments, we have restricted to cities of the first class, and I hope that the Senator from Tioga will withdraw his objection and join with us in voting for this bill.

Mr. OWLETT. Mr. President, with the present information I have about this bill, I cannot vote on it. I cannot believe it is so urgent that it cannot wait over until Monday; it will be no great detriment to the city of Philadelphia. I am wondering, as a matter of fact, if we have time before the close of the session to attempt to change

it. I am told, Mr. President, that this act takes out the control of the Department of City Trusts in Philadelphia, handling the Girard Estate and other big estates and puts them into the hands of the Controller of Philadelphia. If it so changes the control of these trusts, the people of Pennsylvania want to know it, I think the Senate wants to know it, and, therefore, I would like to examine this bill to know just what this bill is. If the Senator from Philadelphia objects, it is simply to ram this bill through.

Mr. SHAPIRO. Mr. President, I am happy to ignore the last statement of the Senate from Tioga, because I know of nobody who could ram anything through and I am not trying to do anything like that. I will not waste any energy in that direction, but if the Senator would try not to impede legislation and would have read this bill when it was on first and second readings and if he would just give the amendments some thought, he would understand that this bill could not possibly affect these trusts, because Philadelphia has no authority over the trusts. Most of this money comes from the Girard estate and the distribution of that is covered by the will of Stephen Girard. There is a good reason for objecting to the bill going over: First, there is a resolution before this Senate that we adjourn by the 21st, and secondly, because this bill becomes effective at once, and we will save a great deal of money before the end of this year. I am asking even the Republican Senators if they will appreciate this good piece of legislation by voting for this bill. The reason there are so many corrections this year is because those who have had the opportunity to make the necessary corrections in the last forty years have neglected to do so.

The PRESIDENT. Is there objection to the bill going over in its order? The Chair hears none.

Mr. GELDER. Mr. President, I would also like to suggest that if we are going to have so much talk on these various bills, we will not get finished before May 21st.

The PRESIDENT. The Chair agrees with the Senator from Susquehanna.

Is there objection to the bill going over in its order? The Chair hears none.

Mr. THOMPSON. Mr. President, I ask unanimous consent that Senate Bill No. 843 (House Bill No. 1562), on third reading, entitled:

An Act to amend section one of the act approved the first day of June one thousand nine hundred thirty-three (P. L. 1406) entitled "An act authorizing the Attorney General under certain conditions to enter into agreements to collect claims from boroughs for the maintenance of State highways in installments after such claims have been reduced to judgments" by extending the act to all pending claims of the Department of Highways against boroughs for the construction reconstruction or maintenance of State highways

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON THIRD READING

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 893, entitled:

An Act to amend the act approved the eighth day of June one thousand nine hundred seven (Pamphlet Laws four hundred ninety-six) entitled "An act to establish a Board of Commissioners of Navigation for the river Delaware and its navigable tributaries regulating their jurisdiction over ships vessels and boats and wharves piers bulk-heads docks slips and basins and exempting cities of the first class from certain of its provisions and making an appropriation therefor" as amended and supplemented by abolishing the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries terminating the terms of the members thereof and creating as successor to such board the Navigation Commission for the Delaware River as a departmental administrative commission in the Department of Forests and Waters transferring to such commission the records employes property and equipment of the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries authorizing the said Navigation Commission for the Delaware River to complete proceedings pending before the Board of Commissioners of Navigation for the river Delaware and its navigable tributaries providing that all licenses orders rules and regulations of the Board of Commissioners of Navigation shall remain effective until repealed changed or modified by the Navigation Commission for the Delaware River transferring and appropriating to the Navigation Commission for the Delaware River any unexpended balance of any existing appropriation to the Board of Commissioners of Navigation and providing fees and further conditions relative to licenses

And said bill having been read at length the third time,

On the question,

Will the Senate agree to the bill?

Mr. STIEFEL. Mr. President, I ask unanimous consent to amend page 1 line 16 of the title, by inserting after the word "Waters" and before the syllable "trans-" the following: "making provision for the designation and employment of a secretary an attorney and other necessary employes of such commission"; amend section 1, page 3, line 12, by striking out after the word "of" and before the the word "members" the word: (five); and inserting in lieu thereof the word: six"; amend section 1, page 3, line 12 by inserting after the word "members" and before the word "to" the word: "two"; amend section 1, page 3, line 13 by inserting after the word "Governor" and before the word "[one" the following: "one of whom shall be appointed from among the residents of the Chester and Marcus Hook areas two to be appointed by the Mayor of the City of Philadelphia one to be the Secretary of Forests and Waters who shall serve ex officio and one to be the Director of Wharves Docks and Ferries of the City of Philadelphia who shall serve ex officio"; amend section 1, page 3, line 22 by striking out at the end of the line the following: [Three of the said commissioners]; amend section 1, page 3, by striking out lines 23 to 25, inclusive; amend section 1, page 3, line 26 by striking out at the beginning of the line the following: [City of Bristol]; amend section 2, page 4, line 10 by striking out after the word "of" and before the word "Commissioners" the word: [said] and inserting in lieu thereof the word: "the"; amend section 2, page 4, line 10 by inserting at the end of the line the following: "appointed by the Governor and the Mayor of the City of Philadelphia;" amend page 4 by inserting between lines 11 and 12 the following new section: "Section 3 That section three of the said act as supplemented is hereby amended to read as follows: Section 3 The Commissioners shall [employ] have a secretary, and such clerks as may be necessary to keep fair minutes and entries of all orders, regulations, and transactions of the said Commissioners, in a book or books to be kept for that purpose; and the said minutes and entries shall be submitted to the inspection of any person or persons who shall desire to see and peruse the same; and the said Commissioners shall give true copies of all

such entries or minutes, made in the said book or books as may be required, to such person or persons as shall demand the same, he or they paying to the said Commissioners one cent per line for each copy thereof. The Commissioners [shall] may also have [authority to employ one competent], if the Secretary of Forests and Waters approve, a civil engineer, and such other employes as are necessary to the proper transaction of the business of the [Commission of Navigation] Navigation Commission for the Delaware River. The Secretary of Forests and Waters shall appoint the secretary and all employes of the commission, whose salaries shall be fixed as provided in The Administrative Code. The Attorney General shall furnish such advice or legal service as may be needed, or may designate counsel to represent the commission and fix his compensation, as provided by The Administrative Code."; amend section 3, page 4, line 12 by striking out after the word "Section" and before the word "That" the figure: [3] and inserting in lieu thereof the figure: "4"; amend section 4, page 6, line 6 by striking out after the word "Section" and before the word "That" the figure: [4] and inserting in lieu thereof the figure: "5"; amend section 5, page 6, line 15 by striking out after the word "Section" and before "(a)" the figure: [5] and inserting in lieu thereof the figure: "6"; amend section 6, page 8, line 22 by striking out after the word "Section" and before the word "This" the figure: [6] and inserting in lieu thereof the figure: "7".

The PRESIDENT. Is there objection? The Chair hears none.

The amendment was agreed to.

On the question,

Will the Senate agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended be printed for the use of the Senate.

Agreeably to order,

The Senate proceeded to the third reading and consideration of Senate Bill No. 967 (House Bill No. 923), entitled:

An Act to amend section three of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty), entitled "An act providing for the relocation and change of width grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county and for the payment of damages occasioned thereby by the county and repealing certain acts" as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken injured or destroyed by the change of width lines and locations of State highways in boroughs and incorporated towns and the cost of removal of structures where the county does not agree to such changes or removals requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners and fixing the time when the Secretary of Highways may begin work.

And said bill having been read at length the third time, and agreed to,

and the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution, and were as follows, viz:

YEAS—45

Buckman,	Haluska	Law,	Rupp,
Cavalcante,	Heyburn,	Mallery,	Ruth,
Chapman,	Homsher,	McCreesh,	Scarlett,
Dando,	Howell,	McGinnis,	Shapiro,
Deitrick,	Huffman,	Mundy,	Sipe,
Dent,	Jacobs,	Owlett,	Sones,
DiSilvestro	Jaspan,	Pytko,	Sordoni,
Ealy,	Kahle,	Rankin,	Stiefel,
Eroe,	Kilgallen,	Reed,	Thompson,
Frey,	Kunkel,	Rice,	Wolfenden,
Gelder,	Lanius,	Rodgers,	Woodward,
Gilson,			

NAYS— 0

A majority of all the Senators having voted "aye" the question was determined in the affirmative.

Ordered, That the Clerk return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which the concurrence of the House is requested.

BILL OVER IN ORDER

Mr. MUNDY. Mr. President, I ask unanimous consent that Senate Bill No. 974 (House Bill No. 1570) on Third reading entitled:

An Act to promote safety for the travelling public on State highways to extend the responsibility for subsidence of such highways by the failure of vertical and lateral support and declaring said subsidence a public nuisance to provide for inspection of mine maps by the Department of Highways and the furnishing to said Department of copies of such mine maps in certain cases to authorize entry by the Department of Highways into mines in certain cases and to provide for notices to the Department of Highways of certain mining operations under or adjacent to highways and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 214, as follows:

An Act providing for the joinder of plaintiffs in civil suits and the rendition of verdicts and entry of judgment in such cases and defining the powers of the court in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That all parties who have a right of action whether jointly severally or in the alternative in respect of or arising from the same transaction or series of transactions and whose actions would give rise to any common question of law or fact may join as plaintiffs in one civil action

Section 2 If in any such action it shall appear that the joinder of the plaintiffs will complicate or delay the trial of such action the court on petition of the defendant or on its own motion may order separate trials or make such other order as it deems expedient and proper

Section 3 In every such action separate verdicts shall be rendered and judgments entered as to each plaintiff

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 262, (House Bill No. 620), entitled:

An Act to authorize cities of the third class boroughs and townships to sue out writs of scire facias on certain municipal claims or to proceed to judgment upon writs of scire facias issued or to revive judgments on such claims where more than five years have elapsed since said claims were filed such writs of scire facias were issued or such judgments were entered or revived and to reduce such claims to judgment or to revive such judgment and providing for the revival and collection of such judgments and the liens thereof.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 289 (House Bill No. 150), entitled:

An Act to amend section three of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws eight hundred thirty-one) entitled "An act providing for the appointment of a board of examiners to examine applicants for the office of inspector for the anthracite mines of this Commonwealth prescribing the qualications defining the powers and duties and fixing the compensation of such examiners providing for the appointment and removal of inspectors of anthracite mines prescribing their qualifications and regulating their salaries and terms of office and abolishing the terms of office of the present mine inspectors of the anthracite mines" by defining the term "coal miners".

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 322 (House Bill No. 280), as follows:

An Act requiring all terminal airports maintaining regular scheduled flights and all radio transmission stations used for air navigation purposes to maintain auxiliary aerial night lighting equipment and an auxiliary source of electric current for the same and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in order to promote public safety of navigation by air all owners or lessees of terminal airports maintaining regular scheduled flights and all radio transmission stations used for air navigation purposes shall maintain at all times auxiliary aerial night lighting equipment and an auxiliary source of electric current sufficient to maintain adequate lighting and radio transmission during a minimum period of twelve hours

Section 2 Any individual copartnership association or corporation who shall violate any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of one hundred ($100) dollars and the costs of prosecution and in default of payment thereof such individual or the partners of such copartnership or the members of such association or the officers or directors of such corporation responsible for the violation of this act shall undergo imprisonment for not less than thirty (30) days nor more than one (1) year or both fine and imprisonment may be imposed Each day such violation continues shall be considered a separate offense

Section 3 The provisions of this act shall not apply to any airport operated by the United States Government

Section 4 This act shall become effective ninety days after its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. MUNDY. Mr. President, I move that Senate Bill No. 411, on second reading, entitled:

An Act relating to public assistance including unemployment relief mothers' assistance old age assistance and pensions for the blind defining the purposes for which moneys appropriated for unemployment relief may be expended prescribing the powers and duties of the State Emergency Relief Board and certain State officers and departments county officers poor directors and courts of common pleas creating county assistance boards and prescribing their powers and duties and prescribing penalties

be recommitted to the Committee on Welfare.

Mr. GILSON. Mr. President, I second the motion.

The motion was agreed to.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 413, entitled:

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualied persons as mine foremen assistant mine foremen and fire bosses providing penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines

The first section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section six of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in

which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certificates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire bosses providing a penalty for forging or making false statements regarding certificates" as amended in part by the act approved the seventh day of April one thousand nine hundred and twenty-five (Pamphlet Laws 174) is hereby further amended to read as follows

Section 6 Applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses shall be citizens of the United States of good moral character and of known temperate habits at least twenty-three years of age and shall have had an aggregate of at least five years' practical experience after sixteen years of age as miners or mining engineers or men of general work inside of the bituminous mines [of the United States of which five years there must be not less than two years' practical experience inside of the bituminous mines] of Pennsylvania Provided That graduates in the coal mining course of a recognized institution of learning may after examination be granted certificates of qualification by the examining board as mine foremen assistant mine foremen and fire bosses if possessed of an aggregate of not less than three years' practical experience as miners [or mining engineers] or men of general work inside of the bituminous mines of Pennsylvania Applicants for certificates of qualification as first grade mine foremen first grade assistant mine foremen and fire bosses shall also have had experience in bituminous mines in Pennsylvania that generate explosive gas

All applicants shall be able to read and write the English language intelligently and shall furnish the board with certificates as to their character and temperate habits which certificates shall also show the length of service in the different mines

Certificates of qualification as mine foremen shall be of two grades namely Certificates of first grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in gaseous mines and who shall have received an average of at least eighty per centum in [the] each examination Certificates of second grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in nongaseous mines and who shall have received [an average of] at least eighty per centum in the second grade examination

Certificates of qualification as first grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in gaseous mines and who shall have received an average of at least seventy per centum in [the] each examination

Certificates of qualification as second grade assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the tduties of assistant mine foremen in nongaseous mines and who shall have received at least seventy per centum in the second grade examination

Certificates of qualification as fire bosses shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of fire bosses in gaseous mines and who shall have received an average of at least [sixty-five per centum] seventy-five per centum in the examination Provided however That all applicants who have passed a satisfactory written examination shall also pass a satisfactory oral examination but the examining board shall have authority to exempt any applicant from the oral examination for justifiable reasons

The second section of the bill was read as follows and agreed to.

Section 2 Section ten of said act is hereby amended to read as follows

Section 10 It shall be unlawful for any operator manager or superintendent to employ as mine foreman in a bituminous mine or as assistant mine foreman in a bituminous [gaseous] mine any person who has not obtained the proper certificate of qualification required by this act [unless such person is in the judgment of the operator equally competent with the persons who are holders of such certificates] Provided That certificates of qualification or service heretofore granted shall have equal value with certificates of qualification granted under this act And it shall be unlawful for any operator manager superintendent or mine foreman to employ as fire boss in a bituminous mine any person who has not obtained the proper certificate of qualification under this act [unless such person is in the judgment of the operator equally competent with the persons who are holders of such certificates] Provided That certificates of qualification as fire boss granted under the acts of June nine one thousand nine hundred and eleven (Pamphlet Laws seven hundred and fifty-six) and May fifteen one thousand eight hundred and ninety-three (Pamphlet Laws fifty-two) shall have equal value with certificates of qualification granted under this act

On the question,

Will the Senate agree to the section?

Mr. HALUSKA. Mr. President, I move to amend page 6, line 2, by adding after the word "act" the following: "Provided however That in an emergency the mine foreman may deputize temporarily a competent person or persons to act as shot-firers or machine runners but this authority shall not be exercised by the mine foreman so long as certified shot-firers or certified machine runners are available in the mine"

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to.

An Act to amend section six as amended in part and section ten of the act approved the thirty-first day of May one thousand nine hundred and twenty-three (Pamphlet Laws 481) entitled "An act providing for the appointment of boards of examiners to examine applicants for certificates of qualification as mine foremen assistant mine foremen and fire bosses in the bituminous coal mines of this Commonwealth prescribing the qualifications defining the powers and duties and fixing the compensation of such examiners authorizing the Chief of the Department of Mines to determine the district in which boards of examiners shall hold examinations and to designate the boards before whom applicants in the various inspection districts shall appear providing for the issuance of certicates of qualification to successful applicants fixing the fees to be paid by applicants and providing for their disposition forbidding the employment of unqualified persons as mine foremen assistant mine foremen and fire boses providing a penalty for forging or making false statements regarding certificates" further regulating the qualifications and examination of applicants for said certificates of qualification and the employment of foremen and assistant foremen in such mines

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 414, on second reading, entitled

An Act placing certain restrictions and regulations on the building and installation of dry coal cleaning plants tipples and screening plants at or near bituminous coal mines providing for the sale periodic removal of dust accumulations from dry coal cleaning plants tipples and screening plants at or near bituminous coal mines and providing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 415, as follows:

An Act providing for the examination and certification of and regulating the employment of shot-firers and mining machine runners employed in gaseous bituminous coal mines imposing duties upon the Secretary of Mines and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That commencing one year after the effective date of this act it shall be unlawful to employ as shot-firers or mining machine runners in any gaseous bituminous coal mine any person who has not given evidence to the Secretary of Mines as to his fitness and competency to handle and use an approved safety lamp and his ability to determine the presence or absence of explosive gas The manner of determining such fitness and competency shall be prescribed by the Secretary of Mines and he shall issue a certificate to those found competent the form of which shall also be prescribed by the Secretary of Mines and the cost of such examination and certification shall be borne by the candidates Provided That persons possessing bituminous mine officials certificates shall be eligible to act as shot-firers or mining machine runners without complying with the other provisions of this act Provided however That in an emergency the mine foreman may deputize temporarily a competent person or persons to act as shot-firers or machine runners but this authority shall not be exercised by the mine foreman so long as certified shot-firers or certified machine runners are available in the mine

Section 2 Any person who violates the provisions of this act and any person who is responsible for any such violation shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars or imprisonment for not exceeding three months or both

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate of Senate Bill No. 416, as follows:

An Act providing for the examination and certification of and regulating the employment of mine electricians in bitumionus coal mines imposing duties upon the mine foremen's examining board and the Secretary of Mines and providing penalties

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That commencing two years after the effective date of this act it shall be unlawful to employ as chief mine electrician in any gaseous bituminous coal mine using approved electrical equipment as a whole or in part any person who has not demonstrated in written and oral examination to the satisfaction of the mine foremen's examining board his fitness and competency to examine and maintain in safe condition such electrical equipment and his general knowledge of the installation and use of electricity and the dangers incident to its use in coal mines Those giving satisfactory evidence of their competency to examine and maintain such electrical equipment in a safe state and a general knowledge of the installation and use of electricity and the dangers connected with its use in bituminous coal mines shall be recommended as competent by the mine foremen's examining board to the Secretary of Mines Whereupon said Secretary of Mines shall issue a certificate of competency to those recommended by the mine foremen's examining board and the cost of such examination and certificate shall be borne by each applicant

Section 2 It shall be the duty of the mine electrician to assist the mine foreman in carrying out all the provisions of the bituminous mining laws bearing on the use and installation of electricity in bituminous coal mines and the equipment powered thereby and he shall be subject to the same penalties as the mine foreman for any violation of these laws

Section 3 Any person who violates the provisions of this act and any person who is responsible for any such violation shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding two hundred dollars or imprisonment for not exceeding three months or both

Section 4 This enactment shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 436, as follows:

An Act to further amend section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 479) entitled as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants" by providing for the joining of additional defendants in other cases and providing that the plaintiff shall not be prejudiced or delayed by questions between the defendant and the additional defendants

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one of the act approved the tenth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 479) entitled as amended "An act to regulate procedure where a defendant desires to have joined as additional defendants persons whom he alleges are alone liable or liable over to him or jointly or severally liable with him for the cause of action declared on and providing for entry of judgments against such additional defendants" as amended by the act approved the eighteenth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 807) is hereby further amended to read as follows

Section 1 Be it enacted etc That any defendant named in any action may sue out as of course a writ of scire facias to bring upon the record as an additional defendant any other person alleged to be alone liable or liable over

to him for the cause of action declared on or jointly or severally or in the alternative liable therefor with him or because any question or issue relating to or connected with the subject matter of the litigation is substantially the same as a question or issue arising between the plaintiff and defendant and should properly be determined not only between the plaintiff and defendant and the additional defendant or between any or either of them with the same force and effect as if such other had been originally sued and such original defendant shall have the same rights in securing service of said writ as the plantiff in the proceedings had for service of process in said cause Where it shall appear that service of said writ on an added defendant cannot be obtained in the county wherein the action was instituted service of such writ may be made by the sheriff of the county in which the action was instituted deputizing the sheriff of the county wherein such added defendant resides or where service may be had upon him under the existing laws of this Commonwealth in like manner as process may now be served in the proper county Where it shall appear that an added defendant is liable to the plaintiff either alone or jointly with any other defendant the plaintiff may have verdict and judgment or other relief against such additional defendant to the same extent as is such defendant had been duly summoned by the plaintiff and the statement of claim had been amended to include such defendant and as if he had replied thereto denying all liability

The plaintiff shall not be prejudiced or unnecessarily delayed by reason of questions between the defendant and the additional defendants in which he is not concerned and such orders shall be given and terms imposed by the court as may be necessary to prevent delay of the plaintiff where it can be done without injustice to the defendant and additional defendants

Upon the joinder of additional defendants under the terms of this act such suit shall continue both before and after judgment according to equitable principles although at common law or under existing statutes the plaintiff could not properly have joined all such parties as defendants

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 441, as follows:

An Act providing that certain unincorporated organizations or associations may sue and be sued by their name and regulating the service of process and pleadings in such cases

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any unincorporated organization or association consisting of five or more persons having a recognized name may sue or be sued by such name in an action at law affecting the common property rights and liabilities of such organization All process pleadings and other papers in such action may be served upon the president or any officer for the time being or the agent or manager or persons in charge of the business of such organization or association Such action shall have the same force and effect as regards the common property rights and liabilities of such organization or association as if it were prosecuted against all members thereof and such action shall not abate by reason of the death resignation removal or legal incapacity of any officer of such organization or association or by reason of any change in the membership thereof

And said bill having been read at length the second time,

On the question,

Will the Senate agree to the bill?

BILL POSTPONED

Mr. STIEFEL. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

BILL RECOMMITTED

Mr. EROE. Mr. President, I move that Senate Bill No. 566, on second reading, entitled:

An Act relating to the collection of taxes in boroughs towns and townships providing for the fixing and limiting the compensation of tax collectors and first class township treasurers providing for the employment and compensation of deputies imposing the cost of collecting delinquent taxes on delinquent taxables and requiring taxing districts to allow credit for uncollectible per capita poll and occupation taxes

be recommitted to the Committee on Municipal Government.

Mr. MALLERY. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

BILL POSTPONED

Mr. STIEFEL. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. SIPE. Mr. President, I second the motion.

The motion was agreed to.

BILL OVER IN ORDER

Mr. HALUSKA. Mr. President, I ask unanimous consent that Senate Bill No. 632, on second reading, entitled:

An Act relating to the moving of coal cars in bituminous coal mines, and prescribing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILL ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 675, as follows:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones conferring additional powers and duties upon the Department of Revenue counties municipalities and certain persons firms and corporations including public service companies restricting remedies and providing additional remedies making an appropriation from the Motor License Fund and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

The first section of the bill was read as follows and agreed.

Section 1 Short Title This act shall be known and may be cited as "The Air Space Zoning Law"

The second section of the bill was read as follows:

Section 2 The following words or phrases unless the context clearly indicates otherwise shall have the meanings ascribed to them in this section

"Aircraft" means any contrivance now known or hereafter invented used or designed for navigation of or flight in the air except a parachute or other contrivance designed for such navigation but used primarily as safety equipment

"Airport" means any locality either of water or of land which is adapted for the landing and taking off of aircraft including State municipal and licensed airports as herein defined landing fields and intermediate landing fields

"Approach Zone" means that air space above the property of owners as herein defined dedicated by this act as an unrestricted avenue whereby aeronauts and the air-traveling public may land at any airport or take off therefrom at a gliding angle computed from the boundaries of the airport in the ratio of fifteen feet forward for each foot of descent or ascent as the case may be and the lower boundaries of each such approach zone shall be along the line of the hypotenuses of imaginary right triangles the bases of which are horizontal lines beginning at each boundary of any airport and extending on the owners' lands at right angles from all points on every such boundary and at the same altitude with reference to sea level for a distance of one thousand and fifty feet and the remaining sides or altitudes of which are verticle lines extending perpendicularly from the terminii of said horizontal base lines seventy feet into the air whence such hypotenuses extend to the points of beginning of such base lines

"Department" means the Department of Revenue of this Commonwealth acting by and through the Division of Aeronautics

"Licensed Airport" means any airport as herein defined other than a State or municipal airport which is licensed as an airport by the Department of Revenue in accordance with the provisions of existing laws

"Municipal Airport" means any airport as herein defined owned maintained or operated by any county city borough incorporated town or township within this Commonwealth

"Obstruction" means any object which might conceivably interfere with the operation of aircraft in taking off or landing from any airport as herein defined including trees rocks or other natural obstacles smoke stacks flag poles elevated tanks radio station towers buildings or other structures Provided however That any fence or other structure less than four feet in altitude shall not be deemed an obstruction within the provisions of this act

"Owners" shall mean any person firm corporation partnership or association holding title to real property adjacent to any airport as herein defined the term owner shall also include the lessee or assignee of any owner as herein defined

"Person" means every natural person firm corporation partnership or association

"Secretary" means the Secretary of Revenue of this Commonwealth acting in person or by and through the Chief of the Division of Aeronautics or such other employes of the department as may be duly authorized to act in his place and stead

"State Airport" means any airport as herein defined owned maintained or operated by the Commonwealth of Pennsylvania through the Department of Revenue

On the question,

Will the Senate agree to the section?

AMENDMENTS TO SENATE BILL No. 675
Printer's No. 396.

Mr. RUPP. Mr. President, I move to amend page 2, section 2, line 12, after the word "fields" insert the words "when and if dedicated to such use"; line 21, after the word "be" strike out the words 'along the line of"

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The third section of the bill was read as follows and agreed to.

Section 3 Approach Zones Created For the purpose of promoting the safety of the air-traveling public and of rendering airports now or hereafter established accessible to aeronauts and to insure the future development of aeronautics within this Commonwealth approach zones are hereby created over land or water adjacent to any airport

The fourth section of the bill was read as follows:

Section 4 Existing or Future Obstructions within Approach Zones Prohibited Except as hereinafter provided it shall be unlawful for any person to maintain any existing obstruction or erect any future obstruction on land or water adjoining any airport which invades the approach zone No obstruction shall be maintained or hereafter erected or constructed unless it is located at a distance from the nearest point on the boundary between the airport and the owners property of fifteen or more times its own height measured from the same altitude at sea level as such point on the boundary

On the question,

Will the Senate agree to the section?

Mr. RUPP. Mr. President, I move to amend page 4, section 4, line 19, after the word "zone" strike out the words "No obstruction shall be maintained or hereafter"; lines 20 to 24, inclusive, strike out these entire lines.

Mr. DANDO. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The fifth to fifteenth sections of the bill were read as follows and agreed to.

Section 5 Removal of Existing Obstructions Non-conforming Use Within thirty days after the effective date of this act any owner upon whose property exists any obstruction which invades any approach zone may file an application with the department for a certificate of non-conforming use If in the opinion of the secretary the continued existence of the obstruction will not be hazardous to the air-traveling public at the time such application is made he may grant the applicant owner a certificate of non-conforming use which will entitle the owner to maintain the obstruction without being subject to any of the penalties of this act Provided however That such certificate shall be revocable by the department upon three months' written notice The secretary shall also have the authority to grant certificates of non-conforming use upon his own motion without any application by the owner

Section 6 Removal of Existing Obstructions Upon refusal by the secretary to grant a certificate of non-conforming use or upon failure of the owner to make application for such a certificate it shall become the duty of the owner to remove any obstruction within three months after the effective date of this act If the owner neglects fails or refuses to remove the obstruction the department may refer the matter to the Department of Justice for the institution of proceedings at law or in equity to compel the removal of the obstruction The municipality owning any municipal airport and the person owning

any licensed airport shall also have the power and authority to institute proceedings at law or in equity to compel the removal of any obstruction within the approach zone of the particular municipal or licensed airport involved The owner shall also be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) and undergo imprisonment of not more than thirty days or both

Section 7 Compensation for Removal of Existing Structures The department acting with respect to State airports and any municipaity or person owning a municipal or licensed airport shall be authorized to enter into agreements with the owner of an existing obstruction the removal of which is necessary under the provisions of this act for compensation to be paid to the owner by reason of such removal If the owner and the department municipality or person owning any licensed airport are unable to agree as to the price to be paid then the owner shall have the right to bring an action in assumpsit in the court of the county wherein the obstruction is situated for the purpose of having that court with or without a jury determine what amount the Commonwealth municipality or person owning the airport should pay for the removal of an existing obstruction The court shall compute the present value of the obstruction to be removed on the basis of its replacement cost less depreciation in no event shall loss of business or anticipated profits be considered as elements of damage Either party shall have the right of appeal to the Supreme or Superior Court from the final judgment of the court of common pleas

Section 8 Future Obstructions Prohibited Compensation for Interference with Use of Property After the effective date of this act no owner shall be entitled to any damages whatsoever for any obstructions thereafter erected which invades the approach zone and all such obstructions shall be removed forthwith in accordance with the provisions of this act relating to existing obstructions However where the owner believes that the reasonable and lawful use of his property existing at the time the airport was established is interfered with by the take off and landing of aircraft he shall be entitled to negotiate with the department on behalf of the Commonwealth and with the municipality or person owning the municipal or licensed airport in order to enter into agreements for compensation for such interference and the department and respective municipalities and persons are hereby authorized to enter into such agreements In the event that the owner and the department or municipality or person owning the airport cannot agree then the owner shall have the opportunity to present his claim in an action of assumpsit in the same manner as is herein provided for determining the amount of compensation to be paid for the removal of existing obstructions

Section 9 Commonwealth Compensation to Be Paid from Motor License Fund The amounts agreed upon as to State airports between the department and owners or public service companies or the amounts of any final judgments or rulings awarding compensation to owners or such companies under the provisions of this act shall be paid from moneys in the Motor License Fund appropriated by law to the department for the purpose of purchasing and acquiring in the name of the Commonwealth of Pennsylvania air navigation facilities

Section 10 Removal of Facilities of Public Service Companies Whenever the provisions of this act may require the removal of the facilities of any public service company such company may place such facilities into underground conduits The department acting on behalf of the Commonwealth and the municipality or person owning any municipal or licensed airport as the case may be are hereby authorized to enter into agreements with the public service company to contribute toward the expense resulting from such removal of public service company facilities In the event that the department municipality or person owning the airport as the case may be and the public service company are unable to agree on the amount to be paid the matter shall be referred to the Pennsylvania Public Utility Commission which shall after hearing make a finding establishing the amount to be paid to the public service company if any Either party shall have the right to appeal to the Superior Court of Pennsylvania from the ruling of the commission

Section 11 Limitations The right of the owner to apply from compensation in connection with the use of the air space over and above his land for take off or landing of aircraft shall cease two years after the first take off or landing from the airport in question has occurred Provided however That the two-year limitation within which a claim may be brought shall not commence to run against any owner whose property is adjoining to any existing airport until the effective date of this act

Section 12 Restraining Suits in Equity From and after the effective date of this act no owner shall be entitled to bring in any court of equity within this Commonwealth any action to restrain the take off or landing of aircraft within the approach zones created by this act and no court shall take jurisdiction of any such action Provided however That nothing in this section shall be construed to limit the right of the owner to bring an action of treaspass for damage caused by forced or emergency landing upon his property or for any other damage caused by actually and tangibly breaking the close

Section 13 Interpretation of Act The provisions of this act are severable and if any of its provisions shall be held unconstitutional the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such unconstitutional provisions not been included herein

Section 14 Repeal The act approved the first day of May one thousand nine hundred thirty-five (Pamphlet Laws one hundred twenty-eight) entitled "An act prohibiting the future erection and maintenance of obstructions dangerous to aerial transport adjacent to or near an airport landing field or intermediate landing field" and all other acts and parts of acts inconsistent herewith are hereby repealed

Section 15 Effective Date This act shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to:

An Act to promote the safety of the air-traveling public in taking off and landing at airports by creating zones in air space and prohibiting the erection or maintenance of obstructions in such zones conferring additional powers and duties upon the Department of Revenue counties municipalities and certain persons firms and corporations including public service companies restricting existing remedies and providing additional remedies making an appropriation from the Motor License Fund and providing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. HUFFMAN. Mr. President, I ask unanimous consent that Senate Bill No. 686 (House Bill No. 1071) on second reading entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation.

go over in its order for the present.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 699 (House Bill No. 1297), entitled:

An Act authorizing the compromise or reduction of tax claims on real property purchased by any county city borough town school district or poor district at any sale for the non-payment of taxes and the re-conveyance or private sale of such property.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 715 (House Bill No. 1032), entitled:

An Act to amend section four hundred ninety-two of the act aproved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws one thousand two hundred seventy-eight) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" as added providing for county airports.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL RECOMMITTED

Mr. BUCKMAN. Mr. President, I move that Senate Bill No. 741, on second reading, entitled:

An Act to provide for contribution among tortfeasors

be recommitted to the Committee on Judiciary General.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 785, as follows:

An Act authorizing political subdivisions other than cities of the first class to set-off delinquent taxes and municipal claims and penalties interest and cost due thereon against claims and accounts due by such political subdivisions

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the word "person" as used in this act shall be construed to include any individual association copartnership and corporation

The term "delinquent taxes and municipal claims" as used in this act shall include all delinquent taxes and municipal claims whether or not liens for such taxes or claims have been filed in the office of the prothonotary of the county and shall include also all penalties interest and costs due on such delinquent taxes and municipal claims

The term "political subdivision" as used in this act means county city other than city of the first class borough town township poor district and school district within the Commonwealth

Section 2 Every political subdivision before approving or paying the claim or account of any person against such political subdivision shall have power to inquire of the receiver of taxes of the political subdivision whether such person is indebted to it for or on account of any delinquent taxes or municipal claims In any case where it shall be found that such person is so indebted to the political subdivision the approval and payment of such claim or account in whole or in part shall be withheld by the officer or employe authorized by law to make such approval or payment until such person shall have entered into an agreement with the political subdivision as hereinafter provided

Section 3 The political subdivision shall have power to enter into such agreements as it may deem necessary to assure the payment of delinquent taxes and municipal claims by persons having claims or accounts against the political subdivision including therein provision for the application of moneys due by the political subdivision on any such claim or account to the payment of such delinquent taxes and municipal claims and the satisfaction of such taxes and municipal claims on the public records in whole or in part If any person shall upon demand of the political subdivision refuse to enter into any such agreement the officer or employe of the political subdivision authorized to approve or pay such accounts shall continue to further withhold his approval or payment of such claim or account against the political subdivision or any part thereof and advise such person that the political subdivision has a set-off against his claim or account or the part thereof not approved or paid for delinquent taxes and municipal claims and that payment thereof will be refused until such delinquent taxes and municipal claims are paid or provision for their payment made

Section 4 All acts and parts of acts inconsistent with this act are hereby repealed

Section 5 This act shall become effective immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 837 (House Bill No. 753), entitled:

An Act to promote public health safety morals and welfare by declaring the necessity of creating public bodies corporate and politic to be known as housing authorities to engage in slum clearance and to undertake projects to provide dwelling accommodations for persons of low income providing for the organization of such housing authorities defining their powers and duties providing for the exercise of such powers including the acquisition of property by purchase gift or eminent domain the renting and selling of property and including borrowing money issuing bonds and other obligations and giving security therefor prescribing the remedies of obligees of housing authorities authorizing housing authorities to enter into agreements including agreements with the United States, the Commonwealth and political subdivisions and municipalities thereof defining the application of zoning sanitary and building laws and regulations to projects built or maintained by such housing authorities exempting the property and securities of such housing authorities from taxation and imposing duties and conferring powers upon the State Board of Housing and certain other State officers and departments

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with

The Senate proceeded to the second reading and consideration of Senate Bill No. 871, entitled:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties

The first and second section of the bill was read as follows and agreed to.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article five of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended by adding immediately after the article heading thereof a new section to read as follows

Section 410 Ordinances and Resolutions The board of commissioners may adopt resolutions and ordinances prescribing the manner in which powers of the county shall be carried out and generally regulating the affairs of the county All such ordinances unless otherwise provided by law shall be published at least once in one newspaper of general circulation in the county. Such ordinance shall not become effective until ten days after the publication aforesaid In any case in which maps plans or drawings of any kind are adopted as part of an ordinance the commmissioners may instead of publishing the same as part of the ordinance refer in publishing the ordinance to the place where such maps plans or drawings are on file and may be examined

The board of county commissioners may also prescribe fines and penalties not exceeding three hundred dollars ($300.00) in any instance for the violation of county ordinances which fines and penalties may be collected by suit brought in the name of the county before any justice of the peace in like manner as debts of like amount may be sued for by existing laws

Section 2 The article heading of article six of said act is hereby amended to read as follows

Article VI

County Planning Commission and Zoning

(a) County Planning Commission

Section 3 Article six of said act is hereby amended by adding at the end thereof a new subdivision and sections to read as follows

(b) County Zoning

Section 50.1 Grant of Power The board of county commissioners of any county is hereby empowered in accordance with the conditions and procedure specified in the subsequent sections of this article by ordinance to regulate in any portion or portions of such county which lie outside of the municipalities now having authority to adopt and enforce zoning ordinances the location height bulg and size of buildings and othee structures the percentage of lot which may be occupied the size of yards courts and other open spaces the density and distribution of population the uses of buildings and structures for trade industry residence recreation public activities or other purposes and the uses of land for trade industry residence recreation agriculture water supply conservation soil conservation forestry or other purposes

Section 510.2 Zoning Commission In order to avail itself o the powers conferred by this act the board of county commissioners shall appoint a permanent commission of three five or seven members which shall be known as the county zoning commission

Any individual whether in private or ex-officio capacity may be appointed to serve on such commission and the majority of the members thereof shall be individuals who do not hold electibe public office The boards of county commissioners of two or more counties may arrange r provide for a joint or common commission and for the purposes of this act any such joint or common zoning commission shall be deemed the zoning commission of each of such counties The board of county commissioners shall provide for reimbursement of the members of the zoning commission for actual expenses incurred and shall provide for the filling of vacancies in the membership of such commission and for the removal of a member for non-performance of duty or misconduct

In any county where a county planning board has been or shall be established the board of county commissioners may in lieu of establishing a zoning commission as provided in this section confer and impose on such planning board the additional power and duty of serving as the county zoning commission with all the powers and duties conferred by this act upon the county zoning commission

Section 510.3 Assistance from State Agencies Personnel The zoning commission is directed to make use of the expert advice and information which may be furnished by appropriate state and federal officials departments and agencies particularly the Pennsylvania State Planning Board and all state officials departments and agencies having information maps and data pertinent to county zoning are hereby authorized and directed to make the same available for the use of the county zoning commission as well as to furnish such other technical assistance and advice as they may have available for such purpose The zoning commission may employ such trained personnel as the funds provided therefor may permit

Section 510.4 Preparation of Zoning Plan It shall be the duty of the zoning commission of any county to make for certification to the board of county commissioners of such cunty a zoning plan or plans including both the full text of the zoning ordinance or ordinances and the maps and representing the recommendations of the commission for the regulation by districts or zones of the location height bulk and size of buildings and other structures percentage of lot which may be occupied the size of lots courts and other open spaces the density and distribution of population the location and use of buildings and structurs for trade industry residence recreation public activities or other purposes and the uses of land for trade industry recreation agriculture forestry soil conservation water supply conservation or other purposes

When the efforts of such commission shall have reached the stage of a tentative plan the commission shall hold at least one public hearing on each tentative plan to be separately submitted notice if which hearings shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the county The notice shall contain the time and place of hearing and shall specify the place and times at which the tentative text and maps of the zoning ordinance may be examined For the purpise of its public hearing or hearings the commission shall have power to summon witnesses administer oaths and compel the giving of testimony

Before finally adopting and certifying any zoning plan the zoning commission shall submit its tentative plan to the State Planning Board for advice and recommendations The approval of the State Planning Board shall be presumed unless the State Planning Board shall within forty-five days after such submission present its advices and criticisms in respect to such zoning plan

In the event that after such public hearing or hearings and after such submission to the State Planning Board the zoning commission in the light of the developments at

such hearing or hearings or the advices and recommendations of the State Planning Board makes changes in its said tentative plan there shall be no requirement of any hearing upon such changes or any submission of such changes to the State Planning Board

Section 510.5 Zoning Ordinance From and after the time when a zoning commission of any county in accordance with the procedure specified in the next preceding section of this article makes adopts and certifies to the board of county commissioners of its county each zoning plan including both the full text of a zoning ordinance and the maps then the board of county commissioners may by ordinance exercise the powers granted to it in section five hundred ten and one-tenth of this act and for the purpose of such exercise the board of county commissioners may divide the territory of the county which lies outside of municipalities which now have authority to adopt and enforce zoning ordinances into districts or zones of such number shape or area as it may determine and within such districts or any of them may regulate the erection construction reconstruction alteration and uses of buildings and structure and the uses of land and may require and provide for the issuance of building permits as a condition precedent to the right to erect construct reconstruct or alter any building or structure within any district covered by such zoning ordinance All such regulations shall be uniform for each class or kind of buildings throughout any district but the regulations in one district may differ from those in other districts

Section 510.6 Method of Procedure After receiving the certification of a zone plan from the zoning commission and before the enactment of any zoning ordinance the board of county commissioners shall hold a public hearing thereon of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the county Such notice shall state the place at which the text and maps as certified by the zoning commission may be examined The board may conduct consultative hearings or referenda to aid it in determining the desirability of fcontemplated or recommended regulations No change in or departure from the text or maps as certified by the zoning commission shall be made unless such change or departure shall first be submitted to the zoning commission for its approval or disapproval or suggestions The zoning commission shall have thirty days from and after such submission within which to send its report to the board of county commissioners Provided however That no approval disapproval or suggestions of the zoning commission shall have more than advisory effect or shall in anywise bind the board of county commissioners

Section 510.7 Purposes of Zoning Regulations Such regulations shall be designated and enacted for the purpose of promoting the health safety morals convenience order prosperity or welfare of the present and future inhabitants of the State of Pennsylvania including amongst other things the lessening of congestion in the streets or roads or reducing the wates of excessive amounts of roads securing safety from fire and other dangers providing adequate light and air preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation water flowage water supply drainage sanitation educatiional apportunities recreation soil fertility food supply protection of the tax base securing economy in governmental expenditures fostering the state's agricultural and other industries and the protection of both urban and non-urban development

Section 510.8 Amendments The board of county commissioners may from time to time amend the number shape boundary or area of any district or districts or any regulation of or within such district or districts or any other provision of any zoning ordinance but no such amendment shall be made or become effective until the same shall have been proposed by or b first submitted for approval disapproval or suggestions to the zoning commission and the Pennsylvania State Planning Board Any proposal approval disapproval or suggestions of the zoning commission or the State Planning Board shall have advisory effect only and not be binding upon the board of county commissioners and unless such zoning commission or State Planning Board shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it the board of county commmissioners shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the port of the zoning commission or State Planning Board Before finally adopting any such amendment the board of county commissioners shall hold a public hearing thereon at least thirty days notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county

Section 510.9 Cooperation Between Counties The zoning commission of any county may cooperate with the zoning commissions of other counties and with the planning zoning legislative and administrative authorities of cities boroughs first-class townships or other municipalities either within or without such county with a view to coordinating and integrating the zoning of the county with the planning and zoning of other counties or of municipalities The zoing commission shall also have power to appoint such committee or committees and adopt such rules for the conduct of its business as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions

Section 510.10 The Board of Adjustment The board of county commissioners of any county which enacts zoning regulations under the authority of this act shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members Not more than half of the members of such board may at any time be members of the zoning commission The board of county commissioners shall fix per diem compensation and term for the members of such board of adjustment which terms shall be of such length and so arranged that the term of at least one member will expire each year Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing Vacansies shall be filled for the unexpired term in the same manner as in the case of original appointments The board of county commissioners may appoint associate members of such board and in the event that any regular member be temporarily unable to act owing to absence from the county illness interest in a case before the board of any other cause his place may be taken during such temporary disability by an accosiate member designated for the purpose The boards of county commissioners of two or more counties may arrange and provide for a joint or common board of adjustment of four or five members which joint or common board of adjustment shall be deemed the board of adjustment of each of such counties

The board of county commissioners shall provide and specify in its zoning or other ordinances general rules to govern the organization procedure and jurisdiction of said board of adjustment which rules shall not be inconsistent with the provisions of this act and the board of adjustment may adopt supplemental rules of procedure not inconsistent with this act or such general rules

Any zoning ordinance of the board of county commissioners may provide that the board of adjustment may in appropriate cases and subject to appropriate principles standards rules conditions and safeguards set forth in the zoning ordinance make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent The commissioners may also authorize the board of adjuustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they may arise in the administration of the zoning regulations.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify The chairman or in his absence the acting chairman may ad-

minister oaths and compel the attendance of witnesses All meetings of the board of adjustment shall be open to the public The board shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record

Section 510.11 Appeals to the Board of Adjustment Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance Appeals to the board of adjustment may be taken by any officer department board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance The time within which such appeal must be made and the form or other procedure relating thereto shall be as specified in the general rules provided by the board of county commissioners to govern the procedure of such board of adjustment or in the supplemental rules of procedure adopted by such board

Upon appeals the board of adjustment shall have the following powers

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order requirement decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance

(2) To hear and decide in accordance with the provisions of any such ordinance requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass

(3) Where by reason of exceptional narrowness shallowness or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property the strict application of any regulation enacted under this act would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property to authorize upon an appeal relating to said property a variance from such strict application so as to relieve such difficulties or hardship provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances

The concurring vote of four members of the board in the case of a five-member board and of three members in the case of a three-member board shall be necessary to reverse any order requirement decision or determination of any such administrative official or agency or to decide in favor of the appellant

Section 510.12 Court Review Any persons jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer department board or bureau of the county may present to the court of common pleas of the county in which the property concerning which such decision was made is located a petition duly verified setting forth that such decision is illegal in whole or in part specifying the grounds of the illegality Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the board Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney which shall not be less than ten days and may be extended by the court The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may on application on notice to the board and on due cause shown grant a restraining order The board of adjustment shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter it may take evidence or appoint a referee to take such evidence as it may direct and report the same to th court with his findings of fact and conclusions of law which shall constitute a part of the proceedings upon which the determination of the court shall be made The court may reverse or affirm wholly or partly or may modify the decision brought up for review

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings

Section 510.13 Violations Enforcement and Remedies It shall be unlawful to erect construct reconstruct alter maintain or use any building or structure or to use any land in violation of any regulation in or of any provision of any zoning ordinance or any amendment thereof enacted or adopted by any board of county commissioners under the authority of this act Any person firm or corporation violating any such regulation provision or amendment or any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars ($100.00) or imprisoned not more than ten days or both Each any every day during which such illegal erection construction reconstruction alteration maintenance or use continues shall be deemed a separate offense In case any building or structure is or is proposed to be erected constructed reconstructed altered maintained or used or any land is or is proposed to be used in violation of this act or of any regulation or provision fo any ordinance or amendment thereof enacted or adopted by any board of county commissioners under the authority granted by this act such board the district attorney of the county or any owner of real estate within the district in which such building structure or land is situated may in addition to other remedies provided by law institute injunction mandamus abatement or any other appropriate action or actions proceeding or proceedings to prevent enjoin abate or remove such unlawful erection construction reconstruction alteration maintenance or use

Section 510.14 Non-Conforming Uses The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of a zoning ordinance or in the case of an amendment of an ordinance then at the time of such amendment may except as hereinafter provided be continued although such use does not conform with the provisions of such ordinance or amendment and such use may be extended throughout the same building provided no structural alteration of such building is proposed or made for the purpose of such extension The board of county commissioners may provide in any zoning ordinance for the restoration reconstruction extension or substitution of non-conforming uses upon such terms and conditions as may be set forth in the zoning ordinance The board of county commissioners may in any zoning ordinance provide for the termination of non-conforming uses either by specifying the period or periods in which non-conforming uses shall be required to cease or by providing a formula or formulae whereby the compulsory termination of a non-conforming use may be so fixed as to allow for the recovery or amortization of the investment in the non-conformance

If any county acquire title to any property by reason of tax delinquency and such property be not redeemed as provided by law the future use of such property shall be in conformity with the then provisions of the zoning ordinance of the county or with any amendment or such

ordinance equally applicable to other like properties within the district in which the property acquired by the county is located

Section 510.15 List of Non-Conforming Uses Immediately after the adoption of any zoning ordinance or amendment by the board of county commissioners the county zoning commission shall prepare and publish a complete list of all non-conforming uses and occupations existing at the time of the adoption of such ordinance or amendment Such list shall contain the names and addresses of the owner or owners of such non-conforming use and of any occupant other than the owner the legal description or descriptions of the land and the nature and extent of land use After any necessary corrections have been made under a procedure prescribed by the board of county commisioners copies of such list shall when approved by such body be filed for record in the offices of the recorder of deeds and of the chief clerk in the county in which the lands are situated and shall be corrected yearly as the board of county commissioners may prescribe

Section 510.16 Filing Upon the adoption of any zoning ordinance or regulation map or maps the board of county commissioners may file the originals with the chief clerk and a certified copy of each in the office of the county recorder of deeds which copies shall be accessible to the public The recorder of deeds shall index such ordinances and regulations as nearly as possible in the same manner as he indexes instruments pertaining to the title of land

Section 510.17 Finances The board of county commissioners is empowered to appropriate out of the general county fund such moneys otherwise unappropriated as it may deem fit to finance the work of the county zoning commission and of the board of adjustment and to enforce the zoning regulations and restrictions which are adopted and to accept grants of money and service for these purposes and other purposes in accordance with this act from either private or public sources state or federal

Section 510.18 Conflict with Other Laws Whenever any regulations made under authority of this act require a greater width or size of yards courts or other open spaces or require a lower height of buildings or smaller number of stories or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required in or under any other statute the provisions of the regulations made under authority of this act shall govern Whenever the provisions of any other statute require a greater width or size of yards courts or other open spaces or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by any regulations made under authority of this act the provisions of such statute shall govern

Section 510.19 Definitions The words "amend" "amendment" "amendments" or "amended" in this act shall be deemed to include any modification of the text or phraseology of any provision of any zoning ordinance or amendment thereof or any repeal or elimination of any such provision or part thereof or any addition to the ordinance or to an amendment thereof and shall also be deemed to include any change in the number shape boundary or area of any district or districts any repeal or abolition of any map forming part of or referred to in any zoning ordinance or any part of such map any addition to such map any new map or maps or any other change in the maps or any map

The new section of the bill as follows:

Mr. EROE.—Mr. President, I move to amend by inserting a new section 510.19 reading, as follows: "Act Not to Apply to Certain Buildings of Public Utility Corporations. This Act shall not apply to any existing or proposed building, or extension thereof, used or to be used by public utility corporations, if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public."

Re-number subsequent section.

Mr. REED. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The title of the bill was read as follows and agreed to:

An Act to amend the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by conferring on such counties the power to adopt ordinances and resolutions providing for the zoning and regulation of the location height bulk and use of buildings and other structures and of the uses of land and the requirement of building permits in the portions of counties lying outside of cities boroughs and townships of the first class providing for the creation organization powers and duties of county zoning commissions and boards of adjustment imposing duties on the State Planning Board and on State officials departments and agencies and prescribing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and considerations of Senate Bill No. 872, as follows:

An Act to amend Article six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278 entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" providing for county and regional planning and the creation organization and powers of county and regional planning commissions and imposing duties on certain city borough town and township authorities.

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That article six of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" is hereby amended to read as follows

Article VI

County and Regional Planning (Commission) Commissions

Section 501 Creation and Powers (in Second Class Counties) of County Planning Commissions In counties of the second class a department is hereby created to be known as the Department of County Planning which shall be in charge of the county planning commission and in each other county the county commissioners may create a county planning commission consisting of nine persons who shall be residents of the county four of whom shall be residents of the city or cities therein and five of whom shall be residents of the boroughs and townships therein and who shall have knowledge and experience in respect to one or more of the following subjects finance commerce industry agriculture transportation architecture landscape architecture real estate building engineering

social welfare civic administration and law and at least seven of whom shll not be paid county employes All of said persons shall be apointed by the county commissioners three of them shall be designated to serve until the first day of January (one thousand nine hundred and thirty-one) of the second year following the year in which they are appointed three of them until the first day of January (one thousand nine hundred and thirty-three) of the fourth year following the year in which they are appointed and three of them until the first day of January (one thousand nine hundred and thirty-five) of the sixth year following the year in which they are appointed Provided however That in counties of the second class the members of the county planning commision in office at the time this amending act becomes effective shall remain in office until the end of their respective terms Thir successors shall be apointed at the expiration of their respective terms to serve six years An appointment to fill a casual vacancy shall be only for the unexpired portion of the term Three members shall constitute a quorum They may make and alter rules and regulations for their own organization and procedure consistent with the resolutions of the county commissioners and the rules of the Commonwealth They shall serve without compensation and shall make annually to the county commissioners a report of their transactions and recomendations They may employ enginers and other persons whose salaries and wages and other necessary expenses of the commission shall be provided for in the discretion of the county commisioners by proper appropriation and resolution The county planning commision may be given the additional power and duty of serving as the county zoning commission with all the powers and duties that have been or may be conferred upon such county zoning commission by other acts of assembly

Section 502 Submission of Resolutions for Certain Improvements Reports Thereon All resolutions of the county commisioners relating to the location of any public building in the county and to the location extension widening enlargement ornamentation or parking on any street boulevard parkway bridge tunnel subway or underground road park playground or other public grounds to the vacation of any highway or portion thereof or to the making or alteration of the county plan of highways or to any surface underground or elevated railway shall be furnished to the County Planning Commission if one has been created twenty days before their pasage and adoption by the County Commissioners The said commission may make a report or suggestion in relation thereto if it deems the report necessary or advisable for the consideration of the said commissioners If the said report is made by the commission prior to the expiration of the said twenty days the county commissioners may immediately proceed with the adoption of the said resolution All such reports when delivered to the said commissioners shall be for the information of the public as well as for the commissioners and the commissioners shall furnish to any newspaper of the county on request for publication a copy of any such report

Section 503 Appearance in Court The County Planning Commission may appear in any proceeding in the court of quarter sessions of said county with reference to the opening or vacation of any public road or highway bridge tunel subway or underground road and file a report stating its view with reference thereto and may produce testimony before the said court in connection therewith

Section 504 Plans of Subdivisions All plans of streets plots of land laid out in building lots and the streets highways alleys or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto located within the county limits except those located within any city or borough within the said counties shall be submitted to the County Planning Commission if one has been created and approved by it before they shall be recorded And it shall not be lawful to receive or record any such plan in any public office unless the same shall bear thereon by endorsement or otherwise the approval of the County Planning Commision if one has been created The disapproval of any such plan by the County Planning Commision shall be deemed a refusal of the proposed dedication shown thereon The aproval of the commission shall be demed an acceptance of the proposed dedication but shal not impose any duty upon the county concerning maintenance or improvement of any such dedicated lots until the proper authorities of the county shall have made actual appropriation of the same by entry use or improvement The owners and purchasers of such lots shall be conclusively presumed to have notice of public plans maps and reports of the commission affecting such property within its jurisdiction

Section 505..Maps of County The County Planning Commission may make or cause to be made and laid before the said county commissioners and in its discretion cause to be published a map or maps of the county and any portion or portions thereof including the territory extending three miles beyond the county limits showing the highways and other public improvements hereinbefore specified and other natural or artificial features and also locations proposed by it for any new highways or other of such improvements or any widening extension or relocation of the same or any change in the county plan by it deemed advisable

Section 506 Recommendations to County Commissioners and Others I tmay make recommendations to the said commissioners from time to time concerning any such matters and things aforesaid for action of the county commissioners thereon and in so doing have regard for present conditions and future neds and growth of the county and the distribution and relative location of all the principal streets and railways waterways and all other means of public travel and business communication as well as the distribution and relative location of public buildings public grounds and open spaces devoted to public use and the planning and laying out for dwelling and business purposes of private grounds brought into the market from time to time

The County Planning Commission may make recommendations to any public authorities or any corporations or individuals in such counties with reference to the location of any buildings structure or works to be erected or constructed by them

Section 507 Cooperation between Commission and Political Subdivisions The county planning commission shall encourage the cooperation of the political subdivisions within the county in any matters whatsoever which may concern the integrity of the county plan or maps prepared by the commission as an aid toward coordination of municipal plans with the county plans and it shall be the duty of every city borough town and township within a county having a county planning commission having prepared any maps or plans by a duly authorized planning commission to file a copy thereof and any subsequent amendments thereto with the county planning commission within sixty days from the effective date of this act or within thirty days of the completion of such plan or map

Section 507.1 Local Authorities to Submit Plans to County Planning Commission Before the approval of a plat by any city borough town or township authority having the power of approval of plats such authority shall transmit a copy of the proposed plat to the county planning commission if one has been created and the commission shall make a report thereon to such local authority Pending the receipt and consideration of such report such local authority shall defer action thereon but if such report be not received by the local authority within twenty days from the submission of the plat to the county planning commission or within such further time as may be agreed upon by the local authorities such local authority may proceed to final action thereon

Section 507.2 Creation of Regional Planning Commission The councils or corresponding administrative bodies of any group of political subdivisions independently or together with the county commissioners of any county or counties in which such group of political subdivisions is located or of any adjoining county or counties or the council or corresponding administrative body of any

political subdivision together with the county commissioners in which such political subdivision is located or the county commissioners of any two or more adjoining counties may cooperate in the creation of a regional planning commission for any region defined as may be agreed upon by said cooperating councils authorities and county commissioners or by said cooperating county commissioners The number and qualifications of the members of any such regional planning commission and their terms and method of appointment or removal shall be such as may be determined and agreed upon by said cooperating authorities and county commissioners Provided however That a majority of the members of the regional planning commission shall hold no other public office or position excepting appointive membership on a municipal or other planning commission Members of the regional planning commission shall serve without salary but may be paid expenses incurred in the performance of duties The proportion of the expenses of the regional planning commission to be borne respectively by the political subdivisions and counties or by the counties cooperating in the establishment and maintenance of the commission shall be such as may be determined and agreed upon by the cooperating authorities and county commissioners and said authorities and county commissioners are hereby authorized to appropriate their respective shares of such expenses Within the amounts thus agreed upon and duly appropriated any such regional planning commission shall have the power to appoint such employes and staff as it may deem necessary for its work and contract with planners and other consultants for such services as it may require The regional planning commission shall elect its chairman who shall hold no other public office or position except that he may be a member of a municipal or other planning commission The term of the chairman shall be one year with eligibility for re-election The commission may create and fill such other offices as it may determine It shall adopt rules for the transaction of business and shall geep a record of its resolutions transactions findings and determinations which record shall be a public record The county commisioners or other county official or the chief executive officer or body of any political subdivision may from time to time upon the request of the commission and for the purpose of special survey assign or detail to the commission any officers or employes of the county or political subdivision to make for the commission special surveys or studies requested by the commission

Section 507.3 Regional Planning Commission to Make Master Plan It shall be the function and duty of the regional planning commission to make a master plan and such surveys and studies as may be essential thereto for the physical development of the region as created in accordance with the provisions of section 507.2 of this act Such master plan shall include all the elements of physical development that may be locally important and desirable

Section 507.4 Delegated Powers of Regional Planning Commission The council or corresponding administrative bodies of any political subdivision and the county commissioners of any county so cooperating may delegate to the regional planning commission by ordinance or resolution any or all of the powers and duties of the planning commision of such political subdivision with respect to the territory of the political subdivision so enacting or resolving and in case of a county any and all of the powers and duties of a county planning commission for the territory of the county so resolving

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 931, as follows:

An Act to validate certain proceedings for municipal improvements municipal assessments municipal claims and municipal liens in the several cities of the third class boroughs and townships of the first class of this Commonwealth and validating such improvements assessments claims and liens providing for the filing of claims and liens therefor and the proceedings for the collection of such assessments claims and liens

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever heretofore the council of any city of the third clas or of any borough or the board of commissioners of any township of the first class of this Commonwealth has authorized by ordinance the grading curbing guttering paving or macadamizing with concrete brick stone or other suitable material of any public street or thoroughfare or portion thereof either cartway footwalk or gutter and has caused such improvement to be made and in such ordinance has authorized the advertising for bids therefor and the assessment of benefits upon the property benefited thereby and subsequent thereto pursuant to an ordinance passed after the passage and approval of the original ordinance providing for the improvement has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor who was the successful bidder with the Commonwealth for the construction of any portion of such streets or highways without any advertising for bids on the part of the city borough or township as provided for in the original ordinance authorizing such improvement and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvements against the property abutting along the line of improvement in accordance with the provisions of the original ordinance authorizing the said improvement or has by ordinance provided for the assessment against abutting property owners of benefits for such improvement or whenever heretofore the council of any city of the third class or of any borough or the board of commissioners of any township of the first class f this Commonwealth has required by ordinance and caused to be made graded paved curbed or macadamized with brick stone or other suitable material or otherwise improved any property or public street or thoroughfare or part thereof either cartway footwalk or gutter or has covered or enclosed any watercourse or waterway in any street or thoroughfare so as to improve or extend and increase the driveway in any street or thoroughfare or has vacated confined paved or altered the channel of any water course or waterway or has caused any sewers whatsoever to be constructed within or without any such city borough or township or has caused ornamental lights to be erected pursuant to any ordinance or has heretofore in acordance with existing law assessed a portion of the cost of such sewer as a sewage tax against property abutting along the line of said improvement on the side of said street alley or highway is located outside the limits of the said city borough or township the owners of such property being given permission by the said city borough or township to use sewer and such property not being then provided with sewer facilities and has by ordinance provided for the assessment against abutting property owners of benefits for such improvement but owing to some defect in the petition action of council or of the board of commissioners notice of publication failure to make said improvement in accordance with the strict terms of any ordinance or any other proceeding or action necessary under existing laws and ordinances to give jurisdiction to such council or board of commissioners or because of non-compliance with existing laws as to publication of copies of ordinance and posting of handbills prior to or after the final passage of such ordinance or because of non-compliance with existing laws as to the purchasing of materials and supplies or the awarding of contracts without advertising or because the ordinance itself or the official record book containing the same has been lost mislaid or destroyed

uch ordinance has not been transcribed in the official rd book or because of irregularity or error in the ointment of viewers to assess benefits against prop- abutting along the line of improvement or because he neglect of viewers appointed to assess damages and efits caused or accruing as a result to file their report in the time required by law for the filing thereof or use of irregularity or error in the method or procedure n for the ascertainment of the amount of benets to property or because of any irregularity or error in ordinances or passage or approval thereof authorizing execution of the work the contracting therefor and assessing of benefits therefor or where the right of the rd of viewers to assume the jurisidction and to act in ssing the properties benefited thereby is questioned ecause of any irregularity or error in the failure to g the proceedings for the assessment of benefits for improvement before the board of viewers within time provided by law or the failure to assess the efit therefor in the manner now provided by law or use of any irregularity or error in arriving at or de- ining the benefits assessed against any such property ecause of the failure to give notice as required by or ordinance or the time for filing a lien or mak- claim for such improvement has expired or the claim not been filed after notice to do so or for any other on the costs of such improvement or portion thereof e nt or cannot be legaly assessed upon the property ading or abutting on the line of the improvement or he street or part thereof improved or owing to some ct in the statement of claim filed to secure the lien he failure of the city borough or township solicitor to the lien in the court of common pleas or to sign the e or to have stamped thereon a facsimile signature of said solicitor or chief executive of the claimant for costs of such improvement or any error made in the e of the owner or owners of the abutting property g the line of the improvement payment thereof can- be enforced or if the ordinance of the city borough wnship authorizing the construction of any improve- t was in fact adopted before such city borough or ship was legally empowered to make such assess- s on property within or outside the limits of such borough or township if such improvement was actually ructed and such assessments against property within ithout the limits of such city borough or township e subsequent to the time when such city borough or ship was legally empowered to levy such assess- s as was contemplated by the act or acts of General mbly under which the improvement was attempted to ade and statement of claim filed now by this act such ovement is made valid and binding and also any ment of claim heretofore filed if any to secure the therefor is also made valid and binding and the diction of any board of viewers hereinbefore mention- entertain such proceedings and the assessments made uant to such proceedings against property within or out the limits of any such city borough or township be valid and binding and the council of such city orough and the commissioners of such township may e the property bounding or abutting along the line e improvement or on the street or part thereof upon h the improvement has been made or is now being to be assessed in the manner now provided by law the board of viewers' proceedings in the manner and e rates now provided by law with such a portion of the of such improvement as is contemplated by law under h the improvement was made or attempted to be e or is now being made and all such benefits and all sments heretofore made or determined are hreby rati- confirmed and validated and any statemnt of claims ofore filed if any to secure the liens therefor are hereby ratified confirmed and validated Such assess- or other assessment heretofore made or hereafter in proceedings now pending within the time limita- specified in this act shall be a lien upon the property ssed and any lien heretofore filed for benefits assessed or the cost of such improvement or any part threof ough the report of the viewers assessing the same not filed within the time required by law for the filing thereof is hereby made valid and binding with the same force and effect as through such report was filed within the time required by law for filing the same The lien shall date from the completion of the improvement for which the assessment is made whether the work was completed through one or several operations or contracts or from the date of filing the same and shall remain a lien until fully paid and satisfied Provided That a writ of scire facias is issued to revive the same during every period of five (5) years after the lien is filed as hereafter provided And provided further That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the date of the filing thereof or give the lien thus filed priority over any bona fide lien or liens filed entered or recorded or which shall have otherwise attached subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof

Section 2 The council of any city of the third class or any borough or the board of commissioners of any township of the first class of this Commonwealth entitled to a lien under this act shall file a lien therefor if not heretofore filed in the office of the prothonotary of the county within which the property lies within six (6) months after the completion of the work where the improvement is now in progress or within twelve (12) months after the confirmation absolute of the report of the viewers assessing the benefits for such improvement whether now or hereafter pending or within twelve (12) months aftr the approval of this act where the improvement is now completed if no lien has been heretofore filed for the same or within twelve (12) months after the passage of any councilmanic ordinance assessing benefits under the provisions of this act where the improvement is already completed and the same shall be entered upon record as other municipal claims Such liens shall state the name of the party claimant which shall be the corporate name of the city borough or township making the improvement name of the owner or reputed owner of the property assessed a reasonable dscription of the property assessed the amount or sum claimed to be due which shall include interest on the assessment from the completion of the improvement for what improvement the claim is made the date of its completion the date of the assessment for which the lien is filed Such lien when so filed shall be prima facie evidence of all matters therein set forth and of the right of the city borough or township to recover the amount therein claimed to be due together with interest from the date of th lin or compltion of the improvement costs and an attorney's commission of five per centum for collecting

Section 3 The claim when so filed shall be proceeded upon for collection by writ of scire facias Provided That this act shall not apply to any proceeding suit or lien wherein a final order or judgment of any court of record has already been made or entered

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 950, as follows:

An Act relating to the settlements of accounts of collectors of county taxes providing for procedure in such cases and for appeals to courts of common pleas

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assmbly met and it is hereby enacted by the authority of the same That hereaftr in all cases where

in any settlement of the accounts of any tax collector of county taxes the county commissioners shall subject such tax collector to any liability a certificate under the hands and seals of the county commissioners shall be filed in the office of the prothonotary of the court of common pleas of the county stating the amount due and unpaid by such collector and notice thereof shall be given by the county commissioners by registered mail to such collector and his sureties

It shall be the duty of the prothonotary to enter such certificate on his docket Such certificate shall from such entry have the same force and effect as a judgment of the court of common pleas and executions may be issued thereon as on judgments for the amount remaining unpaid at any time after the entry aforesaid

Section 2 Within thirty days after the date of such notice any tax collector subjected to liability or his sureties may appeal from the settlement to the court of common pleas of the proper county Such appeal shall act as a supersedeas The decision of the court on any such appeal shall be final

Section 3 No appeal shall be allowed unless the appellant shall enter into a recognizance with two sufficient sureties in double the sum found due in such settlement with condition to prosecute the appeal with effect and to pay the costs and such sum of money as shall appear on the final determination to be due from him

Section 4 The courts of common pleas shall direct the form in which the issues shall be entered in all such appeals Such issues shall be tried by a jury or may be submitted to reference a ndarbitration in the manner and subject to the proceedings provided by law

Section 5 In case the appellant does not recover final judgment in court more favorable to him then the settlement of the county commissioners he shall pay all costs that may accrue on his appeal but if he should recover in court a final judgment more favorable than the settlement of the county commissioners than the county shall pay the costs that may accrue on such appeal

Section 6 If no appeal is entered or if an appeal is entered and no security given as herein required or if upon such appeal judgment is given against the tax collector in any amount execution may issue in like manner as on judgments for the amount due and recourse may be had against the sureties of such tax collector

Section 7 That section eleven of the act approved the twenty-fifth day of June one thousand eight hundred and eighty-five (Pamphlet Laws 187) entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth" is hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 976, (House Bill No. 1608), entitled:

An Act to further amend clause fifty-three of section one thousand two hundred two of the act approved the fourth day of May one thousand nine hundred and twenty-seven (Pamphlet Laws five hundred nineteen) entitled "An act concerning boroughs and revising amending and consolidating the law relating to boroughs" by further regulating contracts by boroughs.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 977, (House Bill No. 1609), entitled:

An Act to further amend the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by further regulating the affairs of boroughs and revising, amending and changing the law relating thereto.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 982, (House Bill No. 1802), as follows:

An Act authorizing County Commissioners to refund taxes and license fees erroneously and inadvertently paid by persons and corporations into the county treasury and limiting the time within which claims for refunds must be made

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any person or corporation of this Commonwealth has erroneously or inadvertently paid or caused to be paid into a county treasury directly or indirectly any tax or taxes on real or personal property or any license fee or fees under an assumption that such taxes or license fees were due and owing by him her or it when in fact such taxes or license fees or a part thereof were not due and owing to the county by him her or it then in such case the county commissioners upon due proof of any are hereby authorized to draw their warrant on the county treasurer in favor of such person or corporation to make refund of such tax or taxes or license fee or fees to which the county has no valid claim out of the county funds if such claim for refund is made within two years from the time such erroneous or inadvertent payment was made

Section 2 The provisions of this act shall become effective immediately upon its final enactment and shall apply to any taxes and license fees paid at any time within two years prior to such effective date

Section 3 The act approved the eighth day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1656) entitled "An act authorizing county commissioners to refund taxes erroneously and inadvertently paid by persons and corporations into the county treasury" and the amendments thereto are hereby repealed

All other acts and parts of acts inconsistent with the provisions of this act are hereby repealed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 999, as follows:

An Act to amend section three hundred eleven as amended of the act approved the second day of May one thousand nine hundred twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto further regulating the rights of persons elected of the people who become members of the retirement system in counties of the second class

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the

thority of the same That section three hundred eleven the act approved the second day of May one thousand ne hundred twenty-nine (P. L. 1278) entitled "An act ating to counties of the second third fourth fifth sixth venth and eighth casses and revising amending and nsoidating the laws relating thereto" as last amended the act approved the fourth day of April one thou- nd nine hundred thirty-five (P. L. 12) is hereby further ended to read as follows

Section 311 "County Employee" Defined A county em- ye for the purpose of this subdivision of this act is any rson employed by the county or by the county poor trict at a wage or salary payable at stated intervals t is to say semi-monthly monthly quarterly or annually e term may at the option of the Retirement Board lude any person elected by the vote of the people and such case such person shall receive credit for his evious service in the employ of the county as an elected appointed employe or official upon the payment of such ount due as contributions for such previous service as ll be determined by the Retirement Board In all cases doubt the Retirement Board shall determine who is an ploye within the meaning of this act

And said bill having been read at length the second ne and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consid- tion of Senate Bill No. 1007, as follows:

Act to add section four hundred seven and one-tenth o the act approved the second day of May one thou and nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth ifth sixth seventh and eighth classes and revising mending and consolidating the laws relating thereto" uthorizing and regulating the designation of certain anking institutions as deputy county tax collectors by he board for the selection of depositories in counties f the second class and defining their powers and duties

Section 1 Be it enacted by the Senate and House of presentatives of the Commonwealth of Pennsylvania General Assembly met and it is hereby enacted by the thority of the same That the act approved the second y of May one thousand nine hundred and twenty-nine . L. 1278) entitled "An act relating to counties of the ond third fourth fifth sixth seventh and eighth classes d revising amending and consolidating the laws re- ing thereto" is hereby amended by adding thereto after tion four hundred seven a new section to read as follows

Section 407.1 Banks Authorized to Receive Taxes The ard shall have authority to designate any bank savings nk bank and trust company trust company or national nking association located within the county as a deputy unty tax collector for the sole purpose however of re- ving and receipting for county taxes paid to it at its ce of business The county tax collector shall not be d responsible for losses occasioned by the failure of any ch institution for moneys received by it as such deputy ch such institution acting as a deputy county tax col- tor shall within five day after the last day of each endar month transmit to the county tax collector all neys received by it as such deputy during such preced- month Each such payment shall be accompained by an mized statement showing what taxes have been paid the es when paid and by whom they have been paid Such institution shall not be allowed any compensation or mmission for acting as such deputy other than expenses ually incurred in transmitting moneys and records of yments to the county tax collector

Every such institution shall before entering upon its ties of receiving and receipting for taxes post such se- rity in such amount as shall be determined by the ard to insure the faithful performance of its duties and e payment over of all tax moneys received by it

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1016, (House Bill No. 1733), entitled:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class and the rate of interest to be paid by such depositories to such counties

The first section of the bill was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" are hereby amended to read as follows

Section 406 Meeting Number of Depositories The board shall meet at the office of the county controller not later than noon of the third Wednesday following the first Monday of January following the election of the county treasurer and thereafter as may be necessary and shall there decide upn the number of banks and banking institutions not less than three in number as depositories of county funds for such period of time as the board may determine but not to exceed the term for which the treasurer is elected

Section 407 Designation and Qualification of Depositories Rate of Interest At said meeting or at any subsequent meeting agreed upon said board shall designate the depositories and the rate of interest to be paid by them to the county Such rate of interest shall be [not less than two per centum per annum] the highest rate obtainable calculated on daily balances Deposits shall be made with the depositories designated as soon as satisfactory bonds approved by the county commissioners are filed with the controller The bank or banking institutions selected shall have paid-in capital and surplus of not less than five hundred thousand dollars

Mr. RANKIN. Mr. President, I move to amend Section 1, page 1, line 4, by striking out the word "sections" and inserting in lieu thereof the word "section"; amend section 1, page 2, line 1, by striking out after the word "thereto" the word "are" and inserting in lieu thereof the word "is"

Amend by eliminating Section 407 entirely.

Mr. RICE. Mr. President, I second the motion.

Mr. RANKIN. Mr. President, I move to amend page 2, after line 12, by adding the following: Section 2 The provisions of this act shall become effective immediately upon its final enactment.

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

The title of the bill was read as follows:

An Act to amend sections four hundred six and four hundred seven of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by further regulating depositories of funds of counties of the second class and the rate of interest to be paid by such depositories to such counties

On the question,

Will the Senate agree to the title?

Mr. RANKIN. Mr. President, I move to amend the title of the Act, page 1, line 1, by striking out the word "sections, and inserting in lieu thereof the word "section"; amend title of the Act, page 1, line 1, by striking out after the word "six" the words "and four hundred sev-"; amend title of the Act, page 1, line 2, by striking out the part word "en"; amend title of the Act, page 1, line 8, by striking out after the word "class" the words "and the"; amend title of the Act, page 1, line 9, by striking out line 9 entirely; amend title of the Act, page 1, line 10, by striking out line 10 entirely; amend section 1, page 1, line 4, by striking out after the word "six" the words "and four hundred seven"

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendments?

It was agreed to.

On the question,

Will the Senate agree to the title as amended?

It was agreed to.

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1034, (House Bill No. 1712), entitled:

An Act to amend the act approved the fifth day of May one thousand nine hundred and eleven (P. L. 198) entitled "An act to establish a county court for the County of Allegheny and prescribing its powers and duties regulating the procedure therein and providing for the expenses thereof" increasing the powers now exercised by the judges of said court and making the judges of the County Court in and for the County of Allegheny available for use in other courts in the same judicial district

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1046, as follows:

An Act imposing upon the Board of Revision of Taxes in cities of the first class the duty of reading water meters authorizing the employment of assistants for the performance of such duties fixing the salaries of such assistants and repealing inconsistent acts

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Board of Revision of Taxes in every city of the first class within the Commonwealth which now owns and operates or may hereafter acquire or construct and operate its own waterworks is hereby charged with the duty of reading water meters

Section 2 The Board of Revision of Taxes may employ such additional assistants not exceeding thirty in number as are necessary to perform the duties imposed by this act Each such assistant shall receive compensation at the rate ofnot less than one thousand dollars per annum and not more than at the rate of one thousand five hundred dollars per annum The appropriating authorities of said cities shall annually or from time to time appropriate sufficient funds to carry out the provisions of this act

Section 3 All act or parts of acts inconsistent with the provisions hereof are hereby repealed

Section 4 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1055, as follows:

An Act authorizing the compounding compromising and settlement by the Department of Public Instruction with the approval of the Department of Auditor General and the Department of Justice of prosecutions for the violation of the Acts of Assembly relating to the licensing and registration of persons engaged in professions trades and occupations in the Department of Public Instruction

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That whenever any Act of Assembly relating to the licensing or registration of persons engaged in professions trades and occupations in the Department of Public Instruction or any board therein is violated and prosecution therefor is brought by the Department of Public Instruction such department is authorized and empowered with the approval of the Department of the Auditor General and the Department of Justice to compound compromise and settle without further proceeding any such prosecution before any justice of the peace magistrate or alderman before whom the said prosecution is being brought upon the payment by each defendant of the minimum fine or penalty and costs provided for in the respective acts

Section 2 All acts and parts of acts inconsistent herewith are hereby repealed

Section 3 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL OVER IN ORDER

Mr. RUTH. Mr. President, I ask unanimous consent that Senate Bill No. 1058, (House Bill No. 1642) on second reading entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries and the enrollment as members of political parties as a further

condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

go over in its order.

The PRESIDENT. Is there objection? The Chair hears none.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1061, (House Bill No. 1769), entitled:

An Act to provide for the permanent personal registration of electors in cities of the second class A as a condition of their right to vote at elections and primaries and their enrollment as members of political parties as a further condition of their right to vote at primaries prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors and prescribing the powers and duties of citizens parties political bodies registration commissions commissioners registrars inspectors of registration and other appointees of registration commissions county election boards election officers municipal officers departments and bureaus police officers courts judges prothonotaries sheriffs county commissioners peace officers county treasurers county controllers registrars of vital statistics certain public utility corporations real estate brokers rental agents and boards of school directors and imposing penalties

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. HUFFMAN. Mr. President, I call up at this time Senate Bill No. 686, House Bill No. 1071.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 686, (House Bill No. 1071), entitled:

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

Whereas the Commonwealth of Pennsylvania holds a recognized position as leader in Aeronautical Law and in the establishment or supervision of airports and terminal and intermediary landing fields and

Whereas it is the desire of the Commonwealth to keep abreast of the progress in commercial aviation to encourage the use of its airways and airports for interstate and intra-state aeronautical commerce and to promote safety in aviation therefore

The first section of the bill was read as follows:

Section 1 Be it resolved by the Senate and House of Representatives in General Assembly met That there is hereby created a Commission which shall be composed of two members of the Aeronautics Committee of the House of Representatives to be designated by the Speaker of the House and one member of the Aeronautics Committee or the Senate to be designated by the President Pro Tempore of the Senate and the Chief of Aeronautics of the Commonwealth whose duty it shall be to make a thorough survey of the topography of the Commonwealth and make recommendations based on such survey with regard to acquiring setting up and maintaining

(1) Emergency and intermediary landing fields

(2) Radio and air wave facilities and

(3) A program designed to eliminate obstructions adjacent to or in the vicinity of existing or proposed landing fields.

On the question,

Will the Senate agree to the section?

Mr. HUFFMAN. Mr. President, I move to amend section 1, page 2, line 9, by striking out the words "and the Chief of Aeronatics of the Commonwealth".

Mr. RICE. Mr. President, I second the motion.

On the question,

Will the Senate agree to the amendment?

It was agreed to.

On the question,

Will the Senate agree to the section as amended?

It was agreed to.

The second, third and fourth section of the bill was read as follows and agreed to.

Section 2 The Commission shall make and file its final report and recommendations to the Executive Board of the Commonwealth not later than April 15 1937

Section 3 The sum of twenty-five hundred dollars or so much thereof as may be necessary is hereby specifically appropriated to the Commission for the payment of expenses of the members of the Commission and for such clerical stenographic and engineering services and for such other expenses deemed proper and necessary by the Commission

Section 4 This Resolution shall become effective immediately upon its final enactment

The title of the bill was read as follows and agreed to.

A Joint Resolution authorizing the appointment of a Commission to make a survey of the topography of the Commonwealth to make recommendations concerning landing fields and aviation facilities and making an appropriation

Whereas the Commonwealth of Pennsylvania holds a recognized position as leader in Aeronautical Law and in the establishment or supervision of airports and terminal and intermediary landing fields and

Whereas it is the desire of the Commonwealth to keep abreast of the progress in commerical aviation to encourage the use of its airways and airports for inter-state and intra-state aeronautical commerce and to promote safety in aviation Therefore

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1067, as follows:

An Act to amend section five hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) entitled "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" by changing the requirements relating to the annexation

of boroughs and townships to cities of the third class and defininf the phrase "taxable inhabitants"

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five hundred and one of the act approved the twenty-third day of June one thousand nine hundred and thirty-one (P. L. 932) "An act relating to cities of the third class and amending revising and consolidating the law relating thereto" is hereby amended to read as follows

Section 501 Petition for Annexation of Boroughs or townships and Parts of Townships Any borough [having a population of less than ten thousand inhabitants] or any township or part of a township contiguous to any ctiy whether wholly or partilly within the same or different counties may become annexed to any such city in the following manner

(a) In the case of a borough the borough council [may] shall pass an ordinance for such annexation whenever [three-fifths] a majority of the taxable inhabitants and a majority of the registered voters of such borough shall present a petition [accompained with the written consent of a majority in number and interest of property owners of the borough] asking for such annexation

(b) In the case of a township or part of a township whenever [three-fifths] a majority of the taxable inhabitants and a majority of the registered voters of such townships or part of a township shall present a petition to the council of said city [accompained with the written consent of a majority in number and interest of property owners of such township or part of a township] asking for such annexation

(c) In case of part of a township when there are no taxable inhabitants residing therein then whenever [three-fifths] majority of the property owners in number and interest of property situated therein shall present a petition to the council of said city asking for such annexation

In constructing this section a majority in interest of owners of undivided interest in any piece of property shall be deemed and treated as one person for the purpose of ascertaining the number of petitioners

In constructing this section a "taxable inhabitant" shall mean a person subject to taxes on real property within the borough township or part of a township as the case may be and residing in such borough township or part of a township

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. LAW. Mr. President, I move that the question together with the further consideration of the bill be postponed for the present.

Mr. McCREESH. Mr. President, I second the motion.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1101, (House Bill No. 2055), as follows:

An Act authorizing any county and city in any of the second class and any city in any such county in which the countyseat is within the limits of such city to agree upon the joint management and control of any or all city hospitals and institutions and any or all county hospitals and institutions within the city and providing for the appointment of a board of managers and for professional staffs and employes and for the apportionment of costs and expenses

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That in each county of the second class of this Commonwealth where the countyseat is within the limits of any city the county commissioners and the proper corporate authorities of such city shall have the power and they are hereby authorized to agree upon the administration management maintenance control and operation of any or all city hospital and institutions and of any or a county hospitas and institutions within the county under one board of managers and to share the expenses thereof in such manner and proportions as shall be agreed upon

Section 2 Such board of managers shall consist of seven members Three members one of whom shall be a member of the board of county sommissioners shall be appointed by the county commissioners Two members shall be appointed by the mayor of such city One member who shall be a member of city council shall be appointed by the council of such city One member shall be appointed by the county commissioners and mayor jointly In acting on the appointment of such last member the three county commissioners together shall have one vote and the mayor shall have one vote

The members of the board shall be appointed for terms of four years and shall serve without compensation

The Board shall organize each year by electing one of its members chairman and another member secretary of the board

Section 3 The board of managers shall employ a superintendent for each hospital and institution under its control and such medical surgical nursing and other staffs and such other employes as they deem necessary for the proper conduct of the activities of the respective hospital or institution

All persons appointed by the board shall be qualified according to standards not inconsistent with law adopted by the board and pursuant to such oral or written examinations as the board shall prescribe In sa fas asposible vacancies shal be filled by promotion from among the then employes of the board

The salaries or other compensation of all appointees of the board shall be fixed by the board subject to the approval and ratification by the salary board of the county and the proper corporate authorities of the city and shall be paid by the county and city in such proportions as shall be agreed upon by the county commissioners and such corporate authorities

Section 4 The board of managers shall subject to the approval of the county commissioners of the county and and the proper corporate authorities of the city make such bylaws rules and regulations for the managment of the several hospitals and institutions as it may deem advisable

Section 5 The right of appointment by the board of managers of a superintendent for each hospital and institution surgical nursing and other staffs and other employes shall not be limited or restricted in any manner by the requirements of the present civil service act applicable to any city or shall any such act apply to any such act apply to any person so appointed

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The Senate proceeded to the second reading and consideration of Senate Bill No. 1105. as follows:

An Act concerning proxies authorizing representation and voting of capital stock of railroad corporations at meetings and elections thereof

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That stockholders of railroad corporations organized under the laws of this State or under or under the laws of this state and any other state or states wherever residing who shall be entitled to vote at any corporate meeting or election thereof shall have or be possessed of the right and power to vote threat by proxy duly executed by the stockholder and that one person may be constituted and act as proxy for any numbed of stockholders Every proxy shall be executed in writing by the stockholder or by his duly authorized attorney in fact either with or without notarial seal or other acknowledge and filed with the secretary of the corporation A proxy unless coupled with an interest shal be revocable at will notwithstanding any other agreement or any provision in the proxy to the contrary but the revocation of a proxy shall not be effiective until notice thereof has been given to the secretary of the corporation No undvoked proxy shall be valid after eleven months from the date of its execution unless a longer time is expressley provided therein but in no event shall a proxy unless coupled with an interest be voted on after three years from the date of its execution A proxy shall not be revoked by the death or incapacity of the maker unless before the vote is counted or the authority is exercised and written notice of such death or incapacity is given to the secretary of the corporation A stock holder shall not sell his vote or execute a proxy to any person for any sum of money or anything of value

Section 2 That any thing contained in any general or special law inconsistent with this act be and the same is hereby repealed in so far as it relates to railroad corporations

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

Mr. RODGERS. Mr. President, I move that the Senate do now proceed to the consideration of Senate Bill No. 653, on second reading postponed, entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board as an administrative Board of the Department of Labor and Industry conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively; imposing certain duties of compliance upon employes and employers with the procedure in this act for settlement of disputes and controversies before resorting to arbitrary or compulsory process for settling disputes and controversies; providing for the selection and period of service of representatives of employes for the purpose of collective bargaining; authorizing and empowering the Pennsylvania Labor Relations Board to conduct investigations, hearings and elections for determining the representatives authorized to bargain collectively for employes, and to serve in the settlement of controversies over the making and maintaining of agreements between employer and employes through mediation or voluntary arbitration and in the event of failure of arbitration providing for the creation of a special fact finding board by the Governor to investigate and report respecting such controversy; providing for the services of the Pennsylvania Labor Relations Board in the settlement of controversies over the application of an agreement or over the grievances of individual employes or groups of employes by local or regional commissions or panels set up by the Pennsylvania Labor Relations Board through adjustment boards permanently or temporarily established whose decision shall be final and binding; providing for notices of proposed changes in existing agreements between employers and representatives of employes affecting wages, hours and conditions of employment; prohibiting any change except by agreement in conditions of employment during the period of the services of the Pennsylvania Labor Relations Board or special fact finding board and for thirty-days after the report of the special fact finding board, in connection with any controversy over the right of representation of employes or over the making and maintaining of agreements between employers and employes or over changes in existing agreements; providing for voluntary arbitration of controversies between employers and employes regulating the selection of arbitrators and procedure, and conferring certain powers and imposing certain duties upon the arbitrators and the courts with reference thereto.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the bill on second reading?

BILL DROPPED FROM CALENDAR

Mr. RODGERS. Mr. President, I move that the bill be dropped from the calendar.

Mr. DiSILVESTRO. Mr. President, I second the motion.

The motion was agreed to.

BILLS INTRODUCED

Mr. THOMPSON. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMPSON read in his place and presented to the Chair Senate Bill No. 1167, entitled:

An Act to define and restrict the obligation of persons engaged on, connected with, or employed by certain newspapers, or press associations in testifying as to the source of information procured or obtained by such persons.

Which was committed to the Committee on Judiciary General.

Mr. EROE. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. EROE, read in his place and presented to the Chair Senate Bill No. 1168, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 662) entitled "An act relating to retirement from the Pennsylvania National Guard" as amended by the act approved the twelfth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 681), by providing that service in excess of thirty-nine years and five months may be counted as more than forty years of service.

Which was committed to the Committee on Military Affairs.

Mr. HOWELL. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. HOWELL, read in his place and presented to the Chair Senate Bill No. 1169, entitled:

An Act to amend route 35039 of the act, approved the first day of June, one thousand nine hundred and thirty-three (P. L. 1172), entitled "An act establishing certain streets in boroughs and incorporated towns as State high-

ways, and providing for their construction and maintenance at the expense of the Commonwealth."

Which was committed to the Committee on Highways.

Mr. OWLETT. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. OWLETT, read in his place and presented to the Chair Senate Bill No. 1170, entitled:

An Act to amend sections one thousand and seventeen and one thousand two hundred and seven of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," fixing the minimum salaries of mayors and councilmen.

Which was committed to the Committee on Municipal Government.

Mr. McCREESH. Mr. President, I ask unanimous consent to read a bill in place at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. McCREESH, read in his place and presented to the Chair Senate Bill No. 1171, entitled:

A Joint Resolution proposing an amendment to Article nine, section fifteen of the Constitution of the Commonwealth of Pennsylvania.

Which was committed to the Committee on Constitutional Changes.

REPORTS FROM COMMITTEE

Mr. RICE. Mr. President, I ask unanimous consent to make a report from committee at this time.

The PRESIDENT. Is there objection? The Chair hears none.

Mr. RICE, from the Committee on Appropriations, reported as committed, Senate Bill No. 881, entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

He also from the Committee on Appropriations, reported as committed, Senate Bill No. 880, entitled:

An Act appropriating to the Department of Public Assistance for public assistance, all restitutions and overpayments collected by or for such department.

He also from the Committee on Appropriations, reported as committed, Senate Bill No. 879, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven.

With the understanding that these bills be recommitted to the Committee on Appropriations after second reading.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Thomas Kennedy) announced that the Chief Clerk having reported that the following bills had passed both houses of the General Assembly and the same being correct, the titles were publicly read as follows:

House Bill No. 232, entitled:

An Act validating municipal claims of boroughs where not filed within the time specified by law.

House Bill No. 233, entitled:

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed, or a prior revival thereof made.

House Bill No. 555, entitled:

An Act to amend sections two, four, five, eight, thirteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three, (P. L. 1076), entitled "Credit Union Law," changing certain requirements for incorporation; enlarging the scope of membership; permitting compensation to directors and committee members; clarifying the basis for the collection of interest and fines; providing for refunds of interest on obligations paid before maturity and permitting officers a limited right of borrowing; further regulating the maintenance of reserve funds and the determination and payment of dividends; and providing for further tax exemptions.

House Bill No. 646, entitled:

An Act to promote the public health, safety, morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions, and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals, or sold; providing for the acquisition of property by the exercise of the power of eminent domain; providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health, and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof; defining the rights, powers and duties of such companies, and of persons investing in or dealing with such companies; authorizing such companies to lease and operate, or to manage, projects of any housing authority, and borrow money from agencies of the United States Government; exempting all such companies from the payment of any capital stock tax; making certain securities of such corporations legal investments for funds in the hands of municipal officers, insurance companies and associations, savings banks and savings institutions; authorizing certain existing companies to accept the provisions of this act, and repealing inconsistent acts.

House Bill No. 655, entitled:

An Act to amend section thirty of the act approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1237, entitled "Divorce Law" providing for service on respondents who are lunatics or persons non compos mentis.

House Bill No. 1159, entitled:

An Act to amend section one thousand six of the act, approved the fifteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws six hundred and twenty-four), entitled "Banking Code." as amended, by providing further with regard to limitations upon loans to one corporation or person.

Whereupon,

The PRESIDENT (Lieutenant Governor Thomas Kennedy) in the presence of the Senate signed the same.

LEAVE OF ABSENCE

Mr. RUPP asked and obtained leave of absence for the balance of this week's session.

MOTION TO READ BILLS THE FIRST TIME

Mr. CAVALCANTE. Mr. President, I move that all bills reported at today's session be read the first time.

Mr. LAW. Mr. President, I second the motion.

On the question,

Will the Senate agree to the motion?

Mr. HUFFMAN. Mr. President, we are approaching the end of the Legislative Session, and I think that the difficulty in having so many bills go over in order is that we are passing the First Reading Bills and, therefore, I think we should not read these bills. I think we will save time and a good deal of annoyance if this be done.

And the question recurring,

Will the Senate agree to the motion?

It was agreed to.

BILLS ON FIRST READING

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 23, entitled:

An Act making an appropriation out of the Motor License Fund to carry into effect the provisions of the act approved the nineteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws one thousand three hundred forty-eight), entitled, "An act creating a commission to compile, edit, publish, and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation," and its amendments; and defining the purposes for which said appropriation may be expended.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 232, entitled:

An Act providing for the acquisition and maintenance by the Department of Forests and Waters with the advice of the Bushy Run Battlefield Commission of lands adjacent to; and including the place where fifty soldiers killed in the battle of Bushy Run are buried, as well as other portions of said battlefield; and making an appropriation.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 430, entitled:

An Act making an appropriation to the Department of Health for the prevention of blindness in infants.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 475, entitled:

An Act to further amend section seven hundred twenty-three of the act approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws nine hundred five) entitled, "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof, upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties; providing for the disposition of fines, forfeitures, fees and miscellaneous receipts; making an appropriation; and providing for refunds;" authorizing boroughs to levy a license fee or tax on certain motor vehicles under certain circumstances.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 562, entitled:

An Act making an appropriation to the Seventy-fifth Anniversary of the Battle of Gettysburg Commission.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 594 (House Bill No. 744), entitled:

An Act expressing assent of the General Assembly of the Commonwealth of Pennsylvania to the provisions and purposes of the Act of Congress approved the twenty-ninth day of June, one thousand nine hundred thirty-five.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 748, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred eighty-two) entitled, "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," so that sections 541 to 551 inclusive, are repealed and two new sections to be known as sections five hundred and forty-one (541) five hundred and forty-two A (542 A) and five hundred and forty-two B (542 B) are added, establishing one or more fire rating bureaus subject to supervision and to examination by the insurance Commissioner and requiring the filing by insurers of a sworn report of premium and loss experience with the Insurance Commissioner.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration fo Senate Bill No. 754, entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two) entitled, "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," so that two new sections to be known as sections six hundred and seventy-six (676), six hundred and seventy-seven A (676 A) and six hundred and seventy-seven B (676 B) are added, establishing one or more rating bureaus for the classification of risks, underwriting rules, premium rates, and schedule or merit rating plans for insurance of owners and operators of motor vehicles and requiring filing of annual reports of premium and loss experience by insurers.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 773, entitled:

An Act relating to the dissemination of information pertaining to affairs of the Commonwealth, including information pertaining to civil rights and constitutional guarantees, and conferring powers and duties with respect thereto upon the Department of State.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 855, entitled:

An Act supplementing the act approved the twenty-eighth day of July, one thousand nine hundred and thirty-six (Pamphlet Laws seventy-nine) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program within and without Pennsylvania for the commemoration by the Commonwealth of Pennsylvania of the three hundredth anniversary of the earliest settlement, the first courts of law and the first capital within what is now Pennsylvania; and making an appropriation therefor out of the General Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 860, entitled:

An Act supplementing the act of July twenty-second, one thousand nine hundred and thirty-six (Pamphlet Laws seventy) and authorizing the Pennsylvania Historical Commission of the Department of Public Instruction to provide, plan, prepare, supervise and carry out a suitable program throughout the Commonwealth of Pennsylvania and elsewhere for the Celebration of the 150th Anniversary of the Framing, the Signing, the Ratification by Pennsylvania and the Final Adoption and Establishment of the Constitution of the United States during the years 1937-38-39, and making an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 879, entitled:

An Act making an appropriation to the Department of Public Assistance for the purpose of carrying out the Public Assistance Law for the two years beginning June first, one thousand nine hundred thirty-seven, and for the payment of assistance and expenses accrued or incurred prior to, and remaining unpaid on, May thirty-first, one thousand nine hundred thirty-seven.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 880, entitled:

An Act appropriating to the Department of Public Assistance for public assistance, all restitutions and overpayments collected by or for such department.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 881, entitled:

An Act making an appropriation to the State Veterans' Commission for certain expenses of the commission and for the assistance of needy Pennsylvania veterans of any war, or their dependents.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 898 (House Bill No. 1715), entitled:

An Act to prevent fraud and deception; regulating the weights and measures in the sale or offering for sale of fruit and vegetables in this Commonwealth; regulating sales of fruits and vegetables in original unbroken standard containers; imposing certain powers and duties on the Department of Internal Affairs and county and city inspectors of weights and measures; and prescribing penalties.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 944, entitled:

An Act to further amend section eleven of the act approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws six hundred forty-four) entitled, "An act relating to and regulating the solicitation of moneys and property for charitable, religious, benevolent, humane, and patriotic purposes," by exempting certain organizations from the provisions of said act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 971 (House Bill No. 1464), entitled:

An Act providing for the creation of a Board of Arbitration of Claims arising from contracts with the Depart-

ment of Highways of the Commonwealth; providing for and regulating the procedure in prosecuting claims before such board: defining the powers of the Board and fixing the compensation of members and employes thereof, providing that the awards of such Boards shall be final providing for the payment of awards and authorizing an appropriation.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 972 (House Bill No. 1467), entitled:

An Act to amend section one thousand six hundred seven of the act, approved the eighteenth day of May, one thousand nine hundred and eleven (P. L. 309), entitled "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collectiong such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith," as amended, providing for the furnishing of the National Flag Code to certain pupils and for the use thereof.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 980 (House Bill No. 1703), entitled:

An Act to re-enact and amend the title and act approved the twenty-eighth day of March one thousand nine hundred and twenty-nine (Pamphlet Laws eighty-six) entitled "An act relating to the grading and sale of grapes in this Commonwealth providing for penalties for violations and imposing certain duties upon the Department of Agriculture" extending the provisions of said act to potatoes and changing the penalties prescribed.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1023, entitled:

An Act to amend section six hundred and nine of the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred and eighty-two), entitled "An act relating to insurance; amending, revising and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," requiring certain existing corporations to comply with the provisions of the aforementioned act.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1037, entitled:

An Act to amend the title and section one as amended, of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (P. L. 1364), entitled "An act prohibiting the use of counterfeit or spurious coins in automatic instruments or machines; and providing a penalty," by including the use of other fraudulent methods and artifices to procure the operation of such instruments or machines.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1042, entitled:

An Act to amend section one thousand five hundred four of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (P. L. 343), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," by making further provisions relating to advances out of appropriations.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1052, entitled:

An Act transferring money from the Manufacturing Fund to the General Fund.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The Senate proceeded to the first reading and consideration of Senate Bill No. 1053, entitled:

A Joint Resolution authorizing the Insurance Department and the Department of Revenue to make a fair and impartial joint investigation of the efficacy wisdom and practicability of the laws of the Commonwealth relating to automobile insurance, and the laws in effect in other states relating to automobile insurance, for the purpose of ascertaining the advisability of enacting in this Commonwealth a compulsory motor vehicle insurance law, or an automobile accident compensation law, or both; requiring said departments to make a joint report to the next session of the General Assembly of their findings and recommendations as to such legislation as may be necessary or desirable; and conferring upon the Insurance Commissioner and the Secretary of Revenue

power to issue subpoenas, and the courts power to punish those refusing to obey the same.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1056, entitled:

An Act making an appropriation to the Department of Forests and Waters for the completion of the dike or river bank protection along the Delaware River at Milford, Pike County, Pennsylvania.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1078 (House Bill No. 1200), entitled:

An Act making an appropriation out of the Motor License Fund to the Department of Highways for expenditure in the various second-class townships of the Commonwealth for the maintenance of township roads and bridges during the calendar years one thousand nine hundred thirty-eight and one thousand nine hundred thirty-nine, apportioning the funds to the several counties on the basis of the maintenance costs for the year one thousand nine hundred thirty-two, permitting the use of any surplus funds for construction and reconstruction and resurfacing of township roads and bridges, requiring townships to exclude provisions for maintenance of roads and bridges from their annual budget and tax levy for road and street purposes for said years, authorizing the Department of Highways to rent road building machinery and equipment belonging to such townships in carrying out the provisions of this act and lapsing the unexpended or unencumbered balance of the appropriation remaining on January first, one thousand nine hundred forty.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1082 (House Bill No. 1774), entitled:

An Act relating to statements made in negotiations for annuity or pure endowment contracts and policies or certificates of life endowment accident or health insurance.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1103 (House Bill No. 1568), entitled:

An Act to amend the act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws six hundred eighty-two), entitled "An act relating to insurance, amending, revising and consolidating the law, providing for the incorporation of insurance companies and the regulation, supervision and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies, associations and exchanges, including insurance carried by the State Workmen's Insurance Fund, providing penalties, and repealing existing laws," by adding thereto sections four hundred and twenty B (420 B) four hundred and twenty C (420 C) and four hundred and twenty D (420 D) defining industrial insurance and providing uniform policy provisions and prohibited policy provisions for industrial insurance contracts.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1108, entitled:

An Act requiring the consent of the electors of a township of the first class when such township or any part thereof is to be annexed to a contiguous borough or city.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The Senate proceeded to the first reading and consideration of Senate Bill No. 1124, entitled:

An Act making an appropriation to the Safety Commission.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

ANNOUNCEMENTS BY THE SECRETARY

The following Committees are meeting:

The Committee on Labor and Industry will meet immediately in Room 402. This is a very important meeting.

The Committee on Highways will hold a public hearing on Senate Bill No. 815, in the Senate Caucus Room on Wednesday, May 12th, at 3:00 p. m.

Committee on Agriculture will meet on Tuesday, May 11th, at 11:00 a. m., in Room 200.

Committee on Education will meet in Room 400, today after adjournment.

Committee on Mines and Mining will meet in Room 302, today at 4:00 p. m.

Committee on Municipal Government will meet in Room 402, Thursday, May 6th, at 11:45 a. m.

Committee on City Government will meet in Room 402 on Monday, May 10th, at 5:00 p. m.

Committee on Judiciary General will meet in Room 302, Monday, May 10th, at 4:00 p. m.

Committee on State Government will meet in Room 402, today at 4:15 p. m.

ADJOURNMENT

Mr. RICE. Mr. President, I move that the Senate do now adjourn until twelve o'clock noon tomorrow.

Mr. LAW. Mr. President, I second the motion.

The motion was agreed to.

The Senate adjourned at 2:55 p. m. until tweleve o'clock noon, tomorrow, May 6, 1937.

HOUSE OF REPRESENTATIVES

WEDNESDAY, May 5, 1937.

The House met at 1:00 p. m.

The SPEAKER (Roy E. Furman) in the Chair.

PRAYER

The Chaplain, Rev. EPHRAIM Z. GALLAHER, offered the following prayer:

"Lord, for to-morrow and its need, we do
not pray
Keep us, Lord, from stain of sin just
for to-day
Help us to labor earnestly and duly
pray
Let us be kind in word and deed, Lord
to-day. Amen.

JOURNAL APPROVED

The SPEAKER. The Clerk will read the Journal of yesterday.

The Clerk proceeded to read the Journal of yesterday, when, on motion of Mr. WAMPOLE the further reading was dispensed with and the Journal approved.

BILLS SIGNED BY THE SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HOUSE BILL No. 646.

An Act to promote the public health safety morals and welfare by providing for the creation of corporations to be known as limited dividend housing companies for the purpose of eliminating unsanitary and dangerous housing conditions and constructing and operating safe and sanitary dwellings and apartments to be let at reasonable rentals or sold providing for the acquisition of property by the exercise of the power of eminent domain through the State Board of Housing providing for the supervision and regulation of the activities of such companies by the State Board of Housing in the Department of Health and regulating the supervision by the State Board of any such companies aided by the Federal Government or agencies thereof defining the rights powers and duties of such companies and of persons investing in or dealing with such companies authorizing such companies to lease and operate or to manage projects of any housing authority and borrow money from agencies of the United States Government exempting all such companies from the payment of any capital stock tax making certain securities of such corporations legal investments for funds in the hands of municipal officers insurance companies and associations savings banks and savings institutions authorizing certain existing companies to accept the provisions of this act and repealing inconsistent acts

HOUSE BILL No. 232.

An Act validating municipal claims of cities and boroughs where not filed within the time specified by law

HOUSE BILL No. 233.

An Act validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since original claims were filed or a prior revival thereof made

HOUSE BILL No. 655.

An Act to amend section thirty of the act approved the second day of May one thousand nine hundred and twenty nine (P. L. 1237) entitled "An act effecting marital relations prescribing grounds and regulating proceedings for divorce and the annulment of bigamous marriages and amending revising and consolidating the law relating thereto" providing for service on respondents who are lunatics or persons non compos mentis or confined in institutions for mental treatment

HOUSE BILL No. 555.

An Act to amend sections two, four, five, eight, thirteen, fifteen, sixteen, seventeen and twenty-three of the act approved the twenty-sixth day of May, one thousand nine hundred and thirty-three (P. L. 1076) entitled, "An act to provide for the organization, incorporation, operation and supervision of cooperative savings and credit associations, to be termed credit unions designating such credit unions as corporations and defining their powers and duties, conferring certain power and duties on the Department of Banking and providing penalties," changing certain requirements for incorporation, providing for the scope of membership, permitting compensation to directors and committee members, clarifying the basis for the collection of interest and fines providing for refunds of interest on obligations paid before maturity and permitting officers, directors and committee members a limited right of borrowing, further regulating the maintenance of reserve funds and the determination and payment of dividends and providing for further tax exemptions.

HOUSE BILL No. 1159.

An Act to amend Section one thousand six of the act approved the fifteenth day of May one thousand nine hundred and thirty three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organization of corporations with fiduciary powers and of banking corporations with or without fiduciary powers including the conversion of National banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorizied to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees shareholder attorneys and other employees of all such corporations or private bankers or of affiliated corporations association or persons restricting the exercise of banking powers and of fiduciary powers by any other corporation conferring powers and imposing duties upon the courts prothonotaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" as amended by providing further with regard to limitations upon loans to one corporation or person

Whereupon,

The SPEAKER, in the presence of the House, signed the same.

LEAVES OF ABSENCE

Mr. AUKERMAN asked and obtained leave of absence for himself for the remainder of the week.

Mr. Samuel A. Weiss asked and obtained leave of absence for Mr. JAMES W. PATTERSON because of confinement to the hospital.

Mr. Thomas asked and obtained leave of absence for Mr. LYONS for the remainder of the week.

Mr. Walsh asked and obtained leave of absence for Mr. WHITENIGHT for the remainder of the week.

Mr. McGee asked and obtained leave of absence for Mr. O'BRIEN for the remainder of the week.

Mr. ALLEN asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. RUFFENNACH asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. FRANCIS T. BAKER asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. WEBSTER asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. HUNTLEY asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. ECKELS asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. Schumacher asked and obtained leave of absence for Mr. STACKPOLE for the remainder of the week after today's session.

Mr. SCHUMACHER asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. MELLOTT asked and obtained leave of absence for himself for the remainder of the week after today's session.

Mr. VAN SICKLE asked and obtained leave of absence for himself and Messrs. JIROLANIO, McFALL and COAKLEY for next Monday's session.

Mr. O'CONNOR asked and obtained leave of absence for himself for the remainder of the week after today's session.

QUESTION OF PERSONAL PRIVILEGE

Mr. SCHOR. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Philadelphia will state his question of personal privilege.

Mr. SCHOR. Mr. Speaker, on Monday of this week in this House a resolution was presented, a privileged resolution, by my colleague from Philadelphia, Mr. Caesar, in which he congratulated a member of this House whose wife had given birth to a boy. At the time the resolution was unanimously adopted there was a prolonged and incessant demand that the member who was felicitated make a speech, and at this time I want to thank Sam Weiss for shouting as long as he did that I make a speech. At that time, because of the press of legislative business, I was unable to say a few words in thanks to the membership of the House for having unanimously adopted such a resolution. At this time my wife wishes to join me in thanking the membership for having so adopted the resolution offered by my colleague. I might further add that I read the resolution to my son and at first he was a bit dubious because he thought in some way his future prospects might be impaired but I assured him that there would be no trouble on that score and he, too, wishes to join my wife and me in thanking the membership for having unanimously adopted the resolution.

The SPEAKER. The remarks of the gentleman under a question of personal privilege will be spread upon the Journal.

STATEMENT BY MR. SIMON

Mr. SIMON asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I know that the rest of the members of the House join with me in feeling happy over the fact that the father is doing so well after this blessed event, but I do not think that this is the place to come and boast, and want to express my objections to that.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, with the thought of saving the taxpayers of Pennsylvania at least several millions of dollars in a biennium, at a time when a very serious deficit faces the State, on March 16th I made a statement proposing that the Governor co-operate with the Legislature to work out a reorganization of the departments in the interest of efficiency and economy. At that time I offered a tentative program which if put into effect would reduce the cost of government by two million dollars or more.

As illustrating the urgent need for a thorough overhauling of our State government, permit me to cite an instance which came to my knowledge the past few days.

During the 1935 Session there came before the Appropriation Committee a representative of the State Law Library, a thoroughly trained individual with a Phi Betta Kappa key, whose salary had been reduced from $2400 to $2100 a year. In the interest of justice and efficiency we increased the appropriation so that the salary cut could be restored and the State retain an efficient servant.

But what happened? This able and well-fitted employe was summarily dismissed by the Democratic Administration and a faithful follower of the Earle-Guffey organization was installed at a salary of $3600 a year, although at the time of his appointment he was 86 years of age and without any previous training or experience in law library work.

Not only that, but I understand that a woman employe, graduate of a library school with a number of years of experience in library work, whose salary was $1700 a year, was dismissed in order to make place for a Democratic favorite without training or experience, and at a salary of $3600.

Realizing that no economy plan had any chance of success without the active support of the Governor, I asked that he signify his willingness to work with the Legislature in the development of such a program.

To date he has not shown any interest in this proposal.

Upon the completion of my statement before the House, the gentleman from Monroe, Mr. Achterman, as Chairman of the Committee on State Government, commenting upon what I had said, advised that a subcommittee was then at work upon legislation (to use his own language) "that would put into force and effect many changes in the form of our present State government. Bearing in mind the Sterling report * * * that committee has been working on the subject but we have designated a subcommittee that is now engaged in delving into the subject very deeply."

Further, the gentleman from Monroe said: "I do want him to know, however, that this Administration will not treat as lightly the report of the Sterling Committee as did the Administration that named the Sterling Committee. They had an excellent report there, but that Administration never drove very far on the road. Just to allay the fears of the gentleman from Delaware, may I assure him that the Committee on State Government, of

his Administration will give more careful study and evelop further that report than has occurred in the ast." (end of quote).

Of course any one familiar with the Sterling Committee Report knows that there was much in the suggestions which I have made which did not appear in that report. This is no reflection upon the report, which was a fine iece of work.

However, I was delighted at the thought that the Democratic leadership in the House was undertaking not nly a study of that report, but the development of legisation to bring about a more efficient and economical adinistration of our State government. There was, however, no assurance in this that any program which the ommittee might sponsor would be accepted by the Administration.

We are now talking about final adjournment and, alas, have looked in vain for a ringing declaration from he Governor and a legislative program from the Comittee.

On February 24th in his budget message to the Legisature Governor Earle urged upon us a study of the terling Committee Report. On March 16th the chairman f the State Government Committee told us that "this dministration will not treat as lightly the report of the terling Committee as did the Administration which amed the Sterling Committee."

Are these but vague promises and mere political gesures for public consumption?

STATEMENT BY MR. HERBERT B. COHEN

Mr. HERBBERT B. COHEN asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I personally ad no desire whatsoever to make any comment on what as occurred in the Capitol in the past few days but due o the fact that the gentlemen from Delaware, possibly y innuendo, indicated that a certain trusted Republican mploye of the Department of Public Instruction had been ismissed, and indicated that a Democratic employe had een retained, I feel I should call the attention of the nembership to the newspaper report that has just been ublished carrying the story of the dismissals that have een made in the Treasury Department upon the accession f Clair Ross to the Treasurership of the Commonwealth f Pennsylvania. I feel sure that the newspaper report self was quite sufficient to indicate what I have to say o the membership of the House. However, I feel that should reiterate, to some extent, what that newspaper eport stated, because a superficial reading of the dismissals that were made on the first day that Clair Ross ook office would indicate that the entire Republican State Committee was harbored in the Treasurer's office. The alaries that they received, the henchmen to whom they elonged, the districts that they lead would indicate that he Republican organization had found surcease in the tate Treasury. I feel sure that the best indication that he membership of this House could have in order to now the situation as it exists and how this administraon is following a process of economy is by following hose dismissals. There is no doubt, as the gentleman rom Delaware well knows, and with which fact we are ll familiar, that the Treasury Department has had imposed upon it over the past four years a tremendous amount of extra work occasioned by the great amount of relief expenditures and the great number of pensions that are now being paid in the Commonwealth of Pennsylvania. But I also wish to call the attention of the membership of this House to the fact that the individuals who were dismissed were Republicans and that the positions they held under the Republican regime in the Treasurer's office were positions, together with the salaries paid in connection therewith, far above the actual requirements and needs of the office of the State Treasurer.

I would say to the membership of this House that now that the Commonwealth of Pennsylvania is one hundred per cent under the control of the Democratic Party, we will now have an opportunity in all functions of the government to put into play the principles which the people of the Commonwealth said they wanted of the Democratic Party.

STATEMENT BY MR. TURNER

Mr. TURNER asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I sort of got lost in the maze of the reply, if I understand correctly it was a reply of the gentleman from York, I could not quite make out whether he was saying that the employes of the State Treasury Department were fired because they were members of the Republican State Committee or whether he was implying that a man who held a political position—that is, a party position—should not be employed in the State Treasury and that, therefore, we would expect that under Mr. Ross there would be no men who held any office as committeemen or any other position in the Democratic party appointed to offices and positions in the State Treasury.

I wish that the gentleman from York would at some future date write that out and clarify it for us. I realize the difficulties under which we are both struggling this morning but at the same time I think that in the future if he would write it out it would be helpful.

STATEMENT BY MR. FLINCHBAGH

Mr. FLINCHBAUGH asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I have listened with interest to the remarks of the gentleman from Delaware, I would like to know where the lucrative positions under the Democratic Administration are hidden, because I have tried for a long time to uncover some of them. Personally, I have placed well qualified people or assisted in placing well qualified people, graduates of colleges, men and women with degrees, and they have not been able to secure any position with such lucrative remuneration.

As a matter of interest I have investigated some of the salaries paid in the departments which were recently under the control of the Republican party and I find such salaries as this: Clerk, $1800. Now, from the information I have received we have very efficient clerks under the Democratic Administration serving in the various departments at salaries of from $1020 to $1200, and I feel that we would be able to fill these positions for a great deal

less money than was being paid out under the Republican administration. A position as messenger at $1500. A clerk at $2000. A transcribing clerk at $1740. Another clerk, and I happen to know this personally, his qualifications are just mediocre, at $2500.

It seems to me that it would have been well for the Republican administration during the long years that they served in the several offices in the State of Pennsylvania to have investigated some of these positions and these salaries which were quite out of keeping with the services rendered.

REPORTS FROM COMMITTEES

Mr. BROAD, from the Committee on Boroughs, reported as committed, House Bill No. 1093, entitled:

An Act to amend clause XLIX of section one thousand two hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," authorizing boroughs to expend moneys for the purchase and planting of trees.

Mr. ELPERN, from the Committee on Boroughs, reported as committed, House Bill No. 1323, entitled:

An Act to amend section one thousand and thirty-eight of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred and nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," as amended; extending the time within which appeals from auditors' reports may be taken.

Mr. LOPRESTI, from the Committee on Judiciary General, reported as committed, House Bill No. 1751, entitled:

An Act relating to suits and judgments on obligations accompanying mortgages heretofore or hereafter foreclosed; changing the rule of evidence that the price paid at a sheriff sale for the mortgaged property is conclusive evidence of its value; providing a procedure by which the actual value of such property, when purchased by or for the holder of the mortgage, may be determined and credited on the mortgage debt; and providing a limitation of time within which such procedure may be invoked.

Mr. O'CONNOR, from the Committee on Judiciary General, reported as committed, House Bill No. 1105, entitled:

An Act to amend section one as amended, and section two, of the act approved the twenty-eighth day of June, one thousand nine hundred and seventeen (P. L. 645), entitled "An act making it unlawful for any individual or individuals to carry on or conduct any business under an assumed or fictitious name, style, or designation, unless upon the filing of a certificate to that effect in the office of the Secretary of the Commonwealth and of the prothonotary; requiring county commissioners, at the expense of the county, to provide books for the entry of such certificates; fixing the fees of the Secretary of the Commonwealth and prothonotary; and providing penalties;" providing for the filing of certificates showing changes of address.

Mr. DAVID H. WEISS, from the Committee on Counties reported as amended, House Bill No. 2029, entitled:

An Act to amend article five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," authorizing counties to make appropriations for the maintenance of short wave radio broadcasting stations.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 721, entitled:

An Act to further amend section two hundred and ninety-five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto," by providing for the appointment and compensation of the clerk to the jury commissioners in counties of the third class.

Mr. TRONZO, from the Committee on Judiciary General, reported as amended, House Bill No. 1331, entitled:

An Act requiring all persons claiming damages from any county, city, borough, town, township or school district, to file within sixty (60) days from the origin of such claim, a written notice with such county, city, borough, town, township or school district.

Mr. TRONZO, from the Committee on Judiciary General, reported as committed, House Bill No. 1994, entitled:

An Act to amend clause (c) of the section eighteen of the act, approved the sixteenth day of May, one thousand nine hundred and twenty-three (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," making certain changes in the manner of serving writs of scire facias when personal service cannot be made.

Mr. BLANK, from the Committee on Judiciary General, reported as amended, House Bill No. 1173, entitled:

An Act to insure and protect fair trade practices in distribution; defining such practices; prohibiting the advertisement, offer for sale or sale of merchandise at less than cost, and fixing a penalty for such advertisement, offer for sale, or sale, and investing the courts with jurisdiction to prevent and restrain violations of the act.

Mr. OSTROFF, from the Committee on Judiciary General, reported as amended, House Bill No. 1460, entitled:

An Act relating to employers and employes; prohibiting the issuance of script, tokens, drafts, orders, coupons or other certificates redeemable in merchandise in payment of labor performed or to be performed; and providing penalties.

Mr. OSTROFF, from the Committee on Judiciary Special, reported as committed, House Bill No. 2094, entitled:

An Act requiring all persons receiving garments for cleaning, pressing or tailoring, to issue receipts therefor specifying the extent of liability for the failure to return such garments; and providing penalties.

Mr. HESS, from the Committee on Judiciary General, reported as committed, House Bill No. 1470, entitled:

An Act regulating the time for appeals in cases where petitions have heretofore been or shall hereafter be presented for reconsideration of or reargument on judgments and decrees.

Mr. DECKER, from the Committee on Agriculture, reported as amended, House Bill No. 2026, entitled:

An Act to amend section sixteen of the act, approved the thirtieth day of April, one thousand nine hundred and twenty-nine (P. L. 885), entitled "An act to provide for the incorporation and regulation of cooperative agricultural associations having capital stock; and defining agriculture so as to include persons engaged in agriculture, dairying, livestock raising, poultry raising, floriculture, mushroom growing, beekeeping, horticulture, and other allied occupations; and providing penalties," requiring such associations to make certain reports to the Pennsylvania Milk Control Board.

Mrs. HORTING, from the Committee on Agriculture, reported as amended, House Bill No. 1820, entitled:

An Act to amend section three of the act, approved the twenty-fifth day of July, one thousand nine hundred and seventeen (P. L. 1195), entitled "An act for the encouragement of agriculture and the holding of agricultural exhibitions; providing State aid for certain agricultural associations, and regulating the payment thereof," reducing the number of days during which exhibitions need be held.

Mr. YOURISHIN, from the Committee on Mines and Mining, reported as committed, House Bill No. 1690, entitled:

An Act regulating the mining of coal; prescribing duties for county commissioners; and imposing penalties.

Mr. SCHROCK, from the Committee on Agriculture, reported as committed, House Bill No. 1468, entitled:

An Act imposing state tax upon certain butter substitutes; providing for the collection thereof; requiring distributors to be registered; imposing duties on sheriffs and prothonotaries and upon the fiscal officers and agencies of the State and the Department of Agriculture; and prescribing penalties.

Mr. BOYER, from the Committee on Judiciary Special, reported as amended, House Bill No. 1259, entitled:

An Act relating to and regulating the business of distributing unaddressed advertised matter or samples from door-to-door, hand-to-hand or family-to-family; requiring a license therefor, prohibiting political subdivisions from imposing license fees or taxes thereon; conferring powers and imposings duties on the Department of Revenue; and prescribing penalties.

Mr. WEBSTER, from the Committee on Education, reported as committed, House Bill No. 1049, entitled:

An Act providing for the creation of a legal holiday on April 8, 1938, to be known and observed as "Forefathers Day."

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 2115, entitled:

An Act relating to criminal prosecutions; limiting the effect of demurrers by defendants at the close of the cases of the Commonwealth.

Mr. SCHOR, from the Committee on Judiciary General, reported as committed, House Bill No. 1334, entitled:

An Act providing for the recovery of damages by persons bitten by dogs; and creating a liability of the owners of such dogs.

Mr. MOUL, from the Committee on Agriculture, reported as amended, House Bill No. 1499, entitled:

An Act prohibiting certain persons from selling, taking orders for, delivering, or being interested in the manufacture or sale of machinery, equipment, materials, feed supplies or other things used by milk producers and prescribing penalties.

Mr. COAKLEY, from the Committee on Boroughs, reported as committed, House Bill No. 2204, (Senate Bill No. 811), entitled:

An Act permitting boroughs engaged in the construction of sewers and sewer systems to change, under certain conditions, the locations of the sewers and sewer system by amending ordinances; and providing that abutting property owners shall be liable in such cases.

Mr. SHOEMAKER, from the Committee on Boroughs, reported as committed, House Bill No. 1165, (Senate Bill No. 135), entitled:

An Act to amend clause (d), Article twenty-fo... of the act approved the fourth day of May, one thousand nine hundred and twenty-seven, (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs;" conferring power on boroughs to make appropriations for the support and maintenance of airdromes and aviation landing fields.

Mr. SHEPARD, from the Committee on Insurance, reported as committed, House Bill No. 2219, (Senate Bill No. 745), entitled:

An Act to amend sections six hundred and sixteen and six hundred and seventeen of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and interinsurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" prohibiting the issuance of policies of accident and health insurance to be issued before they are approved by the Insurance Commissioner defining noncancellable health and accident insurance.

Mr. PIOLE, from the Committee on Labor, reported as committed, House Bill No. 2218, (Senate Bill No. 672), entitled:

An Act to amend sections one two twelve and twenty-four of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1260) entitled "An act regulating the business of assisting employers to obtain employes and persons to secure employment providing for the licensing registration bonding and regulation of certain individuals and entities engaged in such business conferring certain powers and duties upon the Secretary of the Department of Labor and Industry of this Commonwealth and of said department and prescribing penalties" defining employers and employes providing that the term "employment agent" as therein defined shall not include certain theatrical or entertainment producers and managers further regulating registers of employment agencies and prescribing penalties.

Mr. SHAW, from the Committee on Counties, reported as committed, House Bill No. 2121, (Senate Bill No. 219), entitled:

An Act to amend section two hundred and seventy-eight of the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending, and consolidating the laws relating thereto," as amended; providing for the appointment and compensation of a detective to the district attorney in counties of the fifth class.

Mr. ARNOLD, from the Committee on Insurance, reported as committed, House Bill No. 2223, (Senate Bill No. 755), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by requiring the Insurance Commissioner to determine the qualifications of the incorporators of any proposed insurance company.

Mrs. HORTING, from the Committee on Public Health and Sanitation, reported as committed, House Bill No. 2225, (Senate Bill No. 787), entitled:

An Act to amend paragraph (a) of section eight of the act approved the second day of July one thousand nine hundred and thirty-five (P. L. 589) entitled "An act to safeguard human health and life by providing for the issuance of permits to and regulation of persons and entities selling milk and milk products conferring powers and imposing duties on the Secretary of Health the Advisory Health Board and otherwise providing for the administration of the act and imposing penalties" by requiring additional tests of milk so as to further protect the public against milk-borne diseases.

Mr. GERARD, from the Committee on Insurance, reported as amended House Bill No. 2222, (Senate Bill No. 749), entitled:

An Act to amend sections four hundred ten and four hundred eleven of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by the State Workmen's Insurance Fund Providing penalties and repealing existing laws" requiring companies of other states and foreign governments to make a provision for loans in policies of life insurance prohibiting any provision by which a policy of life insurance would take effect before the original application was made.

Mr. FRANCIS T. BAKER, from the Committee on Insurance, reported as committed, House Bill No. 2220, (Senate Bill No. 746), entitled:

An Act to amend section two hundred and two of the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" as amended by extending the purposes for which companies may be incorporated to include insuring glass against all risk insuring any goods or premises against any and all loss caused by water and insuring moneys and securities against all risk.

Mr. DAVIES, from the Committee on Public Health and Sanitation, reported as committed House Bill No. 2217, (Senate Bill No. 388), entitled:

An Act to further amend sections two three and four of the act approved the eighth day of May one thousand nine hundred and nine (Pamphlet Laws four hundred seventy) entitled "An act to prevent the manufacture and sale of adulterated or misbranded drugs defining the word 'drug' prescribing penalties for violation of this act and the method of its enforcement" by further defining the standards for drugs and adulteration of drugs.

Mr. STOCKHAM, from the Committee on Boroughs, reported as committed, House Bill No. 2198, (Senate Bill No. 2198, (Senate Bill No. 104), entitled:

An Act authorizing boroughs that have, relying on invalid bond issues authorized by the electors, entered into contracts whereby indebtedness exceeding the constitutional limitation has been incurred and where such contracts have been wholly or partially performed, to provide for the payment of the reasonable value of such performance, to contract for completion, and to increase their indebtedness therefor; and validating ordinances, agreements, increases of indebtedness and bonds heretofore adopted, entered into, issued or to be issued to accomplish such purposes.

Mr. MOUL, from the Committee on Insurance, reported as committed, House Bill No. 2221, (Senate Bill No. 747), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 682) entitled "An Act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing the manner in which dividends on contributory group insurance policies are to be apportioned.

Mr. McFALL, from the Committee on Boroughs, re-reported as committed, House Bill No. 45, entitled:

An Act to amend section nine hundred and two of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," by changing the time when the court of quarter sessions is authorized to fill vacancies in borough offices.

Mr. SAMUEL A. WEISS, from the Committee on Judiciary General, re-reported as committed, House Bill No. 1020, entitled:

An Act to amend the act approved the fifteenth day of May one thousand nine hundred and thirty-three (P. L. 624) entitled "An act relating to the business of banking and to the exercise of fiduciary powers by corporations providing for the organizations of corporations with or without fiduciary powers including the conversion of Na-

tional Banks into State banks and for the licensing of private bankers defining the rights powers duties liabilities and immunities of such corporations of existent corporations authorized to engage in a banking business with or without fiduciary powers of private bankers and of the officers directors trustees share holders attorneys and other employes of all such corporations or private bankers or of affiliated corporations associations or persons restricting the exercise of banking powers by any other corporation association or person and of fiduciary powers by any other corporation cnferring powers and imposing duties upon the courts prothontaries recorders of deeds and certain State departments commissions and officers imposing penalties and repealing certain acts and parts of acts" by further providing for the powers and limitations upon powers of corporations with fiduciary powers.

Mr. HARMUTH, from the Committee on Ways and Means, re-reported as amended, House Bill No. 286, entitled:

An Act regulating horse racing with wagering on the results thereof; providing for the licensing of race tracks, race horse owners, riders, trainers, stewards and officials for such racing; imposing license fees, creating a departmental administrative commission within the Department of Agriculture for the administration of this act; requiring the revenue accruing under this act to be deposited in a special fund in the State Treasury, and appropriating the moneys in such fund; imposing penalties; and repealing inconsistent legislation.

Mr. SHAW, from the Committee on Counties, re-reported as amended, House Bill No. 2040, entitled:

An Act to amend section fifty-nine, as amended, section one hundred ninety, as added, section two hundred four, as amended, and sections two hundred forty-seven and six hundred seventy-five of, to add sections one hundred fifty and one-tenth and one hundred fifty-five to, and to repeal section two hundred five of, the act, approved the second day of May, one thousand nine hundred and twenty-nine (P. L. 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto;" by changing the provisions for filling vacancies in the office of coroner, sheriff, district attorney and county treasurer, providing for and prescribing the procedure for leasing of real property belonging to counties; and providing for the appointment of assistant solicitors and clerks and stenographers to solicitors in counties of the second class.

Mr. COSTANZO, from the Committee on Judiciary General, re-reported as committed, House Bill No. 1330, entitled:

An Act relating to magistrates and magistrates' courts in the City of Philadelphia imposing certain duties upon the prohibiting certain practices by magistrates imposing certain duties on the City Controller in regard thereto authorizing the employment by him of additional clerks and fixing their compensation regulating the practice in magistrates' courts the entering of bail and the issuance of discharges in criminal cases in the County of Philadelphia conferring certain powers over magistrates and magistrates' courts and imposing certain duties in connection therewith upon the judges of the courts of common pleas of the County of Philadelphia providing for the appointment and employment of stenographers to report proceedings in certain cases heard by magistrates fixing salaries of persons employed by authority of this act providing penalties for violations of the provisions thereof and repealing certain prior acts.

Mr. TRONZO, from the Committee on Judiciary General, re-reported as amended, House Bill No. 1839, entitled:

An Act to define the power of the Supreme and Superior Courts in declaring laws enacted by the General Assembly to be unconstitutional.

Mr. REUBEN E. COHEN, from the Committee on Insurance, re-reported as amended, House Bill No. 1764, entitled:

An Act authorizing the payment of benefits by certain beneficial societies in the event of sickness, accident, disability or death or in the event of any or all such contingencies; authorizing certain existing beneficial or protective societies heretofore incorporated to reincorporate for the purpose of making insurance upon the health of individuals and against personal injury and disablement and death; regulating such societies and corporations and limiting the amount for which such societies and corporations may issue policies; providing for reserves of such societies and corporations; providing penalties and repealing existing laws.

Mr. PERRY, from the Committee on Judiciary General, re-reported as committed, House Bill No. 1305, entitled:

An Act to amend sections twenty-nine and thirty-one of the act approved the sixteenth day of May one thousand nine hundred and twenty-three (P. L. 207) entitled "An act providing when how upon what property and to what extent liens shall be allowed for taxes and for municipal improvements for the removal of nuisances and for water claims filed therefor the methods for preserving such liens and enforcing payment of such claims the effort of judicial sales of the properties liened the distribution of the proceeds of such sales and the redemption of the property therefrom for the lien and collection of certain taxes heretofore assessed and of claims for municipal improvements made and nuisances removed within six months before the passage of this act and for the procedure on tax and municipal claims filed under other and prior acts of Assembly" by providing that under certain circumstance a municipality may purchase for the sheriff's costs subject to the lien of taxes and municipal claims property sold to satisfy a judgment on a tax or municipal claim and providing for the management and disposition of said property after said sale.

Mr. BROWN, from the Committee on Judiciary General, re-reported as amended, House Bill No. 1770, (Senate Bill No. 153), entitled:

An Act to amend the act approved the twentieth day of March, one thousand nine hundred and thirteen (P. L. 6), entitled "An act to prohibit the making or dissemination of false or misleading statements or assertions concerning any merchandise, securities, or services, and providing penalties for the violation thereof," by including display or placard advertising, and changing the penalties prescribed, and the manner of proving violations.

BILL RE-REFERRED

Mr. BOYER, returned from the Committee on Education with the recommendation that it be re-referred to the Committee on Elections, House Bill No. 895, entitled:

An Act relating to election expenses as herein defined; imposing certain election expenses on the Commonwealth; providing procedure for determining such election expenses and reimbursing counties.

The SPEAKER. The bill is now re-referred to the Committee on Elections.

STATEMENT BY MR. HOLLAND

Mr. HOLLAND asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, much has been said during this session regarding a fair distribution of taxes. This expression has always been used when levying taxes but nothing has been said of a fair distribution of taxes after they have been collected.

In this Commonwealth the State collects a tax on gasoline, a tax for driving a motor vehcile, and a tax on the vehicle itself. These three taxes with the exception of the emergency tax on gasoline for relief, are used for the building and maintenance of highways throughout the Commonwealth. Maintenance of township roads is being taken over by the State to relieve the farm owner of his real estate tax. Counties are refunded one half a cent on every gallon of gasoline sold in their county, irrespective of the fact that the greater amount is collected in the cities. Regardless of all these concessions, the real estate owners in the cities of this Commonwealth continue to be taxed for the paving of the streets and for maintenance of the streets. No doubt the Highway Department will say that they do maintain highways in cities but this maintenance is nothing in comparison to the dollars that they take out of the cities.

I have been unable to get the figures for all of the cities in the State but I would like to point out to this House the condition existing in the City of Pittsburgh. According to the figures of the Department of Revenue, the City of Pittsburgh pays in taxes on gas, drivers' licenses and owners' licenses, the sum of $7,000,000. or thereabout every year. Now what was done with this $7,000,000. collected in Pittsburgh during the year 1936.

The State Highway Department started and completed construction on three major projects within Pittsburgh city limits at a total cost of $303,976.56. I do not think it necessary to dwell on what percentage this amount spent on improvements is to the total figure of $7,000,000. collected out of the purses of the people of Pittsburgh.

During political campaigns much rantings are made of relieving the small home owner of his real estate tax. We have movements from certain pressure groups of taking the school tax from the overburdened home owner but little or nothing has been said of why the streets of our cities should be maintained and improved by taxes on the home. A man's home does no harm to the street. It is the motor vehices continuous usage of streets that causes the maintenance of streets to be a very costly item in any city budget.

Today the city of Pittsburgh is issuing two million dollars worth of bonds. This money is to be used in the improving of streets in the city of Pittsburgh. This sum of two million dollars the home owner of the city of Pittsburgh will have to add to his tax burden while at the same time seven million dollars is taken out of the city and used to take over and improve rural roads. I do not want you to misunderstand me. The people of the city do believe that they should share their burden of our State highway system but they also believe that a part of the moneys collected in the usage of motor vehicles in their respective cities should be returned to them for maintenance and improvement of streets in their respective cities.

The city of Pittsburgh today has five hundred and fifty miles of unimproved dirt streets. Home owners on these streets have been paying taxes for years but due to economic reasons, their streets still remain in a deplorable condition. Moneys collected in real estate taxes for street maintenance is not adequate enough to maintain the main arteries of their city so they wait year after year in hopes that some day they may live on an improved street. What would be more of a boom to the unemployed of the city of Pittsburgh if a third of its money was returned to the city, specifically taged that it was to be used for the improving of dirt streets. Besides the number of men that would be employed in street work, thousands of dollars would be spent by the home owner in improving his home, for what incentive is it to him to improve his property when the proper city authorities through lack of funds cannot take any interest in improving the streets of that particular community.

In the Committee on Highways there rest two bills, one presented by Representative Coleman, and the other by myself. Either one of these bills tends to correct a very unjust condition existing in our Commonwealth. All these bills do is to ask for a fair distribution of the taxes that are collected by the Revenue Department. The streets of all our cities today are in bad condition. The high cost of maintenance and their improvements should not be charged against the home owner. It is high time that a man who builds a home should be encouraged and not penalized. Heavy traffic damages our streets and the taxes derived therefrom whether it be from gasoline, drivers' licenses or owners' licenses should be used not only in maintaining the roads of our State but shoud be proportionately used in maintaining the streets of our cities.

I earnestly request that the Committee on Highways report to this House either on House Bill No. 358 or No. 221 so that they can be given careful consideration by every member of this House. If we are to carry out our pledge to relieve the now overly tax burdened home owner the enactment of either of these bills will fulfill that pledge.

STATEMENT BY MR. PERRY.

Mr. PERRY asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I have listened with a great deal of interest and appreciation to the remarks of the gentleman who has just preceded me. I think he is absolutely correct and I am very glad that on that side of the House they are feeling the same way, because on February 17th there was given to the Committee on Highways by myself a bill that will meet exactely what the gentleman states are the needs of the city of Pittsburgh as well as the needs of all the other communities and will make a fair return in the distribution of tax moneys for the use of the cities, where it rightfully belongs. So, I refer the gentleman to that bill and would appreciate if he would read it and likewise include it in his remarks, namely, House Bil No. 896 prepared by mysef and reposing in the Committee on Highways since February 17th, by which sixty-eight million dollars of the funds contributed toward the License Fund will come back for the use of the cities, the boroughs and the other municipalities that are contributing their share and are entitled to those funds and which bill will solve and meet the needs that the gentleman has so aptly expressed as existing in his community.

STATEMENT BY MR. KILROY.

Mr. KILROY asked and obtained unanimous consent to make the following statement:

Mr. Speaker and members of the House, I wish to inform the gentleman from Blair, Mr. Perry, that the bill to

which he refers was placed before the sub-committee about a month and a half ago for consideration at the request of a colleague of his and it so happens that that colleague is on that committee.

STATEMENT BY MR. PERRY.

Mr. PERRY asked and obtained unanimous consent to make the following statement:

Mr. Speaker, may I express my thanks to the gentleman and also my future appreciation if the bill in question gets out of the sub-committee on Highways before May 21st.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SHUGARTS asked and obtained permission for the Committee on Counties to meet during the session of the House.

Mr. WOOD in the Chair.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1767, entitled:

An Act to amend section one of the act approved the thirtieth day of April one thousand nine hundred twenty-nine (P. L. 874) entitled "An act relating to judicial sales and sales upon writs of execution or otherwise and preserving the lien of mortgages on real estate other than upon unseated lands" by exempting liens for State taxes from the provisions of the act

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 155, entitled:

An Act to repeal the act approved the twenty-sixth day of June one thousand nine hundred and nineteen (P. L. 639) entitled "An Act defining sedition and prescribing the punishment therefor" and its amendments

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

MOTION TO RECOMMIT BILL

Mr. ELPERN. Mr. Speaker, I move that this bill be recommitted to the Committee on Military Affairs for the purpose of further study.

On the question,

Will the House agree to the motion?

Mr. TRONZO. Mr. Speaker, I would like to interrogate the gentleman from Westmoreland, Mr. Elpern.

The SPEAKER. Will the gentleman from Westmoreland permit himself to be interrogated.

Mr. ELPERN. I will, Mr. Speaker.

Mr. TRONZO. Mr. Speaker, I would like to inquire of the gentleman from Westmoreland what reason he gives for referring the bill back to the committee after first reading.

Mr. ELPERN. Mr. Speaker, I have stated my reasons, that it is for further study.

Mr. TRONZO. Mr. Speaker, does the gentleman realize that this bill has been in the Committee on Judiciary General for several months.

Mr. ELPERN. Mr. Speaker, I do not.

Mr. TRONZO. Mr. Speaker does the gentleman from Westmoreland realize that the Committee on Judiciary General has given this bill quite a bit of consideration.

Mr. ELPERN. Mr. Toronzo, the gentleman from Allegheny County —

Mr. TRONZO. Mr. Speaker, for the benefit of the gentleman from Westmoreland I wish to inform him that the name is Tronzo.

POINT OF ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman from York will state his point of order.

Mr. HERBERT B. COHEN. Mr. Speaker, the rules of the House prohibit mentioning members' names in debate.

The SPEAKER. The point of order is well taken.

Mr. TRONZO. Mr. Speaker, does the gentleman from Westmoreland realize that the Committee on Judiciary General has given this bill much study.

Mr. ELPERN. Mr. Speaker, I do not.

Mr. TRONZO. Mr. Speaker, I wish to thank the gentleman from Westmoreland.

Mr. Speaker and members of the House, I believe that the gentleman from Westmoreland has informed you that he does not know much about the bill or much about the reaction of the committee on the bill. I therefore ask the membership of this House to vote down the motion to refer back to committee.

On the question recurring

Will the House agree to the motion?

The SPEAKER declared the "noes" appear to have it.

Whereupon, a division was called for.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. BROWN. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. BROWN. Mr. Speaker, did not the Speaker just a moment ago announce a decision on the vote?

The SPEAKER. The Chair announced that the noes appears to have it but the final result was not announced so that a roll call is in order and the roll will be called.

Mr. BROWN. Mr. Speaker, before the roll call is taken I should like to urge all the members of the House to vote "no" on this motion to recommitt. — —

POINT OF ORDER

Mr. ACHTERMAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. ACHTERMAN. Mr. Speaker, the gentleman is now debating the proposition after the request for a roll call has been made and seconded.

The SPEAKER. The point of order is not well taken. The gentleman is in order to discuss the question before the roll call has been started.

Mr. BROWN. Mr. Speaker, in urging upon the members to vote "no" on this motion I think they should do that in the spirit of fair play. This is an unusual procedure, moving to recommit on first reading, and I think if there

is anything that should dominate the members here, it should be a sense of fair play. If there are those who are opposed to the bill, the proper place to bring that matter up is on second reading, where the merits of the bill can be discussed. I think the bill should remain on the calander and not be recommitted.

On the question recurring,

Will the House agree to the motion?

The yeas and nays were required by Mr. McKINNEY and Mr. ELPERN.

Mr. TRONZO. Mr. Speaker, I ask for a verification of the roll.

The roll was verified and was as follows:

YEAS—80

Achterman,	Hagerty,	Moomaw,	Stewart,
Allen,	Hall,	Moul,	Stockham,
Arnold,	Hamilton, R. S.,	Muir,	Strode,
Atkins,	Holland,	Murrin,	Trout,
Baker, F. T.,	Holstrom,	Peale,	Tumelty,
Bierly,	Huntley,	Perry,	Turner,
Boose,	Imbrie,	Pershing,	VanAllsburg,
Boyer,	Jirolanio,	Richter,	Vogt,
Broad,	Kane,	Royer,	Wall,
Brownfield,	Kelso,	Schrock,	Wampole,
Cadwalader,	Kline,	Schumacher,	Watkins,
Coakley,	Kroll,	Serrill,	Webster,
Coleman,	LaRue,	Shea,	Weidemann,
Davies,	Leisey,	Shoemaker,	Welsh,
Decker,	Matthews, J. F.,	Siegel,	Wilson,
Dougherty,	McCullough,	Simon,	Winner,
Downey,	McDermott,	Sloan,	Wood,
Elpern,	McKinney,	Snyder,	Woodside,
Fiss,	Mellott,	Sollenberger,	Yeakel,
Habbyshaw,	Merrell,	Sproul,	Furman,

NAYS—85.

Allmond,	Dyson,	Matthews, H. T.,	Scanlon,
Baine,	Eckels,	McArdle,	Schor,
Baker, J. J.,	Falkenstein,	McElroy,	Shaw,
Blank,	Fitch,	McShane,	Shepard,
Boles,	Flanagan,	Mihm,	Shugarts,
Boltz,	Flannery,	Mooney,	Smith, James A.,
Bradley,	Gerard,	Moran,	Smith, John A.,
Brancato,	Gorski,	Nagel,	Spengler,
Brigerman,	Hamilton, F. P.,	O'Brien,	Stank,
Brown,	Harkins,	O'Connor,	Thomas,
Caesar,	Harmuth,	Ominsky,	Thompson,
Caputo,	Hays,	Pearson,	Toole,
Chervenak,	Hirsch,	Piole,	Tronzo,
Cohen, H. B.,	Holmes,	Powers,	Valibus,
Cohen, R. E.,	Hontz,	Preston,	Wagner,
Coolahan,	Keenan,	Reese,	Walsh,
Corrigan,	Lewis,	Reising,	Weiss, D. H.,
Costanzo,	Long,	Robinson,	Weiss, S. A.,
DeNote,	Lopresti,	Rothenberger,	Welliver,
Dickinson,	Lovett,	Ruffennach,	Wright,
Donohoe,	Marino,	Rush,	Yourishin,
Dubbs,			

So the question was determined in the negative and the motion was not agreed to.

BILLS ON FIRST READING

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1768, entitled:

An Act providing that physicians' fees for examinations shall be taxable as costs in certain prosecutions and be paid by the county with certain exceptions.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1787, entitled:

An Act authorizing the Supreme Court of Pennsylvania to prescribe rules of practice and procedure in civil actions at Law and in Equity in certain courts of this Commonwealth; to prescribe rules and regulations for the conduct of any general business either civil or criminal by Judges of any Court of Record; authorizing the Courts of Common Pleas to prescribe and adopt local rules not inconsistent with such general rules of the Supreme Court of Pennsylvania; authorizing the Supreme Court of Pennsylvania to appoint a Procedural Rules Committee and to fix and define its powers and duties; imposing duties on Judges and other officers of every Court of Record; conferring upon the Supreme Court of Pennsylvania disciplinary powers over judges of all other Courts of Record, including the power to prescribe and impose penalties in the enforcement of such powers.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2149, (Senate Bill No. 373), entitled:

An Act to amend the title, and sections three, four, six, seven, eight, nine, ten, eleven, fourteen and eighteen of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (P. L. 463), entitled "An act providing for a limited period of time, for the incorporation as bodies corporate and politic, of 'Authorities' for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes," by removing the date by which projects must be commenced; removing certain restrictions against construction of projects; extending the life of Authorities; providing for the creation of Authorities by joint action of municipalities and townships; regulating the number and terms of members of the governing boards of Authorities; authorizing the Commonwealth and the political subdivisions thereof to transfer certain contracts to the Authorities; authorizing Authorities to accept and acquire certain contracts, and limiting the powers of receivers appointed therefor.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2176, (Senate Bill No. 709), entitled:

An Act relating to the powers and duties of trustees liquidating certain assets of banking institutions which have been reorganized and prescribing the powers and duties of courts of common pleas in relation to such liquidation.

And said bill having been read at length the first time, Ordered, To be laid aside for second reading.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 2171, (Senate Bill No. 188), entitled:

An Act relating to savings institutions chartered under special acts of assembly and specifying additional securities upon which such institutions may lend deposits received by them.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2190, (Senate Bill No. 707), entitled:

An Act authorizing the election of officers of certain corporations of this Commonwealth created by special act of assembly prior to January 1, 1874 to be held in accordance with the provisions of by-laws duly adopted by their shareholders.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

Agreeably to order,
The House proceeded to the first reading and consideration of House Bill No. 2233, (Senate Bill No. 788), entitled:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (P. L. 789) entitled "An act relating to insurance amending revising and consolidating the law providing for the incorporation of insurance companies and the regulation supervision and protection of home and foreign insurance companies Lloyds associations reciprocal and inter-insurance exchanges and fire insurance rating bureaus and the regulation and supervision of insurance carried by such companies associations and exchanges including insurance carried by the State Workmen's Insurance Fund providing penalties and repealing existing laws" providing for a minimum fee for the valuation of life policies.

And said bill having been read at length the first time,
Ordered, To be laid aside for second reading.

The SPEAKER (Roy E. Furman) in the Chair.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SAMUEL A. WEISS asked and obtained permission for the Committee on Municipal Corporations to meet during the session of the House.

BILLS ON SECOND READING

Agreeaby to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 2187, (Senate Bill No. 678), entitled:

An Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that townships of the second class shall have the power to develop their own water supply

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" is hereby amended to read as follows

Section 1601 Contracts with Water Companies and Municipalities Development of Own Water Supply The supervisors of any township may by contract with any private corporation or any adjacent municipality owning a waterworks system provide for a supply of water for public and private uses to be delivered into the lines of the township at or near the boundary thereof or to be delivered through lines owned by such company or municipality within such township or any part thereof The supervisors of any township shall have full power by contract to develop an independent supply of water at any time and are not required to purchase such water supply as the township shall need from either a private corporation or an adjacent municipality

On the question,
Will the House agree to the section?
Mr. CLIFF S. PATTERSON. Mr. Speaker, I desire to offer the following amendment.
The SPEAKER. The amendment will be read by the Clerk.

The amendment was read by the Clerk as follows:

Amend sec. 1 (Sec. 1601), page 2, line 14, by inserting after the word "municipality" the following: "Provided, That no such independent water supply shall be developed if the taxpayers whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township shall sign and file in the office of the prothonotary of the court of common pleas of the county in which the township is located, a written protest against the developing of such independent supply of water by the township"

On the question,
Will the House agree to the amendment?
It was agreed to.
On the question,
Will the House agree to the section as amended?
It was agreed to.

The title was read and agreed to as follows:

An Act to amend section one thousand six hundred one of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" by providing that townships of the second class shall have the power to develop their own water supply

And said bill having been read at length the second time and agreed to as amended.
Ordered, To be transcribed for a third reading.

Agreeably to order,
The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,
The House proceeded to the second reading and consideration of House Bill No. 1316, (Senate Bill No. 243), as follows:

An Act to provide for the registration of certain nurses

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That any person who was qualified under the laws of this Commonwealth to register as a nurse prior to June first one thousand nine hundred and twelve and who shall show to the satisfaction of the State Board of Examiners for the Registration of Nurses that she is of good moral character that she was graduated

from a reputable hospital or sanitarium or training school where a systematic course of practical instruction in nursing was given or that she was a student in such an institution at the time of the passage of the act of May first one thousand nine hundred and nine (Pamphlet Laws 321) providing for the registration of nurses but who failed to apply for registration prior to June first one thousand nine hundred and twelve as provided by law may apply for such registration at any time within six months after the effective date of this act and upon such application shall be registered as a nurse if found to possess the qualifications required by this act Every such applicant registered under the provisions of this act shall pay to the State Board of Examiners for the Registration of Nurses a registration fee of ten dollars ($10)

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, yesterday I asked that this bill be passed over because of an agreement with the sponsor of the bill. It seems to me because of the circumstances back of it that we should not let it hang on the second reading calendar, that the thing to do is to let it pass second reading, and then when it comes up on third reading we can put it on the postponed calendar. It will not then be on the second reading calendar and requiring action every day.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The second section and title were separately read and agreed to as follows:

Section 2 This act shall become effective immediately upon its final enactment

An Act to provide for the registration of certain nurses

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILL POSTPONED

Mr. KANE. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON SECOND READING

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2172, (Senate Bill No. 409), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

The first, second and third sections were separately read and agreed to as follows:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings And Policy (a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collective bargaining tend to lead to strikes lockouts and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health (b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes any person acting directly or indirectly in the interest of an employer but shall not include the United States or the Commonwealth or any political subdivision thereof or any person subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time or any labor organization (other than when act-

ing as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) The term "employe" shall include any employe of an employer and shall not be limited to the employes of a particular employer unless the Act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice This term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid and who has not obtained any other regular and substantially equivalent employment but shall not include any individual employed as an agricultural laborer or in the domestic service of any person in the home of such person or any individual employed by his parent or spouse.

(e) The term "representative" includes any individual or labor organization

(f) The term "labor organization" means any organization of any kind or any agency or employe representation committee or plan in which employes participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay hours of employment or conditions of work but shall not include any labor organization which by ritualistic practice constitutional or by-law proscription by tacit agreement among its members or otherwise denies a person or persons membership in its organization on account of race creed or color

(g) The term "unfair labor practice" means only these unfair labor practices listed in section six of this act

(h) The term "labor dispute" includes any controversy concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employe

(i) The term "Board" means the Pennsylvania Labor Relations Board created by section four of this act

(j) The singular shall include the plural and the masculine shall include the feminine and neuter

The fourth section was read as follows:

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created a departmental administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for reappointment The employes of the Board shall be appointed by the Secretary of the Department of Labor and Industry with approval of the Governor The Board may establish or use such voluntary and uncompensated services as may from time to time be needed.

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents as it may designate prosecute in any part of this Commonwealth any inquiry necessary to the performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from Department of Labor and Industry

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this Act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer an amendment to this bill, but I now find that the Printer's No. is 409. The amendments which I have prepared are to Printer's No. 387, which was the last number yesterday, as I understand.

The SPEAKER. For the information of the gentleman, this bill was reprinted due to printer's errors. Did the gentleman check with the new Printer's number to see whether the amendments fit into the bill?

Mr. TURNER. I have had no opportunity, Mr. Speaker. I sent these to the Reference Bureau yesterday afternoon to make them conform with Printer's No. 387 and I find them returned this morning with this number on them.

The SPEAKER. If there are no objections the bill will be passed over temporarily to give the gentleman an opportunity to check to see whether the amendments will fit into the bill.

Mr. TURNER. Mr. Speaker, I feel that that is an unfair burden on me to check the bill. I would like to send it to the Reference Bureau for preparation of the amendments.

The SPEAKER. Senate Bill No. 639, on page 7 of the Calendar which was passed over, will not be called up until the gentleman from Delaware can get his amendments prepared. We will go back to this order of business later in the day, if there are no objections. The Chair hears none and the bill will be passed over.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2224, (Senate Bill No. 756), entitled:

An Act to amend the act approved the seventeenth day of May one thuosand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the

examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority

The first section was read as follows:

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulaiton of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" be amended by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority so that the amended section will read as follows

Section 209 Penalty for Acting Without Certificate of Authority Any insurance company association or exchange doing an insurance business within this Commonwealth without a certificate of authority as required by this act shall forfeit and pay to the Commonwealth the sum of five hundred dollars for each month or fraction thereof in which such illegal business was transacted

Any insurance company association or exchange doing an insurance business within this Commonwealth that shall exceed the powers granted under a certificate of authority shall forfeit and pay to the Commonwealth a sum of not more than five hundred dollars ($500) for each and every policy issued in violation of this section

Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held After such hearing or failure of the accused to appear at such hearing the Insurance Commissioner shall impose such penalty as he deems advisable

Any person negotiating or soliciting any policy of insurance or suretyship in this Commonwealth collecting or forwarding premiums or delivering policies for any company association or exchange to which a certificate of authority has not been granted shall be deemed to be the agent of the company association or exchange in any legal proceeding brought against it

On the question,

Will the House agree to the section?

Mr. TUMELTY. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend Section 1 (209) page 3, by striking out lines 1 to 15 inclusive.

Amend Section 1 (209) page 3, by adding after line 22, a new section to read as follows: "Section 309A. Penalty for Exceeding Powers Granted Under Certificate of Authority. Any insurance company association or exchange doing an insurance business within this Commonwealth that shall exceed the powers granted under a certificate of authority shall forfeit and pay to the Commonwealth a sum of not more than five hundred dollars ($500) for each and every policy issued in violation of this section.

Before the Insurance Commissioner shall take any action as above set forth he shall give written notice to the company association or exchange accused of violating the law stating specifically the nature of such alleged violation and fixing a time and place at least ten (10) days thereafter when a hearing of the matter shall be held. After such hearing or failure of the accused to appear at such hearing the Insurance Commissioner shall impose such penalty as he deems advisable.

On the question,

Will the House agree to the amendments?

They were agreed to.

On the question,

Will the House agree to the section as amended?

It was agreed to.

The title was read and agreed to as follows:

An Act to amend the act approved the seventeenth day of May one thousand nine hundred and twenty-one (Pamphlet Laws seven hundred eighty-nine) entitled "An act relating to insurance establishing an insurance department and amending revising and consolidating the law relating to the licensing qualification regulation examination suspension and dissolution of insurance companies Lloyds associations reciprocal and inter-insurance exchanges and certain societies and orders the examination and regulation of fire insurance rating bureaus and the licensing and regulation of insurance agents and brokers the service of legal process upon foreign insurance companies associations or exchanges providing penalties and repealing existing laws" by providing penalties for any insurance company association or exchange which exceeds the powers granted under a certificate of authority

And said bill having been read at length the second time and agreed to as amended.

Ordered, To be transcribed for a third reading.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 1155, as follows:

An Act to amend paragraph one of the clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgements and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers

and liabilities of non-resident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as amended by further providing with respect to investments of trust funds by fiduciaries

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That paragraph one of clause (a) of section forty-one of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws four hundred forty-seven) entitled "An act relating to the administration and distribution of the estates of decedents and of minor and of trust estates including the appointment bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgements and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of real estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" as last amended by the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws five hundred forty-five) is hereby further amended to read as follows

Section 41 (a) 1 Legal Investments for Fiduciaries

Subject to the conditions herein contained a fiduciary holding moneys to be invested may invest such moneys in

Subsection (1) United States Obligations Bonds or obligations either bearing interest or sold on a discount basis of the United States or the United States Treasury or those for the payment of the principal and interest on which the faith and credit of the United States is pledged including such bonds or obligations of the District of Columbia

Subsection (2) Pennsylvania Obligations Bonds or other interest-bearing obligations of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of the Commonwealth is pledged

Subsection (3) Local Government Obligations or other interest-bearing obligations of any county city borough township school district poor district or housing authority of the Commonwealth of Pennsylvania or those for the payment of the principal and interest on which the faith and credit of such political subdivision or housing authority is pledged Provided That at the date of the investment in such bonds or other interest bearing obligations such political subdivision or housing authority is not in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

Subsection (4) Mortgages of one or more individuals or corporations securing bonds or other obligations subject to the following provisions

(a) At the date of the recording of any such mortgage in the office of the recorder of deeds of the proper county or at the date of any extension or renewal thereof such mortgage shall meet the following requirements

(1) Such mortgage shall contain an unconditional promise to pay interest on the bonds or other obligations secured thereby and shall be or become a first lien upon improved real estate including improved farm lands situated within this Commonwealth prior to all other liens except taxes previously levied or assessed but not then payable and except taxes then due and payable or delinquent for the payment of which taxes provision has been made in the mortgage settlement

(2) The [face] unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of such real estate

(3) Such mortgage shall be payable not more than five years after the date thereof or the date of any renewal or extension thereof or the date of the investment therein by the fiduciary or it shall be amortized in installments totalling in each year not less than three per centum per annum of the face amount of the bonds or other obligations secured thereby over a period not exceeding twenty years from the date thereof or the date of any renewal or extension thereof

(b) At the date of the investment therein by any fiduciary any such mortgage shall also meet the following requirements

(1) All interest previously due thereon if any shall have been paid in full to the next preceding interest payment date as therein provided

(2) No taxes levied or assumed upon the property covered thereby upon which any penalty has accrued shall then remain unpaid unless provision for the payment thereof is made at the mortgage settlement

(3) The [face] unpaid principal amount of the bonds or other obligations secured by such mortgage shall not exceed two-thirds of the fair value of the mortgaged property

Subsection (5) Ground Rents Ground rents secured upon unencumbered improved real estate situated within this Commonwealth Provided That the annual rent reserved in any such ground rent capitalized at the rate of five per centum shall not exceed two-thirds of the fair value of the real estate out of which it issues

Subsection (6) Real Estate Bonds Bonds of one or more individuals or corporations containing an additional promise to pay the interest thereon secured by improved real estate situated within this Commonwealth not including real estate used as a theatre or for manufacturing purposes conveyed by mortgage or deed of trust to a corporation organized under the laws of the United States or of this Commonwealth and authorized to act as trustee for all such bondholders which mortgage or deed of trust shall be a first lien upon the real estates so conveyed Such bonds shall be payable not more than twenty years after the date thereof and the mortgage or deed of trust securing them shall contain a provision for the annual reduction of the principal amount of the bonds secured thereby in an amount equal to at least two per centum of the maximum amount of the bonds outstanding at any time prior to the date of the investment by the fiduciary plus an amount equal to the interest on all bonds previously retired by such annual reductions

The total amount of any such bond issue shall not exceed two-thirds of the fair value of the real estate securing such bonds and at the date of such investment there shall not be any default in the payment of any matured principal or interest on such bonds or in any annual reduction of the principal amount of such bonds as provided in the mortgage or deed of trust securing such bonds

If the date of the investment is subsequent to the original date of the mortgage securing the bonds or to the

date of any renewal or extension thereof such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value of the mortgaged property at the date of the investment in such mortgage bonds by such fiduciary Provided That such an appraisal as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of the mortgaged property and also familiar with such previous appraisment shall certify in writing that at the date of such investment the face amount of the bonds secured by such mortgage does not exceed two-thirds of the fair value of the mortgaged property Any such certificate shall be filed and preserved among the records of the fiduciary Anything in this subsection to the contrary notwithstanding no fiduciary shall invest trust funds in any such bonds created after the effective date of the act in which this amendment is contained

Subsection (7) Fractional Interests Fractional undivided interests in any investment in which a fiduciary is authorized by this section to invest trust funds or in a [pool or] common trust fund of such investments including a mortgage investment fund containing such investments and other assets established and being maintained by any trust company or by any bank and trust company or national banking association in its trust department [as may be provided by law] in accordance with the laws of this Commonwealth such fractional interests being apportioned among estates of which the person or corporation creating such fractional undivided interests is the fiduciary An individual fiduciary may join in the investment of the funds of the estate of which he is a fiduciary in such investments when such individual fiduciary is acting as a co-fiduciary with the person trust company bank and trust company or national banking association creating such fractional undivided interests or with the trust company bank and trust company or national banking association establishing and maintaining any such common trust fund or mortgage investment fund

In the case of an investment in a fractional interest in a bond or other obligation secured by a mortgage [or in a pool or fund containing mortgages] if the date of such investment is subsequent to the original date of such mortgage [or of any mortgage contained in any such pool or fund] or to the date of any renewal or extension of such mortgage [or of any mortgage contained in any such pool or fund] such investment being made by purchase assignment or otherwise no new appraisement shall be necessary to fix the fair value at the date of such investment of the real estate subject to such mortgage [or to any mortgage contained in any such pool or fund] Provided That such an appraisement as is provided herein has been made within three years from the date of such investment and a reputable person familiar with real estate values in the vicinity of such property and also familiar with such previous appraisement shall certify in writing that at the date of such investment the face amount of the [bonds] bond or other [obligations] obligation secured by such mortgage does not exceed two-thirds of the fair value of such property Any such certificate shall be filed and preserved among the records of the fiduciary In case of an investment in a mortgage investment fund established and being maintained by any trust company or by any bank and trust company or national banking associatoin in its trust department no new appraisement of the assets contained in such fund shall be required at the date of such investment provided such assets are appraised at least once every three years

Anything in this subsection to the contrary notwithstanding no fiduciary shall invest trust funds in fractional undivided interests in assets or common trust funds or other investments permitted by this subsection which are created after the effective date of the act in which this amendment is contained

Subsection (8) Railroad Obligations Railroad obligations subject to the following provisions

(a) As used in this subsection the words "qualified railroad corporation" shall mean a railroad corporation other than a street railroad corporation which at the date of the investment by the fiduciary meets the following requirements

(1) It shall be a railroad corporation incorporated under the laws of the United States or of any state or Commonwealth thereof or of the District of Columbia

(2) It shall own or operate within the United States not less than five hundred miles of standard-gauge railroad line exclusive of sidings

(3) Its railroad operating revenues derived from the operation of all railroad lines operated by it including leased lines and lines owned or leased by a subsidiary corporation all of the voting stock of which except directors' qualifying shares is owned by it for its fiscal year next preceding the date of the investment shall have been not less than fifteen million dollars

(4) The sum of the total amount of its outstanding fully paid capital stock plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than one-half of the total amount of its obligations containing an unconditional promise to pay interest thereon

(5) At no time during its fiscal year in which the investment is made and its five fiscal years immediately prior thereto shall it have been in default in the payment of any part of the principal or interest owing by it upon any part of its funded indebtedness

(6) In its fiscal year immediately preceding the date of the investment and in three of its four fiscal years immediately preceding such date its income available for its fixed charges as hereinafter defined shall have been at least equal to its fixed charges for its fiscal year immediately preceding the date of such investment for any of such fiscal years ending [during the period from December thirty-first one thousand nine hundred and thirty] prior to December thirty-first one thousand nine hundred and thirty-five [inclusive] and shall have been not less than one and one-half times its fixed charges for its fiscal year immediately preceding the date of such investment for any such fiscal [year] years ending after December thirty-first one thousand nine hundred and thirty-five Provided That if there was a public offering of securities of any such railroad corporation during its fiscal year immediately preceding the date of such investment or since the close of such fiscal year its fixed charges for such year shall be deemed to be its fixed charges immediately after the issue of said securities adjustments being made for any securities retired in the new financing

(b) As used in this subsection the words "railroad obligations" shall include and mean obligations which meet the following requirements

(1) The obligations shall be

(A) Obligations issued or assumed by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by a qualified railroad corporation or guaranteed as to principal and interest by endorsement by any railroad corporation which guarantee has been assumed by a qualified railroad corporation or

(B) Obligations for the payment of the interest on which a qualified railroad corporation is obligated under the terms of a lease made or assumed by it and which lease extends for a period of not less than twenty years beyond the maturity of all of such obligations or

(C) Equipment trust obligations in respect of which liability has been incurred by a qualified railroad corporation

(2) Such obligations shall also be

(A) Bonds containing an unconditional promise to pay interest thereon secured by a mortgage which shall be a first lien on not less than two-thirds of the total length of the railroad lines covered by its liens a part of which two-thirds shall constitute a part of a through route between two or more municipal corporations each of at least forty thousand inhabitants as determined by the preceding

United States Census [The railroad lines covered by! Unless such bonds are the bonds of a qualified railroad corporation the income of which available for its fixed charges in each of its three fiscal years immediately preceding the date of the investment therein by the fiduciary shall have been not less than three times its fixed charges for its fiscal year immediately preceding the date of such investment the mortgage securing such bonds shall be either subject to a mortgage inferior in lien to such mortgage or in the case of leased railroad lines if there is no such inferior lien [then] the lease shall provide for a rental in an amount sufficient to enable the lessor to pay dividends upon at least one class of its capital stock Provided That if there was a public offering of securities of any such railroad corporation during its fiscal year immediately preceding the date of such investment or since the close of such fiscal year its fixed charges for such year shall be deemed to be its fixed charges immediately after the issue of said securities adjustments being made for any securities retired in the new financing or

(B) Bonds secured by a first mortgage upon terminal depot or tunnel property including land buildings and appurtenances used in the service of transportation by one or more qualified railroad corporations or

(C) Equipment trust obligations comprising bonds notes or certificates issued in connection with the purchase for use on railroads of new standard-gauge rolling stock through the medium of an equipment trust agreement and which obligations so long as any thereof shall be outstanding and unpaid or unprovided for shall be secured either by an instrument (1) vesting title to such equipment free of encumbrance in a trustee or (2) creating a first lien on such equipment or (3) pending such vesting of title or the attachment of such lien providing for the deposit of cash in trust to an amount equal to the face amount of such obligations issued in respect of such equipment title to which is not yet so vested or subject to such lien The maximum amount of such obligations so issuable shall not exceed seventy-five per centum of the cost of such equipment and the owner purchaser or lessee or the owners purchasers or lessees of such equipment shall be obligated by the terms of such obligations or of such instrument (1) to maintain such equipment in proper repair (2) to replace any thereof that may be destroyed or released with other equipment of equal value or if released in connection with a sale thereof to deposit the proceeds of such sale in trust for the benefit of the holders of such obligations pending replacement of such equipment (3) to pay any and all taxes or other governmental charges that may be required by law to be paid upon such equipment (4) to pay in accordance with the provisions of such obligations or of such instrument to holders or to such trustee for the benefit of holders of such obligations the amount of interest due thereon or of the dividends payable in respect thereof (5) to pay the amount of the entire issue of such obligations within a period of not exceeding fifteen years from the first date of issue of any thereof in approximately equal annual or semiannual installments beginning not later than three years after such date of issue or

(D) Bonds of a qualified railroad corporation secured by an irrevocable pledge as collateral under a trust agreement of other railroad obligations meeting the requirements hereinbefore set forth in this subsection The total face amount of such pledged railroad obligations shall be not less than the total face amount of the bonds which they secure and the annual interest derived from such pledged railroad obligations and available for the payment of the interest upon the bonds which they secure shall be not less than the interest due upon the bonds which they secure

(c) For the purposes of this subsection

(1) The amount of income available for fixed charges shall be the amount obtained by deducting from gross income all items deductible in ascertaining net income other than contingent income interest and those constituting fixed charges and by deducting interest and dividends received by any such corporation on it own obligations and securities and on obligations and securities guaranteed by it under any lease agreement which such corporation may own Fixed charges shall be rent for leased roads miscellaneous rents funded debt interest which the corporation has unconditionally promised to pay interest on unfunded debt and amortization of discount on funded debt but shall not include interest and dividends paid or accrued by such corporation on its own obligations and securities and obligations and securities guaranteed by it under lease agreement and owned by such corporation in its own right

(2) Other accounting terms shall be deemed to refer to those used in the accounting reports of common carriers as prescribed by the accounting regulations of the Interstate Commerce Commission.

(3) The revenues earnings income and fixed charges of any railroad corporation all or substantially all of the railroad lines of which shall have been acquired through merger consolidation conveyance or lease by another railroad corporation and shall remain in its possession shall be deemed to be revenues earnings income and fixed charges of the latter corporation

Subsection (9) Obligations of Gas Water and Electrical Companies The following obligations of public utility corporations incorporated under the laws of the United States or any state or Commonwealth thereof or of the District of Columbia which transact the business of supplying water electrical energy artificial gas or natural gas purchased from any individual partnership unincorporated association or other corporation and supplied in substitution for or in mixture with artificial gas for light heat power and other purposes or which transacts any two or all of such businesses provided at least seventy-five per centum of the gross operating revenues of such corporations shall be derived from such businesses and not more than fifteen per centum of its gross operating revenues shall be derived from any other one kind of business and which corporation shall be subject to regulation by a public service commission a public utility commission or any other similar regulatory body duly established by the laws of the United States or of any state or commonwealth or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have all the franchises necessary to operate in the territory in which at least seventy-five per centum of its gross revenues are obtained which franchises shall either be indeterminate permits of or agreements with or subject to the jurisdiction of a public service commission or other duly constituted regulatory body or shall extend at least five years beyond the maturity of such bonds provided such corporation shall file with the public service commissions or other similiar regulatory bodies having jurisdiction over it and make public in each year a statement and a report giving the income account covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the oustanding full-paid capital stock of such corporation plus the total amount of its outstanding obligations not containing an unconditional promise to pay interest thereon shall at the close of its fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations containing an unconditional promise to pay interest thereon The term "total amount of the outstanding full-paid capital stock" of any such corporation shall consist of the aggregate par value of all its issued shares having a par value plus the aggregate amount of capital or value applicable to all of its issued shares having no nominal or par value as shown by the books of such corporation

(3) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time

within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining such required period

(4) For a period of five fiscal years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the [average] annual interest charges on its [outstanding] obligations containing an unconditional promise to pay [the] interest thereon [applicable for that period] outstanding at the end of its fiscal year immediately preceding the date of such investment and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year Provided That if there has been a public offering of securities since the close of the last fiscal year then [the net earnings] its interest charges for such last fiscal year shall [have been twice such] be deemed to be its interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation shall have averaged per year not less than one million dollars [In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt]

(5) In determining the qualifications of any bond under the subsection where a corporation shall have acquired its property or any substantial part thereof within the five years immediately preceding the date of such investment by consolidation or by merger or by the purchase of all or a substantial portion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessor or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of the preceding paragraph have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this subsection shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the public service commission or public utility commission or other similar regulatory body having jurisdiction in the matter The gross operating revenues and expenses as defined above of subsidiary companies may be included Provided That all the mortgage bonds and a controlling interest in shares of such subsidiary companies are pledged as part of the security for the mortgage debt of the principal company

The net earnings of any corporation for the purpose of this subsection shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses taxes (other than Federal and State income taxes) rentals and provisions for depreciation renewals and retirements of the physical assets of the corporation and by adding to such balance its income from securities and miscellaneous sources but not however exceeding fifteen per centum of such balance Proveded That if the annual allowance of such corporation for depreciation maintenance renewals and retirements is less than the sum of one per centum of gross book value of its properties used in supplying water and two per centum of such value of all other property such annual allowance shall be increased to the sum of said percentages in determining net earnings

(7) Such bonds must be part of an issue of not less than one million dollars or of an issue of which a total of not less than one million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them Provided That a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the physical property owned which shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(b) Bonds of any such corporations secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Subsection (10) Obligations of Telephone Companies The following obligations of any corporatoin incorporated under the laws of the United States or of any state or commonwealth thereof or of the District of the District of Columbia which transacts the business of supplying telephone service in the United States provided such corporation is subject to regulation by the Federal Communications Commission a public service commission a public utility commission or any similar regulatory body duly established by the laws of the United States or of any state or commonwealth thereof or of the District of Columbia in which such corporation operates

(a) Bonds of any such corporation subject to the following conditions

(1) Such corporation shall have been in existence for a period of not less than eight fiscal years and at no time within the period of eight fiscal years immediately preceding the date of such investment shall such corporation have failed to pay punctually and regularly the matured principal and interest of all its indebtedness direct assumed or guaranteed but the period of life of the corporation together with the period of life of any predecessor corporation or corporations from which a major portion of its property was acquired by consolidation merger or purchase shall be considered together in determining the required period Provided Such corporation shall file with the Federal Communications Commission or a public service commission or similar regulatory body having jurisdiction over it and make public in each year a statement and a report giving the income covering the previous fiscal year and a balance sheet showing in reasonable detail the assets and liabilities at the end of the year

(2) The sum of the total amount of the outstanding full-paid capital stock of such corporation plus the amount of its outstanding obligations not containing an unconditional promise to pay the interest thereon shall at the close of the fiscal year preceding the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor be not less than two-thirds of the total amount of its obligations

containing and unconditional promise to pay the interest thereon

(3) For a period of five years immediately preceding such investment the net earnings of such corporation shall have averaged per year not less than twice the [average] annual interest charges on its [outstanding] obligations containing an unconditional promise to pay [the] interest thereon [applicable to that period] outstanding at the end of its fiscal year immediately preceding the date of such investment and for the last fiscal year preceding such investment such net earnings shall have been not less than twice such interest charges for that year Provided That if there has been a public offering of securities since the close of the last fiscal year then [the net earnings] its interest charges for such last fiscal year shall [have been twice such] be deemed to be its interest charges for a full year on its debt outstanding immediately after the issue of said securities adjusted for any securities to be retired with the proceeds of the new financing and for such five year period the gross operating revenues of any such corporation derived from telephone service shall have averaged per year not less than five million dollars [In calculating average interest charges there shall be deducted interest charges on all debt which at the time of such investment shall have been paid off otherwise than by the creation of additional debt]

(4) Such bonds must be part of an issue of not less than five million dollars or of an issue of which a total of not less than five million dollars shall at some time have been outstanding in one or more series and must be mortgage bonds secured by a first or refunding mortgage upon property owned and operated by the corporation issuing or assuming them or must be underlying mortgage bonds secured by property owned and operated by the corporations issuing or assuming them Provided That a mortgage junior to such underlying mortgage bonds provides for their refunding or retirement The bonds under such junior mortgage shall comply with the requirements of this section and such underlying mortgage shall be either a closed mortgage or shall remain open solely for the issuance of additional bonds which are to be pledged under such junior mortgage As of the close of the fiscal year of such corporation preceding the date of the investment by the fiduciary or if there has been a public offering of securities since the close of its last fiscal year then after the necessary adjustments have been made therefor the aggregate principal amount of bonds secured by such first or refunding mortgage plus the principal amount of all the underlying outstanding bonds shall not exceed sixty per centum of the value of the real estate and tangible personal property owned absolutely which value shall be book value less such reserves for depreciation or retirement as the company may have established and subject to the lien of such mortgage or mortgages securing the total mortgage debt However if such mortgage is a refunding mortgage it must provide for the retirement on or before the date of their maturity of all bonds secured by prior liens on the property

(5) In determining the qualifications of any bond under this subsection where a corporation shall have acquired its property or any substantial part thereof within five years immediately preceding the date of such investment by consolidation merger or the purchase of all or a substantial protion of the property of any other corporation or corporations the gross operating revenues net earnings and interest charges of the several predecessors or constituent corporations shall be consolidated and adjusted so as to ascertain whether the requirements of this subsection have been complied with

(6) The gross operating revenues and expenses of a corporation for the purpose of this subsection shall be respectively the total amount earned from the operation of and the total expense of maintaining and operating all property owned and operated by or leased and operated by such corporation as determined by the system of accounts prescribed by the Federal Communications Commission or the public service commission or the public utility commission or any other similar Federal or State regulatory body having jurisdiction in the matter

(7) The net earnings of any corporation for the purpose of this subsection shall be the balance obtained by deducting from its gross operating revenues its operating and maintenance expenses provision for depreciation of the physical assets of the corporation taxes (other than Federal and State income taxes) rentals miscellaneous charges and by adding to such balance its income from securities and miscellaneous sources but not however to exceed fifteen per centum of such balance Provided That if the annual allowance of such corporation for depreciation and maintenance is less than six per centum of the gross book value of its tangible properties used in the business of supplying telephone service such annual allowance shall be increased to said percentage in determining net earnings

(b) Bonds of any such corporation secured by an irrevocable pledge as collateral under a trust agreement of other bonds which meet the requirements of this subsection provided the total face amount of the bonds so pledged shall not be less than the total face amount of the bonds secured thereby and the annual net income derived from the bonds so pledged shall not be less than the annual interest requirements of the bonds secured thereby

Subsection (11) Mortgages Insured by Federal Housing Administrator [Mortgages] Mortgage bonds or other obligations of one or more individuals or corporations [securing bonds or other oblgiations] insured by the Federal Housing Administrator prior to the first day of July one thousand nine hundred and [thirty-seven] thirty-nine pursuant to the provisions of [Title two of] the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements or thereafter insured by such Administrator with like force and effect pursuant to any amendment revision or extension of the provisions of the said act At the date of the investment in any such mortgage the said insurance thereon shall be in good standing in full force and effect

Subsection (12) Debentures Issued by the Federal Housing Administrator and Guaranteed by the United States Debentures issued by the Federal Housing Administrator and fully guaranteed as to principal and interest by the United States pursuant to the provisions of [Title two of] the National Housing Act approved the twenty-seventh day of June one thousand nine hundred and thirty-four its amendments and supplements and either purchased by the fiduciary as an investment or accepted by the fiduciary in payment of any mortgage insured by the Federal Housing Administrator in which the fiduciary may theretofore have invested moneys in its hands to be invested

Subsection (13) Consolidated Federal Land Bank Bonds Consolidated bonds of all of the Federal land banks being the joint and several obligations of the said Federal land banks issued pursuant to the provisions of the act of the Congress of the United States approved the seventeenth day of July one thousand nine hundred and sixteen its supplements and amendments

Subsection (14) Interest-bearing Deposits Interest-bearing deposits including certificates of deposits saving accounts and other forms of deposits upon which interest is paid in any bank bank and trust company savings bank or national banking association located within this Commonwealth The maturity date or the permissible date of withdrawal of any such deposit shall not exceed one year from the date of the deposit or any renewal thereof A fiduciary shall not invest more than five hundred dollars of the funds of any trust estate in such deposits nor shall such investments be made in deposits in the institution which is fiduciary of such estate

Subsection (15) Consolidated Federal Intermediate Credit Bank Debentures Consolidated debentures of all the Federal Intermediate Credit Banks being the joint and several obligations of said Federal Intermediate Credit Banks issued pursuant to the provisions of the Act of Congress of the United States approved the fourth day of

March one thousand nine hundred and twenty-three its supplements and amendments

Subsection [(13)] (16) General Provisions

(a) Nothing contained in this section shall be construed to relieve any fiduciary from the duty of exercising due care and prudence in the performance of the duties of his office

(b) Nothing contained in this section shall be construed to authorize any fiduciary to make any investment contrary to the directions in regard to investments contained in the will deed or other instrument creating the trust in his care nor to limit or restrict the authority conferred upon any such fiduciary with respect to investments by any such instrument

(c) No fiduciary shall be liable for any loss incurred with respect to any investment not legal for the investment of trust funds as provided in this section when such nonlegal investment was received by such fiduciary pursuant to the terms of the will deed decree of court or other instrument or if such nonlegal investment was legal when received or when the investment was made by the fiduciary provided such fiduciary exercises due care and prudence in the disposition or retention of any such nonlegal investment

(d) Within the meaning of this section the term "fair value" of real estate shall be the value placed thereon in a written appraisement of two reputable persons familiar with real estate value in the vicinity of such real estate who shall actually have inspected the property before making the appraisement and shall so certify therein Any such appraisement shall be filed and preserved among the records of the fiduciary

Section 2 This act shall become effective immediately upon final enactment

And said bill having been read at length the second time and agreed to.

Ordered, To be transcribed for a third reading.

BILLS ON FINAL PASSAGE RECALLED FROM THE GOVERNOR

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 528, as follows:

An Act authorizing the Secretary of Property and Supplies to sell and convey a certain lot of ground in Jackson Township Lebanon County

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That the Secretary of Property and Supplies with the consent of the Governor and the Secretary of Highways is hereby authorized on behalf of the Commonwealth of Pennsylvania to sell and convey for such consideration as may be agreed upon and to make and execute a deed conveying the following described property situate in Jackson Township Lebanon County and now in the control of the Department of Highways to wit

Beginning at a post in the middle of the Berks and Dauphin Turnpike Road thence along the said road westward forty feet to a post set for a corner and lands of Charles Kindry thence northward along said Kindry's lot two hundred and six feet to a post and land of Peter Stoudt thence eastward along said Stoudt land sixty feet to a post set for a corner and other lot of the said Necklons Noll thence southward along said Nolls lot two hundred and four feet more or less to the place of beginning. Containing 10,250 square feet more or less and know as Toll House Lot Number 9

Being the same premises which Necklons Noll et al by deed dated March 13, 1873 recorded in the Recorder's Office of Lebanon County in Deed Book G Volume 2 Page 584 granted to the President Managers and Company of the Berks and Dauphin Turnpike Road Company and which said company by deed dated August 30 1917 recorded in the Recorder's Office of Lebanon County in Corporation Deed Book Volume 2 Page 755 conveyed to the Commonwealth of Pennsylvania

Section 2 The cost of such conveyance shall be paid by the Grantee The moneys derived from such sale shall be paid into the Motor License Fund

Section 3 This act shall become effective immediately upon final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1273, as follows:

An Act to amend section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" making further regula-

tions for the election of justices of the peace in such consolidated boroughs

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section eleven of the act approved the sixth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 335) entitled "An act to provide for the consolidation of boroughs and the government and regulation thereof" is hereby amended to read as follows

Section 11 Justices of the peace in office in each of such boroughs shall continue in office until the expiration of their respective commissions and no election for justices of the peace shall be held in such borough until the number has been reduced [to] [two] by the expiration of the commissions of the persons in office to two and in case of consolidated boroughs lying in two counties to one in either portion of the borough located entirely within the same county and thereafter there shall be two justices of the peace in such new borough and in the case of consolidated boroughs lying in two counties one justice of the peace shall at all times be elected in each portion of the borough located entirely within the same county who shall have jurisdiction in the county of their election All justices of the peace in consolidated boroughs shall hold their offices for the term and be elected and qualified in the manner provided by law

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Weilliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Eipern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 390, as follows:

An Act relating to the performance of industrial work in homes regulating and in certain cases prohibiting industrial homework imposing duties restrictions and liabilities on industrial home-workers and on persons partnerships associations and corporations directly or indirectly furnishing materials and articles to home-workers for manufacture or work thereon requiring permits and home-workers' certificates and prescribing the fees therefor conferring powers and imposing duties on the Department of Labor and Industry and prescribing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same as follows

Section 1 Legislative Purpose This State has long recognized that employment of men women and children under conditions detrimental to health and general welfare results in injury not only to the workers immediately affected but also to the public interest as a whole This recognition has produced a broad program of regulatory legislations to conserve the public welfare The continuance of an unregulated industrial homework system in this State runs counter to that program since it is usually accompanied by excessively low wages long and irregular hours and unsanitary or otherwise inadequate working quarters Employment of young children in industrial homework occupations is frequent but effective supervision of this child labor evil has not been attainable under present statutes The dangerous consequences of this system may fall upon the consumer of its products as well as upon the men and women who are its work force The preservation of the system moreover endangers the protection of the workers in factory industries which being forced to compete with industrial homework are under pressure to relax the established safeguards of life health and the public welfare After study of experience and reported investigations the legislature is convinced that industrial homework must eventually be abolished and that during a period of adjustment it must be strictly controlled in the interest of the wage-earners of this State and of the public at large This act is the product of that conviction

Section 2 Short Title This act shall be known and may be cited as the "Industrial Homework Law"

Section 3 Definitions The following words terms and phrases when used in this act shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning

(a) "Contractor" Any person who for the account or benefit of an employer representative contractor or other person distributes to a home-worker or any other person not recruited or engaged by such employer representative contractor or other person articles or materials to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions

(b) "Department" The Department of Labor and Industry of this Commonwealth

(c) "Employer" Any person who for his own account or benefit directly or indirectly or through an employe agent independent contractor or any other person

(1) Delivers or causes to be delivered to another person any articles or materials to be manufactured in a home and thereafter to be returned to him not for the personal use of himself or of a member of his family or

thereafter to be disposed of otherwise in accordance with his directions or

(2) Sells to another person any materials or articles for the purpose of having such articles or materials manufactured in a home and of then rebuying materials or articles after such manufacture either by himself or by someone designated by him

(d) "Home" Any room hause apartment or other premises whichever is most extensive used in whole or in part as a place of dwelling and including outbuildings upon premises that are primarily used as a place of dwelling where such outbuildings are under the control of the person dwelling on such premises

(e) "Home-worker" Any person engaged in manufacturing in a home articles or materials for an employer a representative contractor or a contractor

(f) "Industrial Homework" Any manufacture in a home of articles or materials for an employer a representative contractor or a contractor

(g) "Manufacture" To prepare alter repair finish or process in whole or in part or handle in any way connected with the production wrapping packaging or preparation for display of an article or materials

(h) "Person" An individual partnership firm association domestic or foreign corporation the legal representatives of a deceased individual or the receiver trustee or successor of an individual partnership association or corporation

(i) "Representative Contractor" Any person who receives from an employer or contractor not within the State articles or materials to be distributed by him to any home-worker or other person not recruited or engaged by such employer or contractor to be manufactured in a home and thereafter to be returned to him or otherwise disposed of in accordance with his directions

The singular shall include the plural and the masculine shall include the feminine and neuter

Section 4 Prohibited Homework It shall be unlawful to manuafcture in a home for an employer contractor or representative contractor any of the following articles or to perform in a home for such persons any of the following work and no permit issued under this act shall be deemed to authorize such manufacture or the performance of any such work

(a) Articles of food or drink

(b) Articles for use in connection with the serving of food or drink

(c) Toys and dolls

(d) Tobacco

(e) Drugs and poisons

(f) Bandages and other sanitary goods

(g) Explosives fireworks and articles of like character

(h) The tearing or sewing of rags Provided That the word "rags" shall not be deemed to apply to new remnants clippings or selvages which are the by-products of manufacturing processes

(i) Articles the processing of which requires exposure to substances determined by the department to be hazardous to the health or safety of persons so exposed

Section 5 Power to Prohibit (a) The department shall have the power upon its own initiative to make an investigation of that portion or branch of any industry which employs home-workers in order to determine

(1) Whether the wages and conditions of employment are injurious to the health and welfare of home-workers in such portion or branch or

(2) Whether the wages and conditions of employment prevailing in such portion or branch have the effect of rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law or regulation for the industry of which such portion or branch is a part thus jeopardizing wages or working conditions of the factory workers in such industry

(b) If on the basis of information in its possession with or without an investigation as provided in this section the department shall find that industrial home-work cannot be continued within any industry without injuring the health and welfare of the home-workers within that industry or without rendering unduly difficult the maintenance of existing labor standards or the observance and enforcement of labor standards established by law for the protection of the factory workers in that industry the department shall by order require all employers representative contractors or contractors in such industry to discontinue the furnishing within this Commonwealth of articles or materials for industrial homework and no permit issued under this act shall be deemed thereafter to authorize the furnishing of articles or materials for industrial home-work prohibited by such order

(c) All power machines used in conduct of industrial home work shall be guarded in accordance with the laws and regulations of the Department of Labor and Industry

Section 6 Procedure (a) Before making such order the department shall hold a public hearing or hearings at which an opportunity to be heard shall be afforded to any employer or representative of employers and any home-worker or representative of home-workers and any other person or persons having an interest in the subject matter of hearing A public notice of such hearing shall be given in such manner as may be fixed by the department Such notice shall be made at least thirty days before the hearing is held Such hearing or hearings shall be in such place or places as the department deems most convenient to the employers and home-workers to be affected by such order

(b) The department shall determine the effective date of such order which date shall be not less than ninety days after the date of the promulgation of its order The order shall set forth the type or types of manufacturing which are prohibited after its effective date

Section 7 Permit Required by Employers and Representative Contractors (a) Every employer and every representative contractor within this Commonwealth must procure from the department an employer's permit Application for such permit shall be made on a form prescribed by the department Such permit shall be in writing dated when issued and signed by the Secretary of Labor and Industry or his duly authorized representative It shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked

(b) No such permit shall be issued to any person or to the successor in interest of any person whose employer's permit has been revoked by the department within two years prior to the last application for such a permit

(c) Any employer or a representative contractor who delivers to another person any articles or materials for manufacture by industrial home-work without having in his possession a valid employer's permit from the department shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 8 Injunction against Continued Violations Whenever any employer or representative contractor has twice been found guilty of conducting his business without an employer's permit the department may apply to the court of common pleas of any county in which such employer or representative contractor has a place of business for an injunction and such court shall upon such application issue an injunction to restrain such employer or representative contractor from further violating the provisions of this act

Section 9 Permit Required by Contractors (a) Every contractor must procure from the department a contractor's permit Application for such permit shall be made on a form prescribed by the department Such permit shall be in writing and signed by the Secretary of Labor and Industry or his duly authorized representative it shall give the name and address of the person to whom it is issued and shall designate and limit the acts that are permitted Such permit shall be valid for a period of one year from the date of its issuance unless sooner revoked

(b) No such permit shall be issued to any person who or

whose predecessor in interest held an employer's permit which within two years prior to the application for a contractor's permit was revoked by the department

(c) Any contractor who delivers or causes to be delivered to another person any articles or materials for manufacture by industrial home-work without having in his possession a valid contractor's permit shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one thousand dollars ($1,000.00) or to undergo imprisonment for not more than six (6) months or both in the discretion of the court

Section 10 Fees (a) A fee of two hundred dollars ($200.00) shall be paid to the department for the original issuance of an employer's permit

(b) For each annual renewal of such permit the employer or representative contractor shall pay to the department a fee of

(1) Fifty dollars ($50.00) where at no time during the preceding year did the employer or representative contractor directly or indirectly have business relations simultaneously with more than one hundred home-workers

(2) One hundred dollars ($100.00) where at any time during the preceding year the employer or representative contractor directly or indirecty had business relations simultaneously with more than one hundred but less than three hundred home-workers

(3) Two hundred dollars ($200.00) where at any time during the preceding year the employer or representative contractor directly or indirectly had business relations simultaneously with three hundred or more home-workers

(c) A fee of twenty-five dollars ($25.00) shall be paid to the department for the issuance of a contractor's permit

Section 11 Home-Worker's Certificate (a) Every person desiring to engage in industrial home-work within this Commonwealth must procure from the department a home-worker's certificate which shall be issued without cost and which shall be valid for a period of one year from the date of its issuance unless sooner revoked or suspended Application for such certificate shall be made in such form as the department may by regulation prescribe Such certificate shall be valid only for work performed by the applicant himself in his own home and in accordance with the provisions of this act

(b) No home-worker's certificate shall be issued

(1) To any person under the age of sixteen years or (2) To any person known to be suffering from an infectious contagious or communicable disease or known to be living in a home that is not clean sanitary and free from infectious contagious or communicable diseases

(c) The department may revoke or suspend any home-worker's certificate if he finds that the holder is performing industrial home-work contrary to the conditions under which the certificate was issued or to any provision of this act or has permitted any person not holding a valid home-worker's certificate to assist him in performing his industrial home-work

Section 12 Records to be Kept No person having an employer's or a contractor's permit shall deliver or cause to be delivered or received any articles or materials for or as a result of industrial home-work unless he shall keep in such form and forward to the department at such intervals as it may by regulation prescribe and on such blanks as it may provide a complete and accurate record of all persons engaged in industrial home-work on articles or materials furnished or distributed by him of all places where such persons work of all articles or materials furnished and distributed to such persons described as the department may require of all goods which such persons have manufactured of the net cash wages received by each home-worker and of all contractors to whom he has furnished articles or materials to be manufactured for him in any home

Section 13 Conditions of Manufacture Industrial home-work on articles or materials manufactured for any person to whom an employer's permit has been issued shall be performed

(a) Only by a person possessing a valid home-worker's certificate

(b) Only by persons over the age of sixteen years

(c) Only by persons resident in the home in which the work is done

(d) Only during such hours as may be fixed by law or regulation as permissible hours of labor in factories by persons of the same age and sex as the home-worker and

(e) Only in a home that is clean and sanitary and free from any infectious contagious or communicable disease

Upon the issuance of an employer's permit to an employer or representative contractor or a contractor's permit to a contractor such employer representative contractor or contractor shall be deemed to have accepted responsibility for the observance of the conditions of manufacture specified by this section and each of such conditions shall be deemed to be a condition of the employer's or contractor's permit to the same extent as though it were expressly set forth therein

Section 14 Labels Required No employer or representative contractor or contractor shall deliver or cause to be delivered any articles or materials to be manufactured by any home-worker unless there has been conspicuously affixed to each article or material a label or other mark of identification bearing the employer's or representative contractor's name and address printed or written legibly in English but if the articles or materials are of such a nature that they cannot be individually so labeled or identified then the employer or representative contractor shall conspicuously label in like manner the package or other container in which such articles or materials are delivered or are to be kept while in the possession of the home-worker

Section 15 Unlawfully Manufactured Articles Any articles or materials which are being manufactured in a home in violation of any provision of this act may be seized and removed by any agent of the department and may be retained by him until claimed by the employer or representative contractor The department shall by registered mail give notice of such removal to the person whose name and address are affixed to the article as provided by section fourteen Unless the article so removed is claimed within thirty days thereafter it may de destroyed or otherwise disposed of

Section 16 Delivery to Contractors No employer or representative contractor shall deliver or cause to be delivered any material or articles to a contractor who is not in possesion of a valid contractor's permit

Section 17 Violations (a) If the department has reason to believe that a person having an employer's or contractor's permit is not observing the provisions of this act or of a regulation or order authorized by it to be issued by the department or the conditions of such permit the department may on ten days' notice summon such person to appear before it to show cause why the department should not find that he has failed to observe such provisions or conditions

(b) If after such hearing the department finds as a fact that such person has failed to observe or comply with a provision of this act his permit or a regulation or order issued by the department under authority of this act the department may

(1) Revoke the permit of such person the order of revocation to be effective on a date fixed by the department not more than thirty days after the date of its issuance

(2) Cause to be published in a newspaper or newspapers circulating within this Commonwealth or in such other manner as the department may deem appropriate the name of such person as having failed in the respects stated to maintain the standards established under authority of this act Such publication may contain an identification by trade name or otherwise of the products manufactured or sold by such persons Neither the department nor any authorized representative of the department nor any newspaper publisher proprietor editor nor employe thereof shall be liabe to an action for damages for pubishing the name of any person as provided for in this act unless guilty of some wilful misrepresentation

Section 18 Agreements to Contributions by Employes Void No agreement by a home-worker to pay any portion

of a payment required of any person by any provision of this act shall be valid and no person shall make a deduction for such purpose from the wages or salary of any home-worker

Section 19 Filing and Inspection of Records and Returns Records reports applications and returns required to be made by this act shall be kept on file by the Department of Labor and Industry and shall be open to examination and inspection and subject to its regulation They may be used as evidence in any proceeding under this act but shall not otherwise become matter of public record

Section 20 Fees of Witnesses Each witness who appears in obedience to a subpoena issued by the department shall be entitled to such witness fees as the department shall allow payable from appropriations made to the department for such purposes

Section 21 Penalties In addition to any penalties otherwise prescribed in this act

(a) Any person who wilfully makes a false statement or representation in order to lower the amount of fees due from him under this act or

(b) Any person who makes a deduction from the wages or salary of any home-worker to pay any portion of a payment which such person is required by this act to make or

(c) Any person who refuses to allow the Secretary of Labor and Industry or his authorized representative to enter his place of business for the purpose of inspecting his payroll or other records or documents relative to the enforcement of this act or who refuses to permit the Secretary of Labor and Industry or his authorized representative to copy such record or documents shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars ($1,000.00) or to undergo imprisonment for a term of six (6) months or both in the discretion of the Court

Section 22 Rules and Regulations Rules and regulations necessary to carry out the provisions of this act shall be made by the department It shall have the power and its duty shall be to enforce all the provisions of this act except as otherwise specifically provided

Section 23 Payment into State Treasury All fees and other moneys derived from the operation of this act shall be paid into the State Treasury through the Department of Revenue to the credit of the General Fund

Section 24 Constitutional Construction The provisions of this act are severable and if any of its provisions shall be held unconstitutional or inapplicable to any person or circumstances the decision of the court shall not affect or impair any of the remaining provisions of this act It is hereby declared to be the legislative intent that this act would have been adopted had such provisions not been included herein

Section 25 Repeal of Existing Law All acts and parts of acts inconsistent with this act are hereby repealed

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Alexander,	Flanagan,	McElroy,	Shugarts,
Achterman,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry.
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole.
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom.	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having vote in the affirmative, the question was determined in th affirmative.

Ordered, That the Clerk present the same to the Sena for concurrence.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on fin passage of House Bill No. 190, as follows:

An Act to amend clauses (i) and (j) of section fo clauses (e) (f) and (j) of section two hundred eig and sections three hundred nine and five hundred sev of the act approved the fifth day of December o thousand nine hundred thirty-six (Act No. 1) entitl "An act establishing a system of unemployment con pensation to be administered by the Department Labor and Industry and its existing and newly creat agencies with personnel (with certain exception selected on a civil service basis requiring employers keep records and make reports and certain employe to pay contributions based on payrolls to provi moneys for the payment of compensation to certain u employed persons providing procedure and administr tive details for the determination payment and colle tion of such contributions and the payment of su compensation providing for cooperation with the Fe eral Government and its agencies creating certa special funds in the custody of the State Treasurer a prescribing penalties" by providing for certain add tional persons to be considered as employers providi for additional credits in civil service examinations f persons who were engaged in the military or nav service of the United States during any war in whi the United States was engaged and who were hono ably discharged from such service further defining th qualifications and the method of examining personn providing a system of promotion for employes in th civil service system further defining the scope of jud ments obtained for the collection of employer contribu tions and extending the jurisdiction of courts of commo pleas with respect to summons and subpoenas issue under the act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That clauses (i) and (j) of section four of section two hundred eight of the act approved the fifth day of December one thousand nine hundred thirty-six (Act No. 1) entitled "An act establishing a system of unemployment compensation to be administered by the Department of Labor and Industry and its existing and newly created agencies with personnel (with certain exceptions) selected on a civil service basis requiring employers to keep records and make reports and certain employers to pay contributions based on payrolls to provide moneys for the payment of compensation to certain unemployed persons providing procedure and administrative details for the determination payment and collection of such compensation providing for cooperation with the Federal Government and its agencies creating certain special funds in the custody of the State Treasurer and prescribing penalties" are hereby amended to read as follows

(i) "Employer" means every (1) individual (2) copartnership (3) association (4) corporation (domestic or foreign) (5) the legal representative trustee in bankruptcy receiver or trustee of any individual copartnership association or corporation or (6) the legal representative of a deceased person (I) who or which employed or employs any employe (whether or not the same employe) in employment subject to this act for some portion of each of some twenty (20) days during the calendar year one thousand nine hundred thirty-six or any calendar year thereafter each day being in a different week or (II) who or which has elected to become fully subject to this act and whose election remains in force

Whenever any employer contracts with or has under him any contractor or sub-contractor for any work which is part of his usual trade occupation profession or business unless such employer as well as each such contractor or sub-contractor is an employer (as defined in the first paragraph of this subsection) the employer shall for all the purposes of this act be deemed to employ each individual in the employ of each such contractor or sub-contractor for each day during which said individual is engaged in performing such work except that each such contractor or sub-contractor who is an employer (as defined in the first paragraph of this subsection) shall alone be liable for the employer's contributions measured by the wages payable to individuals in his employ and except that any employer who shall become liable for and pay contributions with respect to individuals in the employ of any such contractor or sub-contractor who is not an employer (as defined in the first paragraph of this subsection) may recover the same from such contractor or sub-contractor Each individual employed to perform or to assist in performing work of any agent or employe of an employer shall be deemed to be employed by such employer for all the purposes of this act whether such individual was hired or paid directly by such employer or by such agent or employe provided the employer had actual or constructive knowledge of the work

Where an employer maintains more than one place of employment within this Commonwealth all of the employes at the several places of employment shall be treated for the purposes of this act as if employed by a single employer

Any individual copartnership association or corporation who or which is not subject to this act may elect to become subject thereto by filing with the department his or its written application and if such application is approved by the department the election shall become binding for not less than two calendar years

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes entirely without this Commonwealth with respect to which no contributions are required and paid under an unemployment compensation law of any other state if the employe or employes included in such election maintain a domicile within this Commonwealth Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less then two calendar years or until the department on its own motion cancels the election

An employer subject to this act may elect to include within the term "Employment" subject to this act services performed by his or its employes which are exempt under the provisions of subsection (j) of section four of this act Such election shall be subject to the approval of the department and if such election is approved by the department the election shall become binding for not less than two calendar years

Any services performed for an employer covered by an election pursuant to this subsection shall during the effective period of such election be deemed to be employment for all the purposes of this act Any election approved by the department pursuant to this subsection shall cease to be effective only as of January first of any calendar year subsequent to the initial two calendar years thereof and only if at least thirty (30) days prior to such first day of January the employer has filed with the department a notice of termination of his election

(j) "Employment" means all service performed for remuneration or under any contract of hire express or implied written or oral (1) which is localized within this Commonwealth or (2) which is not localized in any state but some of the service is performed within this Commonwealth and (a) the base for operations or place from which such service is directed or controlled is in this Commonwealth or (b) the base for operation or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this Commonwealth Service shall be deemed to be localized within this Commonwealth if (a) the service is performed entirely within this Commonwealth or (b) the service is performed both within and without this Commonwealth but the service performed without this Commonwealth is incidental to the individual's service within this Commonwealth as for example where it is temporary or transitory in nature or consists of isolated transactions Services performed without this Commonwealth shall not be included within the term "Employment" if contributions are required and paid with respect to such services under an unemployment compensation law of any other state

An individual performing services for remuneration in an employment subject to this act shall be deemed to be performing such services for wages unless and until it is shown to the satisfaction of the department that (a) such individual has been and will continue to be free from control or direction over the performance of such services both under his contract of service and in fact and (b) that such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed and (c) that such individual is customarily engaged in an independently established trade occupation profession or business

The word "employment" shall not include

(1) Agricultural labor

(2) Domestic service in a private home

(3) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States

(4) Service performed by an individual in the employ of his son daughter or spouse and service performed by a child under the age of twenty-one (21) in the employ of his father or mother

(5) Service performed in the employ of the United States Government or of an instrumentality of the United States

(6) Service performed in the employ of a state a political subdivision thereof or an instrumentality of one or more states or political subdivisions

(7) Service performed in the employ of a corporation community chest fund or foundation organized and operated exclusively for religious charitable scientific literary or educational purposes or for the prevention of cruelty to children or animals no part of the net earnings of which inures to the benefit of any private shareholder or individual

Section 2 That clauses (e) (f) and (j) of section two hundred eight of the said act are hereby amended to read as follows

(e) The secretary shall prescribe by rules and regulations the qualifications to be possessed by persons desiring employment in the various grades of employment in the administration of this act The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year before making application and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year and in the district in which such office is located for a period of not less than six months before making application

(f) Every individual desiring employment under the provisions of this act shall file with the board an application which shall be in a form prescribed by the board provided that such application shall be the same for all individuals desiring the same grade of employment and shall be so drawn as to reveal the qualifications as prescribed by the secretary In no case shall the board require of the applicant any information pertaining to his race creed color or political affiliations Upon receiving such application the applicant shall be admitted to the next competitive examination in the grade of employment which he or she seeks Such competitive examinations shall be practical in their character and so far as may be possible shall relate to those matters which will fairly test the relative capacity and fitness of persons examined to discharge the duties of the service into which they seek to be appointed but no applicant shall be required to be possessed of any scholastic education or training in order to be permitted to take any competitive examination or to be appointed to any position Such competitive examinations shall be in writing but in arriving at a final rating of applicants for such administrative and professional grades of employment as are so designated by the board the board may take into consideration such experience and personal qualifications as are related to the grades of employment for which applicants are being examined provided that the same standards shall apply with respect to all applicants in the same grade of employment Provided however That in the final rating of all applicants persons who were engaged in the military or naval service of the United States during any war in which the United States was engaged and who have an honorable discharge from such service shall receive in addition to all other ratings an additional five per centum and any such person who shall have been disabled by wounds or in any other manner while engaged in such service (so long as he is able to perform the work of the employment for which he is examined) and who shall submit satisfactory evidence to the board that such disability was received while engaged in such service shall be rated an additional five per centum over and above the five per centum hereinbefore set forth and in either case the total per centum mark or grade thus obtained shall determine the order of standing of such persons on any list of eligibles

(j) The secretary shall make appointments to positions created under this act and shall fill vacancies as they may occur from the lists of eligibles certified to him by the board except with respect to positions filled by promotions as hereinafter provided and by the appointment of persons exempted by subsection (b) of this section In making appointments therefrom the secretary shall select from the three persons ranking highest on the list of eligibles for the grade of employment in the administrative district or in the State as a whole as the case may be the applicant most suitable for the position in the grade of employment for which a vacancy exists taking into consideration his experience and personal qualifications with sole reference to merit and fitness for the position to be filled If upon inquiry by the secretary a person on the list of eligibles is found to be not available for employment or cannot be located his name shall not for the time being be considered among the three names from which a choice is to be made For the second vacancy the secretary shall make selection from the highest three persons remaining on such list of eligibles who have not been within his reach for three separate vacancies The third and any additional vacancies shall be filled in like manner

Vacancies in positions subject to the provisions of this section whether such positions be newly created or vacated for any reason by any former incumbent shall be filled in so far as practical by promotions from among employes holding positions in the lower grades In all cases an employe to be promoted shall possess the qualifications specified for the position and shall have served not less than six months (including service during any probationary period but not including service during any provisional employment) in a position under the provisions of this act Promotions shall be based on merit and upon the superior qualifications of the employe to be promoted as shown by his or her previous service record under this act The secretary may promote an employe to a higher position to which such employe has been certified as eligible by the board provided that the board shall in certifying such employe satisfy itself that the employe possesses the qualifications prescribed by the secretary for the higher position Before making such certification the board may require any employe or employes to take such qualifying or competitive examinations as the board may prescribe

Section 3 That sections three hundred nine and five hundred seven of the said act are hereby amended to read as follows

Section 309 Collection of Contributions and Interest If after notice by the department any employer fails neglects or refuses to pay any contributions due or the interest due thereon the amount due shall be collected by civil action in the name of the Commonwealth Civil actions brought under this section to collect contributions or interest thereon from any employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other actions except petitions for judicial review under this act and cases arising under the Workmen's Compensation Act of one thousand nine hundred fifteen and its amendments and supplements No court costs shall be imposed on the Commonwealth in any such civil actions Judgments obtained in such civil actions to collect any of the contributions aforesaid shall include interest and penalties as provided in this act

Section 507 Procedure where Summons or Subpoenas Disobeyed In case any person refuses fails or neglects to obey a summons or subpoena issued under the authority of this act or fails refuses or neglects to produce any books papers correspondence memoranda or record the department or board or its agent duly authorized in writing may petition the court of common pleas of the county in which the inquiry is being carried on or within which the person summoned or subpoenaed is found or resides or transacts business setting forth the facts whereupon the court shall have jurisdiction to direct such person to appear before the department or its agent or before a referee or the board at a time and place fixed by the court and give such testimony and produce such books papers correspondence memoranda and other records as may be required or to issue to such person its subpoena requiring such person to appear before the court at a time fixed and there to give testimony touching the matter under investigation or to produce such other evidence as may be required

Any person who shall without just cause fail neglect or refuse to obey a subpoena or order of the court or who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books papers correspondence memoranda and other records if it is in his power so to do in obedience to a subpoena or an order of the court may be punished by said court for contempt

Section 4 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Trout,
Broad,	Holland,	O'Neill,	Turner,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Weliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Wilson,
Dougherty,	Lopresti,	Scanlon,	Winner,
Downey,	Lovett,	Schor,	Wood,
Dubbs,	Mallen,	Schrock,	Woodside,
Dyson,	Marino,	Schrope,	Wright,
Eckels,	Matthews, H. T.,	Schumacher,	Yanoshat,
Elpern,	Matthews, J. F.,	Serrill,	Yeakel,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,	McDevitt,	Shoemaker,	

NAYS—1.

Tronzo,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. MURRIN asked and obtained permission for the Committee on Motor Vehicles to meet during the session of the House.

BILLS ON FINAL PASSAGE

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2173, (Senate Bill No. 640), as follows:

An Act to encourage the making and maintaining of agreements concerning wages hours and conditions of employment between employers and employes by their representatives and the settlement of controversies concerning the same by mediation and voluntary arbitration conferring powers of mediation and arbitration of such controversies on the Department of Labor and Industry

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 This act shall be known and may be cited as "Pennsylvania Labor Mediation Act"

Section 2 It is the public policy of the Commonwealth to encourage employers and employes by their representatives to make and maintain agreements concerning wages hours and conditions of employment and to settle all controversies arising out of the application of such agreements

Section 3 When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "employer" includes an employer and any person acting directly or indirectly on behalf of or in the interest of an employer with the employer's knowledge or ratification but a labor organization or any officer or agent thereof shall be considered an employer only with respect to individuals employed by such organization

(c) The term "employe" shall include any employe and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice as provided in the Act of 1937 entitled "Pennsylvania Labor Relations Act" This term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid nor shall it include any individual employed by his parent or spouse or in the dimestic service of any person in the home of the employer

(d) The term "representatives" is not limited to individuals but shall include labor organizations and individual representatives need not themselves be employed by and a labor organization serving as a representative need not be limited in membership to employes of the employer whose employes are represented

Section 4 The parties or either party to a controversy btween employers and employes may invoke the services of the department or the department may proffer its services in a controversy over the making maintaining or the application of an agreement between employers and employes concerning wages hours or conditions of employment Whenever the services of the department have been invoked by any party to a controversy or when the department has proffered its services the department shall promptly put itself in communication with the parties to such controversy and shall use its best efforts by mediation through a representative of the Secretary of Labor and Industry to bring them in agreement

Section 5 For the further purpose of carrying out the provisions of this act the Department at the request of both the employer and the employes may set up a commission or panel whose members shall serve in such controversy without pay

Section 6 Whenever a controversy shall arise between an employer and his employes which is not settled either in conference between representatives of the parties or through mediation in the manner provided in the preceding sections such controversy may by agreement of the parties be submitted to arbitration one person to be selected by the employer one person to be selected by the employes and a third to be selected by the representatives of the employer and employes and in the event of any such appointment or selection not being made upon the request of the parties in the controversy the Department may select the third person to arbitrate the matter submitted provided however that the failure or refusal of either party to submit a controversy to arbitration shall not be construed as a violation of the policy or purpose of this act or of any provisions thereof nor shall failure or refusal to arbitrate constitute a basis for any action at law or suit in equity

Section 7 Nothing in this act shall be construed so

as to interfere with impede or diminish in any way the right of employes to strike or engage in other concerted activities

Section 8 If any clause sentence paragraph or part of this act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It it hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included herein

Section 9 All acts or parts of acts whether general special or local inconsistent herewith are hereby repealed Provided that this act shall apply to any controversy involving unfair labor practices or the selection of collective bargaining representatives provided for in the Act of 1937 entitled "Pennsylvania Labor Relations Act"

Section 10 This act shall take effect immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 2039, as follows:

An Act to amend section five of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" providing for a referendum vote in certain municipalities in the year one thousand nine hundred and thirty-seven and making persons filing petitions liable for the cost of printing ballots

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That section five of the act approved the second day of July one thousand nine hundred and thirty-five (Pamphlet Laws 599) entitled "An act relating to motion picture exhibitions and sound motion picture exhibitions together with orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection in connection with or incidental thereto on Sunday prohibiting motion picture exhibitions and sound motion picture exhibitions and orchestral or other instrumental musical or mechanical musical accompaniment prelude playing or selection incidental thereto on Sunday during certain hours and also during other hours unless the electors of a municipality approve thereof regulating the employment of persons in conducting such exhibitions on Sunday providing for referendums to ascertain the will of the electors and providing penalties and repealing inconsistent laws" is hereby amended to read as follows:

Section 5 Further Referendums In any municipality the will of the electors with respect to the conducting staging and exhibiting of motion pictures and sound motion pictures on Sunday may after the year one thousand nine hundred and thirty-five (1935) but not oftener than once in five years (except as hereinafter otherwise provided) be ascertained and the question as provided in section 3 of this act shall be submitted to the electors of any municipality upon demand in writing of petitioners equal to at least five per centum (5%) of the highest vote cast for any candidate in the municipality at the last preceding general or municipal election Such petition shall be filed with the corporate authorities at least sixty (60) days before the day of any general or municipal election at which the question is to be submitted and if the petition is signed by the requisite number of petitioners it shall thereupon be certified to the county commissioners who shall cause such question to be submitted in the same manner as is provided in this act for the election in the year one thousand nine hundred and thirty-five (1935)

If a majority of the voters in any municipality in which motion picture exhibitions are permitted from and after two o'clock post meridian on Sunday to which an admission charge is made or is incidental are not in favor of the continuance of such exhibitions then upon the certification of such election return to the acting chief executive officer of such municipality as is provided in section four of this

act it shall thereafter be unlawful to conduct stage manage operate or engage in such exhibitions after two o'clock post meridian on Sunday but if a majority of the electors in any such municipality which has not heretofore permitted such motion picture exhibitions after two o'clock post meridian on Sunday or which has not theretofore voted on such question are in favor of such exhibitions then upon the certification of such fact to the acting chief executive officer of such municipality as is provided in section 4 of this act such exhibitions shall thereafter be lawful

Notwithstanding the limitation of five years for the holding of elections hereinbefore provided to ascertain the will of the electors the question provided for in this section may be submitted at the primary election in the year one thousand nine hundred and thirty-seven to the electors of any municipality wherein motion pictures are not permitted on Sunday at the time this act becomes effective and motion pictures on Sunday shall be permitted or prohibited in such municipality after the ascertainment of the result of such vote in like manner as if such vote had been taken under the preceding provisions of this section Where a special referendum is so held at the primary election in the year one thousand nine hundred and thirty-seven the person or persons filing any such petition for an election shall be liable for the costs of printing the ballots to be used at any such election which expense shall be paid to the county upon bills rendered by the county commissioners who may require a bond or deposit of money to assure the payment thereof before accepting such petition for filing Provided however That the will of the electors of any municipality may be ascertained at the primary election in the year one thousand nine hundred and thirty-seven notwithstanding the limitation of two years hereinbefore provided but no vote on said question shall be taken at the municipal election to be held in the year one thousand nine hundred and thirty-seven

Section 2 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—139.

Achterman,	Downey,	Long,	Rush,
Allen,	Dubbs,	Lopresti,	Sarraf,
Allmond,	Dyson,	Lovett,	Scanlon,
Arnold,	Elpern,	Matthews, H. T.,	Schor,
Atkins,	Falkenstein,	McArdle,	Schrope,
Aukerman,	Finnerty,	McCullough,	Shaw,
Baine	Fitch,	McDermott,	Shea,
Baker, J. J.,	Flanagan,	McElroy,	Shepard,
Balthaser,	Flannery,	McFall,	Shoemaker,
Bierly,	Flinchbaugh,	McGee,	Shugarts,
Blank,	Ganser,	McShane,	Simon,
Bohn,	Gerard,	Melchiorre,	Smith, James A.,
Boies,	Gorski,	Mihm,	Smith, John A.,
Boltz,	Haberlen,	Moomaw,	Spengler,
Bradley,	Hagerty,	Mooney,	Thomas,
Brancato,	Hamilton, F. P.,	Moran,	Thompson,
Brigerman,	Harkins,	Munley,	Toole,
Broad,	Harmuth,	Murrin,	Tronzo,
Brown,	Kays,	O'Brien,	Tumelty,
Burrows,	Hering,	O'Connor,	Valibus,
Caesar,	Hess,	O'Keefe,	VanSickle,
Caputo,	Hindman,	Ominsky,	Vogt,
Chervenak,	Hirsch,	O'Neill,	Wagner,
Coakley,	Holland,	Ostroff,	Walsh,
Cohen, H. B.,	Holmes,	Patterson, C. S.,	Weiss, D. H.,
Cohen, R. E.,	Holstrom,	Pearson,	Weiss, S. A.,
Coleman,	Hontz,	Pershing,	Welliver,
Coolahan,	Horting,	Piole,	Welsh,
Corrigan,	Jirolanio,	Powers,	Westrick,
Costanzo,	Keenan,	Preston,	Whalen,
Decker,	Kilroy,	Readinger,	Wright,
DeNote,	Kroll,	Reese,	Yanoshat,
Dickinson,	LaRue,	Reising,	Yourishin,
Donohoe,	Levy,	Richter,	Zappala,
Dougherty,	Lewis,	Ruffennach,	Furman,

NAYS—56.

Alexander,	Imbrie,	Perry,	Terry,
Baker, F. T.,	Kane,	Rothenberger,	Trout,
Boose,	Kelso,	Royer,	Turner,
Boyer,	Leisey,	Schrock,	VanAllsburg,
Brownfield,	Mallen,	Schumacher,	Wall,
Cadwalader,	Marino,	Serrill,	Wampole,
Davies,	Matthews, J. F.,	Siegel,	Watkins,
Eckels,	McKinney,	Simpson,	Webster,
Fiss,	Mellott,	Sloan,	Weidemann,
Gillette,	Merrell,	Sollenberger,	Wilson,
Habbyshaw,	Moul,	Sproul,	Winner,
Hall,	Muir,	Stewart,	Wood,
Hetrick,	Nagel,	Stockham,	Woodside,
Huntley,	Peale,	Strode,	Yeakel,

The majority required by the Constitution having vote in the affirmative, the question was determined in th affirmative.

Ordered, That the Clerk present the same to the Senat for concurrence.

Agreeably to order,

The House proceeded to the consideration on final pas sage of House Bill No. 2125, (Senate Bill No. 64), a follows:

An Act to establish a separate orphans' court in and fo the County of Dauphin

Be it enacted by the Senate and House of Representa tives of the Commonwealth of Pennsylvania in Genera Assembly met and it is hereby enacted by the authorit of the same

Section 1 That in the County of Dauphin a separat orphans' court be and is hereby established the nam and style of which shall be the Orphans' Court of Dau phin County which court shall be a court of record an shall consist of one judge learned in the law

Section 2 At the first municipal election which sha occur after the passage of this act a judge of the sai court shall be elected and duly commissioned to hold of fice from the first Monday of January next succeedin such election for the same term and in the same man ner as the judges of the court of common pleas of th county The annual salary of the said judge shall be th same as is paid to the judges of the court of commo pleas of the said county and shall be paid in the sam manner as the salaries of said judges of the court o common pleas are now or may be hereafter made by la payable

Section 3 The terms of the said orphans' court sha be established by the judge thereof as he shall deer necessary and proper

Section 4 The said court shall have and exercise a the jurisdiction and powers now vested in or which ma hereafter be conferred upon the orphans' courts of th Commonwealth under and by virtue of the laws there

Section 5 The commissioners of the said county sha provide proper and suitable rooms in which the sai orphans' court shall be held and its business transacte and in which the records thereof shall be safely an securely kept

Section 6 The Governor is hereby authorized by an with the consent of the Senate to appoint one competen person learned in the law as such Orphans' Court Judg for the said Dauphin County to serve until the firs Monday in January succeeding the next municipa election

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yea and nays were taken and were as follows, viz:

YEAS—202

Achterman,	Flannery,	McElroy,	Shugarts,
Alexander,	Flinchbaugh,	McFall,	Siegel,
Allen,	Ganser,	McGee,	Simon,
Allmond,	Gerard,	McKinney,	Simpson,

Arnold,	Gillette,	McShane,	Skale,
Atkins,	Gorski,	Melchiorre,	Sloan,
Aukerman,	Habbyshaw,	Mellott,	Smith, James A.,
Bane,	Haberlen,	Merrell,	Smith, John A.,
Baker, J. J.,	Hagerty,	Mihm,	Snyder,
Baker, F. T.,	Hall,	Moomaw,	Sollenberger,
Balthaser,	Hamilton, F. P.,	Mooney,	Spengler,
Bierly,	Hamilton, R. S.,	Moran,	Sproul,
Blank,	Harkins,	Moul,	Stank,
Bohn,	Harmuth,	Muir,	Stewart,
Boies,	Hays,	Munley,	Strode,
Boltz,	Hering,	Murrin,	Terry,
Boose,	Hess,	Nagel,	Thomas,
Bradley,	Hetrick,	O'Brien,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shepard,	Yeakel,
Fitch,	McDevitt,	Shoemaker,	Furman,
Flanagan,			

NAYS—2

Boyer,	O'Connor,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

Agreeably to order,

The House proceeded to the consideration on final passage of House Bill No. 1201, (Senate Bill No. 366), as follows:

An Act to amend sections three four six and seven of and to add section 9.1 to the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" by providing for additional projects removing the date by which projects must be commenced removing certain restrictions against the construction of projects making such Authority perpetual fixing the quorum of the Authority providing for the leasing of projects by the Authority to the Commonwealth clarifying the powers of a receiver appointed pursuant to such act so as to prohibit such receiver from selling assigning mortgaging or otherwise disposing of any of the assets belonging to the Authority and clarifying certain provisions of said act

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That sections three four six and seven of the act approved the twenty-eighth day of June one thousand nine hundred thirty-five (Pamphlet Laws four hundred fifty-two) entitled "An act to promote the welfare of the people of the Commonwealth creating a General State Authority as a body corporate and politic with power to construct improve and operate projects and to lease the same and to fix and collect fees rentals and charges for the use thereof authorizing and regulating the issuance of bonds by said Authority and providing for the payment of such bonds and the rights of the holders thereof and to enter into agreements with the Government of the United States or any Federal agency and authorizing the Department of Property and Supplies to grant assign convey or lease to the Authority lands of the Commonwealth and interests therein and to acquire lands therefor granting the right of eminent domain and providing that no debt of the Commonwealth shall be incurred in the exercise of any of the powers granted by this act" are hereby amended to read as follows

Section 3 General State Authority The Governor of the State the State Treasurer the Auditor General the Secretary of Internal Affairs the Secretary of Property and Supplies and the President pro tempore of the Senate and their respective successors in the office and two citzens of Pennsylvania one to be appointed by the Governor and one by the President pro tempore of the Senate are hereby created a body corporate and politic constituting a public corporation and governmental instrumentality by the name of "The General State Authority" Said members of the Authority shall be entitled to no compensation for their services as members but shall be entitled to re-imbursement for all necessary expenses incurred in connection with the performance of their duties as members Any vacancy hapening among the appointed members of the Authority shall be filled by appointment by the Governor or President pro tempore of the Senate [making the original appointment] as the case may be

Section 4 Purposes and Powers General The Authority is created for the purpose of constructing improving maintaining and operating sewers sewer systems and sewage treatment works for State institutions of every kind and character (heretofore or hereafter constructed) public buildings for the use of the Commonwealth [at the seat of the State government] State arsenals armories and military reserves State airports and landing fields [State tuberculosis sanatoria additions to present] State [hospitals normal schools teachers colleges penal or correctional] institutions of every kind and character (heretofore or hereafter constructed) additions and improvements to land grant colleges State highways and bridges tunnels and traffic circles on State highways swimming pools and lakes on State land and [low head] dams and improvements to river embankments (any and all the foregoing being herein called "projects") [Provided however That no project shall be begun after the expiration of two (2) years from the effective date of this act And provided further That the purpose and intent of this act being to benefit the people of the Commonwealth by among other things increasing their commerce and prosperity and not to unnecessarily burden or interfere with existing business by the establishment of competitive enterprises none of the powers granted hereby shall be exercised in the construction improvement maintenance extension or operation of any project or projects which

in whole or in part shall duplicate or compete with existing enterprises serving substantially the same purposes] and the Authority is hereby granted and shall have and may exercise all powers necesary or convenient for the carrying out of the aforesaid purposes including but without limiting the generality of the foregoing the following rights and powers

(a) To have perpetual existence [for a period of thirty-two years] as a corporation

(b) To sue and be sued implead and be impleaded complain and defend in all courts

(c) To adopt use and alter at will a corporate seal

(d) To acquire purchase hold lease as lessee and use any property real personal or mixed tangible or intangible or any interest therein necessary or desirable for carrying out the purposes of the Authority and (without limitation of the foregoing) to lease from the department any property real personal or mixed or any interest therein now owned or hereafter acquired by the Commonwealth of Pennsylvania with the approval of the Governor for a term not exceeding ninety-nine years at a nominal rental or at such annual rental as may be determined and with the approval of the Governor to lease as lessor to the Commonwealth of Pennsylvania and any city county or other political subdivision or any agency department or public body of the Commonwealth or land grant college any project at any time constructed by the Authority and any property real personal or mixed tangible or intangible or any interest therein at any time acquired by the Authority

(e) To acquire by purchase lease or otherwise and to construct improve maintain repair and operate projects

(f) To make by-laws for the management and regulation of its affairs

(g) To appoint officers agents employes and servants to prescribe their duties and to fix their compensation

(h) To fix alter charge and collect rates rentals and other charges for the use of the facilities of or for the services rendered by the Authority or projects thereof at reasonable rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority the construction improvement repair maintenance and operation of its facilities and properties the payment of the principal of and interest on its obligations and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations

(i) To borrow money make and issue negotiable notes bonds and other evidences of indebtedness or obligations (herein called "bonds") of the Authority and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues rentals and receipts and to make such agreements with the purchasers or holders of such bonds or with others in connection with any such bonds whether issued or to be issued as the Authority shall deem advisable and in general to provide for the security for said bonds and the rights of the holders thereof

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business

(k) Without limitation of the foregoing to borrow money and accept grants from and to enter into contracts leases or other transactions with any Federal agency

(l) To have power of eminent domain

(m) To pledge hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority

(n) To do all acts and things necessary or convenient to carry out the powers granted to it by this act or any other acts

Provided however that the authority shall have no power at any time or in any manner to pledge the credit or taxing power of the Commonwealth or any of its cities counties or political subdivisions nor shall any of its obligations or debts be deemed to be obligations of the Commonwealth or of any of its cities counties or political subdivisions nor shall the Commonwealth or any city county or political subdivision thereof be liable for the payment of principal of or interest on such obligations

Section 6 Remedies of Bondholders The rights and the remedies herein conferred upon or granted to the bondholders shall be in addition to and not in limitation of any rights and remedies lawfully granted to such bondholders by the resolution or resolutions providing for the issuance of bonds or by any deed of trust indenture or other agreement under which the same may be issued In the event that the Authority shall default in the payment of principal of or interest on any of the bonds after said principal or interest shall become due whether at maturity or upon call for redemption and such default shall continue for a period of thirty days or in the event that the Authority shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds the holders of twenty-five per centum in aggregate principal amount of the bonds then outstanding by instrument or instruments filed in the office of the recorder of deeds of the county and proved or acknowledged in the same manner as a deed to be recorded may (except as such right may be limited under the provisions of any deed of trust indenture or other agreement as aforesaid) appoint a trustee to represent the bondholders for the purposes herein provided Such trustee and any trustee under any deed of trust indenture or other agreement may and upon written request of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) in principal amount of the bonds then outstanding shall in his or its own name

(a) by mandamus or other suit action or proceeding at law or in equity enforce all rights of the bondholders including the right to require the Authority to collect rates rentals and other charges adequate to carry out any agreement as to or pledge of the revenues or receipts of the Authority and to require the Authority to carry out any other agreements with or for the benefit of the bondholders and to perform its and their duties under this act

(b) bring suit upon the bonds

(c) by action or suit in equity require the Authority to account as if it were the trustee of an express trust for the bondholders

(d) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders

(e) by notice in writing to the Authority declare all bonds due and payable and if all defaults shall be made good then with the consent of the holders of twenty-five per centum (or such other percentage as may be specified in any deed of trust indenture or other agreement aforesaid) of the principal amount of the bonds then outstanding to annul such declaration and its consequences

Any trustee whether appointed as aforesaid or acting under a deed of trust indenture or other agreement and whether or not all bonds hav been declared due and payable shall be entitled as of right to the appointment of a receiver who may (to the same extent that the Authority itself could so do) enter and take possession of the facilities of the Authority or any parts thereof the revenues rentals or receipts from which are or may be applicable to the payment of the bonds so in default and operate and maintain the same and collect and receive all rentals and other revenues thereafter arising therefrom in the same manner as the Authority might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct In any suit action or proceeding by the trustees the fees counsel fees and expenses of the trustee and of the receiver if any and all costs and disbursements allowed by the court shall be a first charge on any revenues and receipts derived from the facilities of the Authority the revenues or receipts from which are or may be applicable to the payment of the bonds so in default Said trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights

In addition to all other rights and all other remedies any holder of bonds of the Authority shall have the right by mandamus or other suit action or proceeding at law or in equity to enforce his rights against the Authority in-

cluding the right to require the Authority to collect fees rentals and other charges adequate to carry out any agreement as to or pledge of such fees rentals or other charges or income revenues and receipts and to require the Authority to carry out any of its convenants and agreements with the bondholders and to perform its and their duties under this act Provided however That nothing in this section or any other section of this act shall authorize any receiver appointed pursuant to this act for the purpose of operating and maintaining any facilities of the Authority to sell assign mortgage or otherwise disposes of any of the assets of whatever kind and character belonging to the Authority It is the intention of this act to limit the powers of such receiver to the operation and maintenance of the facilities of the Authority as the court shall direct and no holder of bonds of the Authority nor any trustee shall ever have the right in any suit action or proceedings at law or in equity to compel a receiver nor shall any receiver ever be authorized or any court be empowered to direct the receiver to sell assign mortgage or otherwise dispose of any assets of whatever kind or character belonging to the Authority

Section 7 Governing Body The powers of the Authority shall be exercised by a governing body consisting of the members of the Authority acting as a board Within ninety days after this act shall become effective the board shall meet and organize by electing from their number a president and secretary At the first regular meeting in each year thereafter they shall elect from their number a president and secretary

[Six] Five members shall constitute a quorum of the board for the purpose of organizing the Authority and conducting the business thereof and for all other purposes and all action shall only be taken by vote of a majority of the members of the Authority unless in any case the by-laws shall require a larger number The board shall have full Authority to manage the properties and business of the Authority and to prescribe amend and repeal by-laws rules and regulations governing the manner in which the business of the Authority may be conducted and the powers granted to it may be exercised and embodied The board shall fix and determine the number of officers agents and employes of the Authority and their respective compensation and duties and may delegate to one or more of their number or to one or more of said officers agents or employes such powers and duties as it may deem proper

Section 2 That said act is hereby amended by adding thereto Section 9.1 to read as follows

Section 9.1 Contracts to Lease and Leases by Department from Authority The Department shall have power and authority with the approval of the Governor to enter into contracts with the Authority to lease as lessee from the Authority any or all of the projects undertaken by the Authority for a term with respect to each project constructed not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority and upon the completion of the said projects the Department shall have powers and authority with the approval of the Governor to lease as lessee any or all of the projects completed by the Authority for a term with respect to each project leased not exceeding thirty (30) years at such rental or rentals as may be determined by the Authority

Section 3 This act shall become effective immediately upon its final enactment

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requested.

HOUSE BILLS Nos. 1508, 392, 1133, 141, 1745, 1145, 564, 1144, 142, 956 and 957 MADE SPECIAL ORDER

Mr. HERBERT B. COHEN. Mr. Speaker, I move that the following appropriation bills House Bill No. 1508, Printer's No. 513, House Bill No. 392, Printer's No. 742, House Bill No. 1133, Printer's No. 746, House Bill No. 141, Printer's No. 739, House Bill No. 1745, Printer's No. 750, House Bill No. 1145, Printer's No. 741, House Bill No. 564, Printer's No. 757, House Bill No. 1144, Printer's No. 740, House Bill No. 142, Printer's No. 738, House Bill No. 956, Printer's No. 768, House Bill No. 957, Printer's No. 769 be made a special order of business, in their respective order, on third reading and final passage, at 3:24½ p. m. today.

The motion was agreed to.

SPECIAL ORDER

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1508, entitled:

An Act making an appropriation to the Department of Agriculture for a suitable exhibit at the Seventh World's Poultry Congress

And said bill having been read at length the third time, considered and agreed to,

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Connor,	Thomas,
Bradley,	Hetrick,	O'Brien,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 392, entitled:

An Act making an appropriation to the Cresson Volunteer Fire Company for the protection of State property

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Turner,
Brownfield,	Holstrom,	Patterson, C. S.,	Tumelty,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1133, entitled:

An Act making an appropriation for the purpose of maintaining the public roads and improving and replacing bridges thereon through the Cornplanter Indian Reservation in Elk Township Warren County Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,

Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Schrock,	Wilson,
Downey,	Lovett,	Scanlon,	Winner,
Dubbs,	Mallen,	Schor,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 141, entitled:

An Act making an appropriation to the Supreme Court for a portrait of the former Chief Justice of said court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Strode,
Boltz,	Hays,	Murrin,	Stockham,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1745, entitled:

An Act making an appropriation to the several fire companies of the City of Harrisburg Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204.

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,

Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Celrk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1145, entitled:

An Act making an appropriation of moneys in the Motor License Fund to the Board of Finance and Revenue to meet interest and sinking fund requirements on the State debt

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein.	McArdle,	Shaw,	Yeakel.
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 564, entitled:

An Act making an appropriation to the Department of Agriculture to advance the tobacco interest of this Commonwealth

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,

Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1144, entitled:

An Act making an appropriation from the Motor License Fund to the Department of Property and Supplies for the payment of the costs incurred by that department in acting as purchasing agent for the Department of Highways

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 142, entitled:

An Act making an appropriation to the Supreme Court for a portrait of the Chief Justice of said court

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 956, entitled:

An Act making an appropriation out of the Motor License Fund to the Auditor General State Treasurer and Secretary of Highways as the Commission of the Commonwealth of Pennsylvania for the acquisition of a bridge over the Delaware River between the Commonwealth of Pennsylvania and the State of New York at Lackawaxen

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Vallbus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 957, entitled:

An Act making an appropriation out of the Motor License Fund to the Delaware River Joint Toll Bridge Commission for the purpose of acquiring the toll bridge at Dingman's Ferry over the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Vallbus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Mr. HARKINS. Mr. Speaker, I desire to call up at this time House Bill No. 1186, Printer's No. 546, on page 27 of today's calendar, bills on third reading postponed.

Agreeably to order,

The bill having been called up from the postponed calendar by Mr. HARKINS.

The House resumed the consideration on third reading of House Bill No. 1186, entitled:

An Act authorizing school districts to make contracts of group life health and accident insurance for the benefit of pupils in vocational schools at the expense of the school district defining the status of the school district and pupils under existing and future insurance laws and requiring school districts to make certain reports to the Department of Public Instruction

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1222, entitled:

An Act to amend section three of the act approved the third day of May one thousand eight hundred fifty (P. L. 654) entitled "An act providing for the election of district attorneys" by changing the power of appointment in cases of vacancies in the office of district attorney

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. JAMES A. SMITH. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

The motion was agreed to.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1006, entitled:

An Act to amend article ten of the act approved the second day of May one thousand nine hundred and twenty-nine (P. L. 1278) entitled "An act relating to counties of the second fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" by making it unlawful to interfere with drains and ditches under or along county highways and prescribing penalties

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kroll,	Reising,	Webster,
Corrigan,	Kline,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Ruffennach,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Rothenberger,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,

Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1333, entitled:

An Act to amend section one of the act approved the seventeenth day of May one thousand nine hundred and twenty-nine (P. L. 1804) entitled "An act relative to certain judgments prescribing duties of prothonotaries and repealing prior legislation" requiring a certificate of the address of the defendants on the entry of certain judgments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

BILLS PASSED OVER

There being no objection House Bill No. 1897, Printer's No. 716, was passed over at the request of Mr. HERBERT B. COHEN.

There being no objection House Bill No. 1898, Printer's No. 723, was passed over at the request of Mr. HERBERT B. COHEN.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1576, (Senate Bill No. 404), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand nine hundred and thirty-five (P. L. 336) entitled "An act authorizing courts to stay legal proceedings except in certain cases against banks bank and trust companies and trust companies where any such corporation has guaranteed or otherwise obligated itself to pay in cash the amount or value of trust or other funds placed with it for investment and the same have been invested in mortgages or participations in mortgages or in pools or funds of mortgages and suspending the operation of the Statute of Limitations and inconsistent acts of Assembly" extending said act a further period of two years.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,

Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1773, (Senate Bill No. 311), entitled:

An Act authorizing the recording and copying of documents plats papers and instruments of writing by photostatic photographic or other mechanical process and relating to the effect and use of such copies and records

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1879, entitled:

An Act to amend section one of the act approved the twenty-second day of June one thousand nine hundred and thirty-five (P. L. 450) entitled "An act to promote public morals abolishing civil causes of action for alienation of affections except in certain cases and breach of promise to marry making it unlawful to file cause to be filed threaten to file or threaten to cause to be filed any such action fixing a time for the commencement of such causes of action heretofore accrued declaring void all future contracts in settlement of such actions making it unlawful to induct the execution of such a contract or payment thereunder or institution of suit thereon and providing penalties" correcting an error in said section

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,

Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'NEILL asked and obtained permission for the Committee on Insurance to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 158, entitled:

An Act to preserve and improve the purity of the waters of the Commonwealth for the protection of public health, animal and aquatic life, and for industrial consumption and recreation; empowering and directing the creation of indebtedness or the issuing of non-debt revenue bonds by political subdivisions to provide works to abate pollution; providing protection of water supply; providing for the jurisdiction of courts, magistrates, aldermen and justices of the peace in the enforcement thereof, and providing additional remedies for abating pollution of waters; imposing certain penalties; and repealing certain acts.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Rothenberger,	Welliver,
Decker,	Levy,	Royer,	Welsh,
DeNote,	Lewis,	Ruffennach,	Westrick,
Dickinson,	Long,	Rush,	Whalen,
Donohoe,	Longaker,	Sarraf,	Wilson,
Dougherty,	Lopresti,	Scanlon,	Winner,
Downey,	Lovett,	Schor,	Wood,
Dubbs,	Mallen,	Schrock,	Woodside,
Dyson,	Marino,	Schrope,	Wright,
Eckels,	Matthews, H. T.,	Schumacher,	Yanoshat,
Elpern,	Matthews, J. F.,	Serrill,	Yeakel,
Falkenstein,	McArdle,	Shaw,	Yourishin,
Finnerty,	McCullough,	Shea,	Zappala,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,	McDevitt,	Shoemaker,	

NAYS—1

Wall.

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2200, (Senate Bill No. 425), as follows:

An Act for the protection of the health and welfare of women and minors by regulating under the police power the minimum fair wages which shall be paid by employers providing for wage boards and defining the powers and duties of such boards and of the Department of Labor and Industry imposing duties on employers providing for directory and mandatory orders on employers and the publication of the names of employers who do not comply with such orders exempting certain persons from the provisions of this act and providing penalties

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That

Section 1 Factual Background Women and minors are employed in some occupations in trade and industry in the Commonwealth of Pennsylvania for wages unreasonably low and not fairly commensurate with the value of the services rendered Such a condition is contrary to public interest and public policy commands its regulation Women and minors employed in such industries are not as a class on a level of equality in bargaining with their employers in regard to minimum fair wage standards and "freedom of contract" as applied to their relations with their employers is illusory Judged by any reasonably standard wages in such industries are often found to bear no relation to the fair value of services rendered Women and minors employed for gain in such occupations are peculiarly subject to the overreaching of inefficient harsh or ignorant employers and under unregulated com-

petition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards the standards such as exist to be set by the least conscionable employers In the absence of any effective minimum fair wage rates for women and minors the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers reduces the purchasing power of the workers and threatens the stability of industry The evils of oppressive unreasonable and unfair wages as they affect women and minors employed in the Commonwealth of Pennsylvania are such as to render imperative the exercise of the police power of the Commonwealth for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well being

Section 2 Definitions As used in this act

(1) "Secretary" shall mean the Secretary of Labor and Industry

(2) "Department" shall mean the Department of Labor and Industry

(3) "Wage Board" shall mean a board created as provided in this act

(4) "Woman" shall mean a female of twenty-one years or over

(5) "Minor" shall mean a person of either sex under the age of twenty-one years

(6) "Occupation" shall mean an industry trade business or class of work in which women or minors are gainfully employed but shall not include domestic service in the home of the employer or services in a religious community or charitable institution or labor on a farm or boys lawfully employed in the sale and delivery of newspapers and magazines

(7) "A fair wage" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered

Section 3 Powers of Investigation The department shall have power

(1) To investigate and ascertain the wages of women and minors employed in any occupation in the Commonwealth

(2) To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of

(a) Examining and inspecting any and all books registers payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the wages of any such women or minors and

(b) Ascertaining whether the orders of the department have been and are being complied with

(3) To require from such employer full and correct statements in writing at such times as the department may deem necessary of the wages paid to all women and minors in his employment

Section 4 Investigation of Occupation The department shall have power and it shall be the duty of the department on the petition of fifty or more residents of the Commonwealth to cause an investigation to be made by any duly authorized representatives of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving wages which are less than sufficient to maintain their health or efficiency If on the basis of information in its possession with or without a special investigation the department is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving such wages the secretary shall appoint a wage board to report upon the establishment of minimum fair wages for such women or minors in such occupation or occupations

Section 5 Basis of Fair Wage In establishing a minimum fair wage for any service or class of service under this act the secretary and the wage board without being bound by any technical rules of evidence or procedure may

(1) Take into account the cost of living and all other relevant circumstances affecting the value of the service or class of service rendered

(2) Be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to be paid

(3) Consider the wages paid in the Commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards

Section 6 Wage Boards

(1) A wage board shall be composed of not more than three representatives of employers an equal number of representatives of employes and an equal number of disinterested persons representing the public one of whom shall be designated by the secretary as chairman The secretary shall appoint the members of such wage board the representatives of employers and employes to be selected so far as practicable from nominations submitted by employers or employer representatives for employer members and by employes for employe members in such occupation or occupations Two-thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all members The members of a wage board shall be entitled to compensation at the rate of not exceeding ten dollars per day for each meeting attended by them or each day actually spent in the work of the board They shall also be paid their reasonably and necessary traveling and other expenses while engaged in performance of their duties The department shall make and establish from time to time reasonable rules and regulations not inconsistent with this act governing the selection of a wage board and its mode of procedure

(2) The department shall present to a wage board promptly upon its organization all the evidence and information in its possession relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and all other information which is deemed relevant to the establishment of a minimum fair wage for such women and minors and shall cause to be brought before the board any witnesses whom the department deems material A wage board may summon other witnesses or call upon the department to furnish additional information to aid it in its deliberation

(3) A wage board shall have power to administer oaths and to require by subpoena the attendance and testimoney of witnesses and the production of all books records and other evidence relative to any matters under investigation Such subpoenas shall be signed and issued by a member of the wage board and shall be served and have the same effect as if issued by the department under the authority vested in it by the act approved the ninth day of April one thousand nine hundred twenty-nine (P. L. 177) and designated as the Administrative Code of 1929 A wage board shall have power to cause depositions of witnesses residing within or without the Commonwealth to be taken in the manner prescribed for like depositions in civil actions in the court of common pleas

(4) Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate If its report is not submitted within such time the secretary may appoint a new wage board as provided in clause (1) of this section

(5) A wage board may classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment A wage board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality

(6) A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations which scale of learners' and apprentices rates may be less than the regular minimum fair wage

rates recommended for experienced women or minor workers in such occupation or occupations

(7) In addition to the report a wage board may recommend such reasonable regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report Such regulations may among other things define and govern learners and apprentices their rates number proportion or length of service piece rates or their relation to time rates overtime or part-time rates bonuses or special pay for special or extra work deductions for board lodging apparel or other items or services supplied by the employer and other special conditions or circumstances and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification without departing from the basic minimum rates recommended by wage board the board may provide for such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the board may find appropriate to safeguard the basic minimum rates established

Section 7 Action on Report of Wage Board

(1) A wage board shall submit its report and recommendations to the department which shall within ten days thereafter accept or reject such report During such ten days the secretary or his representative may confer with the wage board which may make such changes in the report or recommendations as it may deem fit If the report is rejected the department shall resubmit the matter to the same wage board or to a new wage board to be appointed as provided in clause (1) of section six If the report is accepted it shall be published together with such of the regulations recommended by the board and with such modifications and amendments as the department may approve The department shall give notice of a public hearing to be held by the secretary or his representatives not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard

(2) Within ten days after such hearing the department shall approve or disapprove the report of the wage board If the report is disapproved the department may resubmit the matter to the same wage board or to a new wage board If the report is approved the department shall make a directory order which shall define minimum fair wage rates in the occupation or accupations as recommended in the report of the wage board and shall include the regulations as approved by the department

Section 8 Special Licenses For any occupation for which minimum fair wage rates have been established the department may cause to be issued to a woman or minor including a learner or apprentice whose earning capacity is impaired by age or physical or mental deficiency or injury a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the department and stated in the license

Section 9 Order Made Mandatory If at any time after a directory minimum fair wage order has been in effect for three months the department is of opinion based upon a statement of reasons in writing made by the department that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation of occupations the department may give notice of its intention to make such order mandatory and of a public hearing to be held not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to a mandatory order may be heard by the secretary or his representative After such hearing the department may make an order making previous directory order or any part thereof mandatory and shall publish such order

Section 10 Publication of Names of Employers Not Observing Order If the department has reason to believe that any employer is not observing the provisions of any directory or mandatory order it may on fifteen days' notice summon such employer to appear before it to show cause why the name of such employer should not be published as having failed to observe the provisions of such order After such hearing and the finding of non-observance of such order by the secretary or his representative the department may cause to be published in a newspaper or newspapers published and circulating within the Commonwealth or in such other manner as it may deem appropriate the name of any such employer or employers as having failed in the respects stated to observe the provisions of such order of the department neither the secretary nor any authorized representative of the department nor any newspaper publisher proprietor editor nor any employe thereof shall be liable to an action civil or criminal for publishing the names of any employer as provided for in this article unless guilty of wilful misrepresentation

Section 11 Reconsideration of Minimum Fair Wage Order

(1) At any time after a minimum fair wage order has been in effect for one year or more whether during such period it has been directory or mandatory the department may on its own motion and shall on a petition of fifty or more residents of the Commonwealth reconsider the minimum fair wage rates set therein and reconvene the same wage board or appoint a new wage board as provided in clause (1) of section six to recommend whether or not the rate or rates contained in such order should be modified The report of such wage board shall be dealt with in the manner prescribed in section seven of this act provided that if the order under reconsideration has theretofore been made mandatory in whole or in part by the department then the department in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory

(2) The department may from time to time propose such modifications of or additions to any regulations included in any directory or mandatory order of the department without reference to a wage board as may be deemed appropriate to effectuate the purposes of this act provided such proposed modifications or additions are reasonable and could legally have been included in the original order and shall give notice of a public hearing to be held by the secretary or his representative not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions After such hearing the department may make an order putting into effect such of the proposed modifications of or additions to the regulations as it may deem appropriate and if the order of which the regulations form a part has theretofore been made mandatory in whole or in part then the department in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory

Section 12 Review of Orders

(1) All questions of fact arising under this act except as otherwise herein provided shall be decided by the secretary or his representative and there shall be no appeal from the decision on any such question of fact but there shall be a right of review by the court of common pleas from any order ruling or holding on any question of law included or embodied in any decision of the secretary or his representative or order of the department

(2) Any such review shall be by the Court of Common Pleas of Dauphin County Any person aggrieved by the decision of the secretary or his representative or by any order of the department may petition said court for such a review within thirty days after notice of such decision or order A copy of such petition shall be filed with the department which filing shall constitute service Within thirty days after service of the petition the department shall file with the prothonotary of said court a transcript of the record of the proceedings duly certified over the seal of the department which record shall include all papers on file and all evidence taken including stenographic notes of testimony The cost of said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs to be paid as the court may direct

(3) The court upon application of either party shall fix a time and place for argument After argument and review of the record and testimony the court may sustain modify or reverse the decision of the secretary or his rep-

resentative or the order of the department as in its judgment the law may warrant

Section 13 Duty of Employer Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the department or its duly authorized agent upon demand a sworn statement of the same Such records shall be open to insepection by any duly authorized agent of the department at any reasonable time Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicious place in every room in which women or minors are employed Employers shall on request be furnished copies of order without charge Employers shall permitt any duly authorized agent of the department to question any people of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employe or other employe

Section 14 Penalties

(1) Any employer and his agent or the officer or agent of any corporation who discharges or in any other manner discriminates against any employe because such employe has served or is about to serve on a wage board or has testified or is about to testifiy before any wage board or in any other investigation or proceeding under or related to this act or because such employer belives that said employe may serve on any wage board or may testifiy before any wage board in any investigation or proceeding under this act shall upon conviction thereof in a summary proceeding be sentenced to pay a fine of not less than fifty nor more than one hundred dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment for not less than ten days nor more than thirty days

(2) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employe less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall upon conviction thereof be sentenced to pay a fine of not less than fifty nor more than two hundred dollars or to undergo imprisonment of not less than ten nor more than ninety days or both such fine and imprisonment and each in any day of which such employe is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employe who paid less shall constitute a seperate offense

(3) Any employer or the officer or agent of any corporation who fails to keep the records required under this act or to furnish such records or any information required to be furnished under this act to the department the secretary or any authorized representative of the department upon request shall upon conviction thereof in a summary proceeding be sentenced to pay a fne or not less than twenty-fve nor more than one hundred dollars and each day of such failure to keep the recards requested under this act or to furnish such records or information shall constitute a separate offense

Section 15 Civil Action If any woman or minor worker is paid by his or her employer less than the minimum fair wage to which such worker is entitled under or by virture of a mandatory minimum fair wage order such worker may recover in a civil action the full amount of such minimum wage less any amount actually paid to the worker by the employer together with costs and such reasonable attorney's fees as may be allowed by the court and any agreement betweent the employer and the worker to work for less than such mandatory minimum fair wage shall be no defense to such action At the request of any woman or minor worker paid less than the minimum wage to which such worker was entitled under a mandatory order the department may take an assignment of such wage claim in trust for the assigning worker and may bring any legal necessary to collect such claim and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court

Section 16 Act not to Apply to Certain Persons The provisions of this act shall not apply to any person or persons subject to the provisions of the Federal Railway Labor Act

Section 17 Unconstitutionality If any provisions of this act or the application thereof to any person or circumstances is held invalid the remainded of the act and the application of such provisions to other persons or circumstances shall not be affected thereby

Section 18 Effective Date This act shall become effective immediately upon its final enactment

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it with amendments in which the concurrence of the Senate is requesting.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1693, entitled:

An Act authorizing townships of the second class to adopt and enforce zoning ordinances regulating the location construction and use of buildings the size of courts and open spaces the density of population and the use of land

And said bill having been read at length the third time, considered and ageerd to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.	Schumacher	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 621, as follows:

An Act relating to the business of painting paperhanging and decorating defining regulating and providing for the licensing of contractors engaged in such business and for the revocation of such licenses subject to appeal and creating the Painting and Paperhanging Licensing Board as a departmental administrative board in the Department of Labor and Industry

Section 1 Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same That this act shall be known and may be cited as the "Painting Paperhanging Contractors License Act of 1937"

Section 2 The term "painting paperhanging and decorating contractor" shall include any person copartnership association or corporation who or which for a fixed sum price fee percentage or other compensation other than wages undertakes with another for

(a) The service of painting the interior or exterior of any building or other structure or the painting of any wooden stone metal or plaster surface within or without a building or structure

(b) The service of paperhanging or decorating by the application and installation of wallpapers hangings and decorative material of every kind or description applied directly to the surface in or on a building

The term "contractor" shall include such contractor but shall not include any one who merely furnishes materials or supplies without consuming the same in the performance of the work of a painting paperhanging decorating contractor as herein defined The term "contractor" shall not include formers home owners hotels hospital institutions both public and private or manufacturing plants or establishments of any kind who may do their maintenance work on their properties owned and occupied by them either individually or with their regular employes nor contractors other than painting paperhanging and decorating contractors and who are recognized as such in the different branches of the building industry with respect to minor repair work in connection with their contracting and installations

The word "board " shall mean the Painting and Paperhanging Contractors Licensing Board in the Department of Labor and Industry

The term "department" shall mean the department of Labor ond Industry

Section 3 There is hereby created in the Department of Labor and Industry the Painting and Paperhanging Licensing Board which shall be a departmental administrative board with all the powers and duties generally vested in and imposed upon such boards by the Administrative Code of 1929 and its amendments The board shall be composed of three members appointed by the Governor for terms of four years from the dates of their respective appointments and the Secretary of Labor and Industry ex-officio One member of the board shall be a contractor engaged in the painting paperhanging and decorative business one a journeyman painter or paperhanger and one a citizen

Two members of a board shall constitute a quorum for the transaction of an business The board shall select from among their number a chairman and shall elect a secretary who need not be a member of the board

Each appointed member of the board shall receive fifteen dollars ($15) per day for each day necessarily employed in the performance of his duties The secretary of the board shall receive such reasonable compensation as the board may determine with the approval of the Secretary of Labor and Industry

Section 4 The board shall issued painting paperhanging and decorating contractors licenses under the provisions of this act and shall supervise and control all such licenses as hereinafter specifically provided

Section 5 From and after the first day of January one thousand nine hundred and thirty-eight it shall be unlawful for any person copartnership association or corporation to engage in or carry on the business of a painting or decorating or paperhanging contractor within this Commonwealth without first obtaining a license as a painting paperhanging or decorating contractor from the board

Section 6 It shall be the duty of the board upon payment of licence fees required by this act to issue licenses as painting paperhanging and decorating contractors to all individuals copartnerships associations and corporations who shall be duly qualified under and shall comply with the provisions of this act

Section 7 Application for license as painting paperhang-

ing and decorating contractor shall be made on such forms as the board shall prescribe Such application shall be duly verified shall give the name and address of the applicant if an individual if a copartnership the names and addresses of the partners and if an association or corporation the names and addresses of the president vice-president secretary and chief managing officer and shall contain the statement that the applicant desires the issuance of a license under the terms of this act All such licenses shall expire the thirty-first day of December of the year following its issue unless sooner revoked by the board

Section 8 The fees for licenses issued under this act shall be as follows

For each annual painting paperhanging and decorating contractor's license a fee of twenty dollars ($20) Provided however That for any and all licenses issued subsequent to the thirtieth day of June in any year the license fee charge shall be but one-half of the annual license fee as above prescribed The fees herein prescribd for painting paperhanging and decorating contractors license shall be in addition to any and all other license fees or license taxes imposed upon painting paperhanging and decorating contractors by this Commonwealth or any subdivision thereof

All fees collected under the provisions of this act shall be received by the department and shall be paid into the State Treasury through the Department of Revenue for the use of the General Fund

Section 9 Every person copartnership association or corporation licensed as a painting paperhanging or decorating contractor under the provisions of this act shall be required to have and maintain a definite place of business within the Commonwealth which shall serve as his or their or its office for the transaction of business in which the license required by this act shall be prominently displayed The said place of business shall be specified in the application for license and designated in the license and no license issued under the authority of this act shall authorize the licensee to transact business from any office other than that designated in the license unless notice in writing shall be given within ten days after removal to the board of any change of business location designating the new location of such office Whereupon the board shall forthwith issue a new license for the new location for the unexpired period of the license year without charge The change of the specified business location without notification to the board shall automatically cancel the license theretofore issued at the end of said ten day period

Section 10 The board may upon its own motion and shall promptly upon the verified complaints in writing of any person setting forth specifically the wrongful act or acts complained of investigate any action or transaction of any licensed painting paperhanging and decorating contractor or any such contractor applying for a license and shall have the power temporarily to suspend or permanently to revoke licenses theretofore issued by the board under the provisions of this act at any time when after due proceedings as hereinafter provided it shall find the holder thereof to have been guilty in the performance or attempt to perform any of the acts herein prohibited as follows

(a) Knowingly making any substantial misrepresentation respecting the kind and quality of materials used in performing any painting contract

(b) Knowingly making any false promise of a character intended to deceive

(c) Abandonment of any contract without legal excuse

(d) Wilful departure from or disregard of specifications or directions without the consent of the owner or his authorized agent or

(e) Wilful and deliberate disregard and violation of the laws of the Commonwealth or any subdivision thereof or of any building code or any health laws or of any safety laws or labor laws now in force or hereafter enacted

Section 11 Before refusing suspending or revoking any license the board shall in writing notify the applicant or licensee of the charges against him accompanying the notice with a copy of the complaint if any filed with it The board shall accord the applicant or licensee ample opportunity to be heard thereon in person or by counsel If the applicant or licensee shall so desire the board shall grant a hearing upon such charge to be held on not less than ten days prior notice in writing to the applicant or licensee The board shall furnish the applicant or licensee at the time of giving the said notice with copies of any and all communications reports affidavits and depositions in its possession touching or relating to the matter in question At such hearing the applicant or licensee shall be entitled to examine either in person or by counsel any and all persons complaining against him and as well all other witnesses whose testimony is relied upon to substantiate the charges made He shall also be entitled to present such evidence oral and written as he may see fit and as may be pertinent to the inquiry The said hearings may be held by the board or any member thereof or by any of the departments duly authorized deputies or by any other person duly deputized by the department for such purpose in any particular case but all decisions shall be made only by the board The hearings shall be held if the applicant or licensee so desires within the county where the applicant's or licensee's principal place of business is situated At such hearings all witnesses shall be duly sworn and stenographic notes of the proceedings shall be taken and filed as part of the record in the case Any party to proceedings desiring it shall be furnished with a copy of such stenographic notes upon the payment to the department of such fee as it shall by general rule or regulation prescribe therefor not exceeding however twenty-five cents per folio

Section 12 The decision of the board in refusing suspending or revoking any license shall be subject to review by the court of common pleas of the county in which the licensee is a resident The department shall maintain in its office a public docket or other record in which it shall record from time to time as made the rulings or decisions of the board upon all complaints filed and of all investigations instituted by the board in the first instance or in connection with which any such hearing shall have been had or in which the licensee or applicant charged shall have made no defense The department shall give immediate notice in writing of such ruling or decision by the board in any matter to the licensee or applicant affected thereby and as well where the investigation shall have been instituted by complaint filed to the party or parties by whom the complaint was made If such ruling or decision by the board shall be to the prejudice of or shall injuriously affect the licensee or applicant the department shall state in said notice the date upon which the said ruling or decision shall become effective and such date shall be not less than thirty days after the date of the notice If the applicant or licensee cannot at such time be found or his whereabouts shall be unknown such notice may be given by the department by advertisement inserted in one issue of a newspaper of general circulation published within the county where was located the principal office of the licensee as designated in the license

Section 13 Such ruling or decision of the board shall be final when in favor of the licensee or applicant and in dismissal of the complaint filed if any If the decision or ruling of the board is against the licensee or applicant or in any way to the licensee's or applicant's injury or prejudice the licensee or applicant may at any time prior to the date fixed by the department in its said notice as the date it shall become effective appeal from such decision or ruling of the board to the court of common pleas of the county in which he resides by serving upon the department written notice of such appeal Such service shall be made either by filing the said notice of appeal in the office of the department or by delivering the same to any deputy whether general or special before whom the hearing in the case was had

Section 14 Within thirty days after the service of such notice of appeal the department shall file with the prothonotary of the said court of common pleas a transcript of the record of the proceedings duly certified over the seal of the department which record shall include all papers on file with the board affecting or relating to the inquiry or investigation conducted by the board or any representative of the department and all the evidence taken in the said hearing including the stenographic notes of testimony Notice of the filing of the said transcript with

the term and number to which filed shall be forthwith given by the department to the licensee and as well to the party or parties if any upon whose complaint the proceedings before the board were instituted The cost of the said transcript at twenty-five cents per folio and one dollar for certification shall be entered as part of the record costs in the cause to be paid as the said court may direct In all proceedings upon such appeal the Department of Justice shall appear for and represent the Commonwealth

The appeal shall thereupon be heard in due course by the judge or judges of the said court of common pleas without a jury by whom the proceedings before the board its findings and rulings shall be given similar weight force and effect as are accorded to the findings and report of a referee selected or appointed under the provisions of the act ntitled "An act to provide for the submission of civil cases by agreement of the parties to a referee learned in the law" approved the fourteenth day of May one thousand eight hundred and seventy-four and its supplements The court may however in its discretion receive and consider any additional pertinent evidence whether oral or written either in open court or by deposition as the said court shall direct The decision or ruling of the board shall be reviewed in the light of such evidnece Provided That the court shall order a trial by jury upon demand of any appellant

Section 15 The order or ruling of the board in any such proceeding shall become of full force and effect upon the date fixed by the department in the said notice given to the parties unless an appeal therefrom shall have been taken as hereinbefore provided If any appeal shall be so taken it shall act as a supersedeas from the date of the filing of the appeal in the court of common pleas An appeal shall lie from the decision of the said court of common pleas to the Superior Court but no such appeal shall operate as a supersedeas unless made so by special order of the appellate court

Section 16 In all proceedings before the board and as well in all proceedings upon appeal from any of its decisions the record or a duly certified or exemplified copy thereof in any proceedings at law or in equity in any court of competent jurisdiction in this or any other state in which the applicant or licensee charged or under investigation shall have been a party shall be admissible where the issue of fact involved in such proceedings are pertinent to the inquiry before the board and the verdict of the jury or judgment of the court in any such action at law or the decree of the court in any such proceeding in equity shall be prima facie as to the facts at issue in such proceedings and necessarily adjudicated therein So also the verdict of the jury in any criminal prosecution in a court of record of this or any other state in which the applicant or licensee charged shall have been the defendant shall be conclusive as to the facts charged or at issue in such prosecution

Section 17 Pending an investigation or proceeding before the board affecting any applicant or licensee and as well pending final decision upon any appeal taken by an applicant or licensee from the decision or rulings of the board no new license shall be issued to any person or licensee or to a copartnership of which he is a member or employe or to an association or corporation of which he shall be an officer or employe except for the period of such ivestigation or proceedings and subject to the action of the board thereon or therein

Section 18 After the revocation of any license or refusal to grant a license no new license shall be issued to the same person or licensee within a period of one year from the date of such refusal or revocation nor at any time thereafter except in the sole discretion of the board

Section 19 No license shall be issued by the board to any person known by it to have been within five years theretofore convicted of forgery embezzlement obtaining money under false pretense extortion criminal conspiracy to defraud or other like offense or offenses or to any copartnership of which such person is a member or to any association or corporation of which said person is an officer or employe or in which as a stockholder such person has or exercises a controlling interest either directly or indirectly

Section 20 Any person copartnership association or corporation who shall after the first day of January one thousand nine hundred and thirty-eight engage in or carry on the business or act in the capacity of a painting paperhanging and decorating contractor within this Commonwealth without a license or shall carry on or continue business after the suspension or revocation of any such license to him or to it issued shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars ($100) or such person or the members of any such partnership or the directors or officers of any such association or corporation responsible for the violation of this act shall be sentenced to undergo imprisonment for a period of not more than one year or both in the discretion of the court

Section 21 The board or any of its members or the department and any of its duly authorized deputies and as well any special deputy appointed by it to hold a hearing in any particular case shall have power to administer oaths and to issue subpoenas for the attendance of witnesses and the production of books and papers In any hearing any part of the Commonwealth the process issued by the board or department or its members or deputies shall extend to all parts of the Commonwealth and such process shall be served either in like manner as are served writs of subpoenas in the court of common pleas or by any preson designated by the board or department for such purpose The person serving such process shall receive such compensation as may be allowed by the department not to exceed the fee prescribed by law for similar services in the courts of common pleas and such fees shall be paid in the same manner as provided herein for the fees of witnesses subpoenaed at the instance of the board department or any member or officer thereof All witnesses who shall be subpoenaed and who shall appear in any proceeding before the borad or department shall receive the same fees and mileage as allowed by law to witnesses in the court of common pleas which amount shall be paid by the party at whose instance the subpoena was issued or upon whose behalf the witness has been called When any witness who has not been subpoenaed at the instance of any party to the proceeding shall be subpoenaed at the instance of the board or department or its member or deputy general or special the fees and mileage of such witness shall be paid from the funds appropriated to the use of the said department in the same manner as other expenses of the department are paid

Section 22 Where in any proceeding before the board or department any witness shall fail or refuse to attend upon subpoena so issued or appearing shall refuse to testify or shall refuse to produce any books papers records or documents the production of which is called by the subpoena the attendance of such witness and the giving of his testimony and the production of the books papers records or documents required shall be enforced by any court of common pleas of this Commonwealth in like manner as are enforced the attendance and testimony of witnesses before such courts

Section 23 The court of common pleas of any county shall upon the application of the department issue commissions or letters rogatory to other states for the taking of evidence there for use in any proceeding before the board The department shall make such application at the instance of any party to the proceeding before the board unless in the opinion of the board such application is made for the purpose of delay Any such party shall be entitled as of right to subpoenas from the department or board directed to such witnesses and for the production of such books and papers as the party may desire

Section 24 The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional such decision shall not affect the validity of any of the remaining provisions of this act It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein

Section 25 This act shall become effective on the first day of June one thousand nine hundred and thirty-seven

On the question,

Will the House agree to the bill on third reading?

It was agreed to.

On the question,

Shall the bill pass finally?

Mr. TUMELTY. Mr. Speaker and members of the House, under House Bill No. 621, Printer's No. 788, we have a bill which will cause paperhangers, painters and decorators to be licensed by the State. About the only thing that it leaves unlicensed now, if we pass such a bill as this, is some fellow who has a job chasing flies out of a restaurant. I think this is going the limit when you say that a man who happens to be a paperhanger, painter or decorator contractor should take out a license. I cannot see where it is going to make him any more efficient. They set up a board, the members of which will get fifteen dollars a day a piece when they work, and it comes under these various departments. I cannot see where it is a labor bill whatever. If a man decides to go into business I think he ought to be allowed to go into business without having to come up here and get permission from the Department of Labor and Industry in order to be a business man. We have come to the point where the State is licensing people for everything.

On the question recurring,

Shall the bill pass finally?

BILL POSTPONED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the nays appeared to have it.

Whereupon, a division was called for, and one hundred and six members, or more than a majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

BILL ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 732, entitled:

An Act providing for and regulating the appointment promotion and reduction in rank and removal of paid members of the Bureau of Police Bureau of Detectives Police Women Bureau of Electricity in connection with police departments Police Telephone Operators and their assistants and Police Radio Operators and their assistants in counties cities (except cities of the first class) boroughs towns and townships maintaining a uniformed police force creating a civil service commission in each county city borough town and township defining the powers and duties of such civil service commissions imposing certain duties and expenses on the counties cities boroughs towns and townships imposing penalties and repealing inconsistent laws.

On the question,

Will the House agree to the bill on third reading?

BILL POSTPONED

Mr. YOURISHIN. Mr. Speaker, I move that this bill be placed upon the postponed calendar.

On the question,

Will the House agree to the motion?

The SPEAKER declared the ayes appeared to have it,

Whereupon, a division was called for and one hundred and five members, or more than a majority, having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. O'KEEFE asked and obtained permission for the Committee on Elections to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 717, entitled:

An Act to further amend clause (a) of section two of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 388) entitled "An act relating to the jurisdiction powers and procedure of the orphans' court and the court of common pleas as to sales mortgages conveyances on ground-rent leases extinguishment of ground-rents partition exchange squaring and adjusting of lines between adjoining owners consolidation and combination of mining lands and the leasing thereof the joining by owners of undivided interests in making and taking conveyances in order to change the route or location of any right of way or passage over adjoining or other lands and the subdivision of premises so as to command the highest price or greatest rents and for such purpose the laying out or dedication of roads streets and alleys or the vacation of such as have not been accepted by the public authorities where the court shall be of opinion that such decree will be to the interest and advantage of all those interested and where the legal title is held by minors lunatics habitual drunkards or weak-minded persons a married person whose spouse is a lunatic or has abandoned him or her for one year or has been absent and unheard of for seven years by corporations having no capacity to convey or by any unincorporated association by any religious beneficial or charitable society or association incorporated or unincorporated and the title is subject to forfeiture if real estate is held in excess of the amount prescribed by its charter or by law by a corporation or individual or individuals and is subject to a trust of any description whatever by any person as to whom a presumption of death may have arisen or any interest wherein is held by any person under lega disability to dispose thereof where the legal title is an estate tail or is subject to the lien of debts of a decedent not of record contingent remainders executory devises or remainders to a class some or all of whom may not be in being or ascertained where estates shall have been devised or granted for special or limited purposes where there is a power of sale but the time may have arrived for its exercise any preliminary act may not have been done to bring it into exercise the time limited for its exercise may have expired or any one or more persons required to consent or join in its exercise may be non compos mentis have removed out of the State have died refuse to act unreasonably without consent or be absent and unheard of where there has been or shall be a defective appointement in any deed or will and the necessary power is not given to the executor devisee or appointee to make sale and conveyance where a trust has been created and no power conferred on the trustee to do any of the acts which the court is hereby empowered to authorize or confirm and to the effects of such decrees" extending the provisions of said act to cases where real estate is held by entirties and the one spouse has been absent and unheard from for seven years under those circumstances from which the law would presume his or her decease.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, R. S.,	Moran,	Sproul,
Blank,	Hamilton, F. P.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1184, entitled:

An Act authorizing the Pennsylvania Historical Commission on behalf of the Commonwealth of Pennsylvania to acquire by gift approximately 7.223 acres of land in Tinicum Township Delaware County sometime known as "Printz Park" or as "Printz-Lindberg Park" to be known hereafter as "Governor Printz Park" providing for the control management supervision restoration improvement and maintenance thereof authorizing the Commission to make and enforce rules and regulations for the preservation maintenance and visitation thereof.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pershing,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pearson,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H T.,	Schumacher,	Wright,
Elpern,	Matthews, J F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1540, entitled:

An Act to repeal section ten of the act approved the nineteenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 1356) entitled "An act to regulate the sale and delivery of solid fuel as herein defined providing for appointment of licensed weighmasters prescribing their powers and duties authorizing substitute licensed weighmasters imposing certain duties on the Department of Internal Affairs and providing penalties".

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Simpson,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Snyder,
Baker, F. T.,	Haberlen,	Mihm,	Sollenberger,
Baker, J. J.,	Hagerty,	Moomaw,	Spengler,
Balthaser,	Hall,	Mooney,	Sproul,
Bierly,	Hamilton, F. P.,	Moran,	Stank,
Blank,	Hamilton, R. S.,	Moul,	Stewart,
Bohn,	Harkins,	Muir,	Stockham,
Boles,	Harmuth,	Munley,	Strode,
Boltz,	Hays,	Murrin,	Terry,
Boose,	Hering,	Nagel,	Thomas,
Boyer,	Hess,	O'Brien,	Thompson,
Bradley,	Hetrick,	O'Connor,	Toole,
Brancato,	Hindman,	O'Keefe,	Tronzo,
Brigerman,	Hirsch,	Ominsky,	Trout,
Broad,	Holland,	O'Neill,	Tumelty,
Brown,	Holmes,	Ostroff,	Turner,
Brownfield,	Holstrom,	Patterson, C. S.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Wilson,
Dougherty,	Lopresti,	Schor,	Winner,
Downey,	Lovett,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McDevitt,	Shugarts,	

NAYS—1

Perry,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1354, entitled:

An Act to further amend section two thousand two hundred and twenty-three of the act approved the eighteenth day of May one thousand nine hundred and eleven (Pamphlet Laws three hundred and nine) entitled "An act to establish a public school system in the Commonwealth of Pennsylvania together with the provisions by which it shall be administered and prescribing penalties for the violation thereof providing revenue to establish and maintain the same and the method of collecting such revenue and repealing all laws general special or local or any parts thereof that are or may be inconsistent therewith" as amended by regulating the retirement of and providing additional retirement allowances for superintendents of schools and superintendents of buildings in districts of the first class under certain circumstances and authorizing such school districts to provide for the payment of such additional allowances.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—197

Achterman,	Fiss,	McCullough,	Shea,
Alexander,	Fitch,	McDermott,	Shepard,
Allen,	Flanagan,	McDevitt,	Shoemaker,
Allmond,	Flannery,	McElroy,	Shugarts,
Arnold,	Flinchbaugh,	McFall,	Siegel,
Atkins,	Ganser,	McGee,	Simon,
Aukerman,	Gerard,	McKinney,	Simpson,
Baine,	Gillette,	McShane,	Skale,
Baker, F. T.,	Gorski,	Melchiorre,	Sloan,
Baker, J. J.,	Haberlen,	Mellott,	Smith, James A.,
Balthaser,	Hagerty,	Merrell,	Smith, John A.,
Bierly,	Hall,	Mihm,	Snyder,
Blank,	Hamilton, F. P.,	Moomaw,	Sollenberger,
Bohn,	Hamilton, R. S.,	Mooney,	Spengler,
Boles,	Harkins,	Moran,	Stank,
Boltz,	Harmuth,	Moul,	Stewart,
Boose,	Hays,	Muir,	Stockham,
Boyer,	Hering,	Munley,	Strode,
Bradley,	Hess,	Murrin,	Terry,
Brancato,	Hetrick,	Nagel,	Thomas,
Brigerman,	Hindman,	O'Brien,	Thompson,
Broad,	Hirsch,	O'Connor,	Toole,
Brown,	Holland,	O'Keefe,	Tronzo,
Brownfield,	Holmes,	Ominsky,	Trout,
Burrows,	Holstrom,	O'Neill,	Tumelty,
Cadwalader,	Hontz,	Ostroff,	Valibus,
Caesar,	Horting,	Patterson, C. S.,	VanAllsburg,
Caputo,	Huntley,	Peale,	VanSickle,
Chervenak,	Imbrie,	Pearson,	Vogt,
Coakley,	Jirolanio,	Pershing,	Wagner,
Cohen, H. B.,	Kane,	Piole,	Wall,
Cohen, R. E.,	Keenan,	Powers,	Welsh,
Coleman,	Kelso,	Preston,	Wampole,
Coolahan,	Kilroy,	Readinger,	Watkins,
Corrigan,	Kline,	Reese,	Webster,
Costanzo,	Kroll,	Reising,	Weiss, D. H.,
Davies,	LaRue,	Richter,	Weiss, S. A.,
Decker,	Leisey,	Robinson,	Welliver,
DeNote,	Levy,	Rothenberger,	Welsh,
Dickinson,	Lewis,	Royer,	Westrick,
Donohoe,	Long,	Ruffennach,	Whalen,
Dougherty,	Longaker,	Rush,	Wilson,
Downey,	Lopresti,	Scanlon,	Winner,
Dubbs,	Lovett,	Schor,	Wright,
Dyson,	Mallen,	Schrock,	Yanoshat,
Eckels,	Marino,	Schrope,	Yeakel,
Elpern,	Matthews, H. T.,	Schumacher,	Yourishin,
Falkenstein,	Matthews, J. F.,	Serrill,	Zappala,
Finnerty,	McArdle,	Shaw,	Furman,

NAYS—7

Habbyshaw,	Sproul,	Weidemann,	Woodside,
Perry,	Turner,	Wood,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1644, entitled:

An Act to amend sections one two four and fifteen of the act approved the twenty-ninth day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class

and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing penalties for violations of the provisions of this act and repealing certain acts" as amended extending the provisions of said act to additional buildings providing additional safety regulations and for the closing of certain buildings.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—201

Achterman,	Flannery,	McElroy,	Siegel,
Alexander,	Flinchbaugh,	McFall,	Simon,
Allen,	Ganser,	McGee,	Simpson,
Allmond,	Gerard,	McKinney,	Skale,
Arnold,	Gillette,	McShane,	Sloan,
Atkins,	Gorski,	Melchiorre,	Smith, James A.,
Aukerman,	Habbyshaw,	Mellott,	Smith, John A.,
Baine,	Haberlen,	Merrell,	Snyder,
Baker, J. J.,	Hagerty,	Mihm,	Sollenberger,
Balthaser,	Hall,	Moomaw,	Spengler,
Bierly,	Hamilton, F. P.,	Mooney,	Sproul,
Blank,	Hamilton, R. S.,	Moran,	Stank,
Bohn,	Harkins,	Moul,	Stewart,
Boies,	Harmuth,	Muir,	Stockham,
Boltz,	Hays,	Munley,	Strode,
Boose,	Hering,	Murrin,	Terry,
Boyer,	Hess,	Nagel,	Thomas,
Bradley,	Hetrick,	O'Brien,	Thompson,
Brancato,	Hindman,	O'Connor,	Toole,
Brigerman,	Hirsch,	O'Keefe,	Tronzo,
Broad,	Holland,	Ominsky,	Trout,
Brown,	Holmes,	O'Neill,	Tumelty,
Brownfield,	Holstrom,	Ostroff,	Turner,
Burrows,	Hontz,	Patterson, C. S.,	Valibus,
Cadwalader,	Horting,	Peale,	VanAllsburg,
Caesar,	Huntley,	Pearson,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Richter,	Webster,
Corrigan,	Kroll,	Robinson,	Weidemann,
Costanzo,	LaRue,	Rothenberger,	Weiss, D. H.,
Davies,	Leisey,	Royer,	Weiss, S. A.,
Decker,	Levy,	Ruffennach,	Welliver,
DeNote,	Lewis,	Rush,	Welsh,
Dickinson,	Long,	Sarraf,	Westrick,
Donohoe,	Longaker,	Scanlon,	Whalen,
Dougherty,	Lopresti,	Schor,	Wilson,
Downey,	Lovett,	Schrock,	Winner,
Dubbs,	Mallen,	Schrope,	Wood,
Dyson,	Marino,	Schumacher,	Woodside,
Eckels,	Matthews, H. T.,	Serrill,	Wright,
Elpern,	Matthews, J. F.,	Shea,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shepard,	Yourishin,
Fiss,	McDermott,	Shoemaker,	Zappala,
Fitch,	McDevitt,	Shugarts,	Furman,
Flanagan,			

NAYS—3

Baker, F. T.,	Perry,	Reising,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1355, entitled:

An Act to amend paragraphs one three and five of section one of the act approved the twelfth day of June one thousand eight hundred and ninety-three (Pamphlet Laws 457) entitled "An act to provide for the erection maintenance and regulation of public morgues in the several counties of this Commonwealth for the care and disposal of bodies removal thereto and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person and providing for the disposal of the personal effects of unclaimed dead" as amended by transferring certain powers from the county commissioners to the coroner in counties of the first class.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—189

Achterman,	Fiss,	McCullough,	Shaw,
Alexander,	Fitch,	McDermott,	Shea,
Allen,	Flanagan,	McElroy,	Shepard,
Allmond,	Flannery,	McFall,	Shoemaker,
Arnold,	Flinchbaugh,	McGee,	Shugarts,
Atkins,	Ganser,	McShane,	Siegel,
Aukerman,	Gerard,	Melchiorre,	Simon,
Baine,	Gillette,	Mellott,	Simpson,
Baker, J. J.,	Gorski,	Merrell,	Skale,
Balthaser,	Haberlen,	Mihm,	Sloan,
Bierly,	Hagerty,	Moomaw,	Smith, James A.,
Blank,	Hall,	Mooney,	Smith, John A.,
Bohn,	Hamilton, F. P.,	Moran,	Snyder,
Boies,	Harkins,	Moul,	Sollenberger,
Boltz,	Harmuth,	Muir,	Spengler,
Boose,	Hays,	Munley,	Stank,
Boyer,	Hering,	Murrin,	Stewart,
Bradley,	Hess,	Nagel,	Strode,
Brancato,	Hetrick,	O'Brien,	Terry,
Brigerman,	Hindman,	O'Connor,	Thomas,
Broad,	Hirsch,	O'Keefe,	Thompson,
Brown,	Holland,	Ominsky,	Toole,
Brownfield,	Holmes,	O'Neill,	Tronzo,
Burrows,	Holstrom,	Ostroff,	Trout,
Cadwalader,	Hontz,	Patterson, C. S.,	Tumelty,
Caesar,	Horting,	Peale,	Valibus,
Caputo,	Huntley,	Pearson,	VanAllsburg,
Chervenak,	Imbrie,	Perry,	VanSickle,
Coakley,	Jirolanio,	Pershing,	Vogt,
Cohen, H. B.,	Kane,	Piole,	Wagner,
Cohen, R. E.,	Keenan,	Powers,	Walsh,
Coleman,	Kelso,	Preston,	Wampole,
Coolahan,	Kilroy,	Readinger,	Weiss, D. H.,
Corrigan,	Kroll,	Reese,	Weiss, S. A.,
Costanzo,	LaRue,	Reising,	Welliver,
Davies,	Leisey,	Richter,	Welsh,
Decker,	Levy,	Robinson,	Westrick,
DeNote,	Lewis,	Rothenberger,	Whalen,
Dickinson,	Long,	Ruffennach,	Wilson,
Donohoe,	Longaker,	Rush,	Winner,
Dougherty,	Lopresti,	Sarraf,	Wood,
Downey,	Lovett,	Scanlon,	Wright,
Dubbs,	Mallen,	Schor,	Yanoshat,
Dyson,	Marino,	Schrock,	Yeakel,
Eckels,	Matthews, H. T.,	Schrope,	Yourishin,
Elpern,	Matthews, J. F.,	Schumacher,	Zappala,
Falkenstein,	McArdle,	Serrill,	Furman,
Finnerty,			

NAYS—15

Baker, F. T.,	McDevitt,	Stockham,	Webster,
Habbyshaw,	McKinney,	Turner,	Weidemann,
Hamilton, R. S.,	Royer,	Wall,	Woodside,
Kline,	Sproul,	Watkins,	

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1788, entitled:

An Act to amend section five hundred forty-five of the act approved the first day of May one thousand nine hundred and thirty-three (Pamphlet Laws 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" as amended providing for the audit of the accounts of justices of the peace

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Wilson,
Dougherty,	Lopresti,	Schor,	Winner,
Downey,	Lovett,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumach	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	Matthews, H. T.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McDevitt,		

NAYS—1

Rothenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1997, entitled:

An Act to amend sections one and two of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 450) entitled "An act relating to fires and fire prevention imposing duties and conferring powers upon the State Police authorizing the appointment of the chiefs of fire departments and certain public officers and others as assistants to said State Police and defining their powers and duties providing for the investigation of the cause origin and circumstance of fires and the inspection of all and the removal or change of certain buildings imposing duties on school authorities and on certain corporations associations and fire rating agencies providing for the attendance of witnesses before the said State Police and the enforcement of its orders and prescribing penalties" conferring police and building inspection powers on assistants appointed by the superintendent of State Police

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted

in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1798, entitled:

An Act to repeal clause (c) as amended and to amend clause (d) of section fifty-eight of the act approved the seventh day of June one thousand nine hundred and seventeen (Pamphlet Laws 447) entitled "An act relating to the administration and distribution of the estates of decedents and of minors and of trust estates including the appointments bonds rights powers duties liabilities accounts discharge and removal of executors administrators guardians and trustees herein designated as fiduciaries the administration and distribution of the estates of presumed decedents widow's and children's exemptions debts of decedents rents of real estate as assets for payment thereof the lien thereof sales and mortgages of real estate for the payment thereof judgments and executions therefor and the discharge of real estate from the lien thereof contracts of decedents for the sale or purchase of real estate legacies including legacies charged on land the discharge of residuary estates and of real estate from the lien of legacies and other charges the appraisement of ral estate devised at a valuation the ascertainment of the curtilage of dwelling houses or other buildings devised the abatement and survival of actions and the substitution of executors and administrators therein and suits against fiduciaries investments by fiduciaries the organization of corporations to carry on the business of decedents the audit and review of accounts of fiduciaries refunding bonds transcripts to the court of common pleas of balances due by fiduciaries the rights powers and liabilities of nonresident and foreign fiduciaries the appointment bonds rights powers duties and liabilities of trustees durante absentia the recording and registration of decrees reports and other proceedings and the fees therefor appeals in certain cases and also generally dealing with the jurisdiction powers and procedure of the orphans' court in all matters relating to fiduciaries concerned with the estates of decedents" eliminating certain provisions relating to foreign fiduciaries selling assigning transferring and receiving the income from certain assets of decedents and cestui que trusts

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1671, entitled:

An Act to amend clause A of section two hundred and two of the act approved the fifth day of May one thousand nine hundred and thirty-three (Pamphlet Laws 364) entitled "An act relating to business corporations defining and providing for the organization merger consolidation reorganization winding up and dissolution of such corporations conferring certain rights powers duties and immunities upon them and their officers and shareholders prescribing the conditions on which such corporations may exercise their powers providing for the inclusion of certain existing corporations of the second class within the provisions of this act prescribing the terms and conditions upon which foreign business corporations may be admitted or may continue to do business within the Commonwealth conferring powers and imposing duties on the courts of common pleas and certain State departments commissions and officers authorizing certain State departments boards commissions or officers to collect fees for services required to be rendered by this act imposing penalties and repealing certain acts and parts of acts relating to corporations" as amended restricting the use of certain words in corporate names

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,

Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	Leisey,	Robinson,	Weiss, D. H.,
Davies,	LaRue,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1021, entitled:

An Act for the protection of employes by prohibiting those in authority over such employes to threaten or intimidate employes failing or refusing to sign petitions

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 718, entitled:

An Act to describe define and officially adopt a system of coordinates for designating the positions of points on the surface of the earth within the Commonwealth of Pennsylvania

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell,	Smith, James A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,

Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 729, entitled:

An Act to permit the entry of engineers and surveyors and their representatives onto private property for the purpose of using survey stations established by or under the direction of the United States Coast and Geodetic Survey or as a part of the Pennsylvania Coordinate System and providing a penalty for the injuring defacing and destruction of marks and monuments

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, J. J.,	Haberlen,	Mihm,	Snyder,
Baker, F. T.,	Hall,	Moomaw,	Sollenberger,
Balthaser	Hagerty,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin.	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2142, (Senate Bill No. 568), entitled:

An Act to amend sections one two three and section nine as amended of the act approved the twenty-eighth day of June one thousand nine hundred and twenty-three (Pamphlet Laws 888) entitled "An act to safeguard human life and health throughout the Commonwealth by providing for the reporting guarantining and control of diseases declared communicable by this act or by regulation of the Department of Health providing for the prevention of infection therefrom and prescribing penalties" by eliminating list of communicable diseases and giving authority to the Department of Health to declare by regulation what diseases are communicable or communicable and guarantinable shortening reports required of physicians in such cases clarifying the duration of placarding and empowering the Department of Health to obtain additional information from local health authorities

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker. J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Bradley,	Hess,	O'Brien,	Thomas,
Boyer,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,

Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendments.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2212, (Senate Bill No. 671), entitled:

An Act to provide for the safety and to protect the health and morals of persons while employed prescribing certain regulations and restrictions concerning places where persons are employed and the equipment apparatus devices and machinery used therein prescribing certain powers and duties of the Department of Labor and Industry relative to the enforcement of this act and fixing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Haberlen,	Merrell,	Smith, John A.,
Baker, F. T.,	Habbyshaw,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,

Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Marino,	Schrock,	Wood,
Dyson,	Mallen,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2138, (Senate Bill No. 429), entitled:

An Act to amend sections two three four and six of the act approved the fifth day of June one thousand nine hundred thirteen (Pamphlet Laws four hundred forty-three) entitled "An act for the prevention of blindness by requiring the reporting of cases of ophthalmia neonatorum (inflammation of the eyes of infants) by physicians midwives and others and requiring the reporting of results of treatment of each case of said disease and fixing a penalty for violation thereof" by imposing duties on public health nurses social workers medical medical directors and physicians and increasing penalties for violation of said act.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,

Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2177, (Senate Bill No. 775), entitled:

A Supplement to an act approved the twentieth day of July one thousand nine hundred thirty-five (one thousand nine hundred thirty-five Appropriation Acts page seventy-one) entitled "An act to provide for the ordinary expenses of the Executive Legislative and Judicial Departments of the Commonwealth interest on the public debt and the support of the public schools for two years beginning June first one thousand nine hundred and thirty-five and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending May thirty-first one thousand nine hundred and thirty-five" by making the current appropriation to the Department of Military Affairs for the use of the Soldiers' and Sailors' Memorial Home at Erie available for the purchase of land to be available for the burial of deceased members of the home.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boies,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2192, (Senate Bill No. 806), entitled:

An Act to amend section one of the act approved the eleventh day of June one thousand eight hundred and seventy-nine (Pamphlet Laws 147) entitled "An act fixing the compensation of persons called to serve as coroner's jurors in this Commonwealth" increasing the compensation of coroner's jurors.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,

Balthaser	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Furman,
Fitch,	McDevitt,	Shoemaker,	Zappala,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

BILL PASSED OVER.

There being no objection House Bill No. 2126, (Senate Bill No. 65), Printer's No. 410, was passed over at the request of Mr. ACHTERMAN.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. ACHTERMAN asked and obtained permission for the Committee on State Government to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 2186, (Senate Bill No. 677), entitled:

An Act to amend section two thousand seven hundred one of the act approved the twenty-fourth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 1206) entitled "An act concerning townships of the first class amending revising consolidating and changing the law relating thereto" providing that townships of the first class shall have the power to develop their own water supply.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk return the same to the Senate with information that the House has passed it without amendment.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 947, entitled:

An Act to amend section three of the act approved the twenty-seventh day of April one thousand nine hundred and twenty-seven (Pamphlet Laws 465) entitled "An act to provide for the safety of persons employed housed or assembled in certain buildings and structures not in cities of the first class second class and second class A by requiring certain construction and ways of egress equipment and maintenance providing for the licensing of projectionists requiring the submission of plans for examination and approval providing for the promulgation of rules and regulations for the enforcement of this act providing for the enforcement of this act by the Department of Labor and Industry and in certain cases by the chiefs of fire departments in cities of the third class providing pen-

alties for violations of the provisions of this act and repealing acts" as amended requiring buildings to be equipped with certain equipment in connection with gas meters to prevent or retard the escape of gas

On the question,

Will the House agree to the bill on third reading?

Mr. KILROY. Mr. Speaker, I ask unanimous consent to offer an amendment at this time.

The SPEAKER. The amendment will be read by the Clerk for information.

The Clerk read the amendment as follows:

Amend page 3. line 18, by inserting after the word "equipped" the following: "by the builder or owner of such building"

The SPEAKER. Will the House give unanimous consent to the insertion of the amendment at this time? Is there objection? The Chair hears none and the amendment will be inserted in accordance with the instructions of the House.

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, that the bill as amended lie over for printing.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1732, entitled:

An Act to amend sections three hundred seventy-one and six hundred seventy section seven hundred thirty-two as amended sections seven hundred thirty-three eight hundred seventy-six and eight hundred ninety-six of and to add section seven hundred thirty-seven to the act approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1278) entitled "An act relating to counties of the second third fourth fifth sixth seventh and eighth classes and revising amending and consolidating the laws relating thereto" further regulating tax levies bond issues appropriations and the procedure for rebuilding bridges in such counties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McFall,	Siegel,
Alexander,	Flannery,	McGee,	Simon,
Allen,	Flinchbaugh,	McKinney,	Simpson,
Allmond,	Ganser,	McShane,	Skale,
Arnold,	Gerard,	Melchiorre,	Sloan,
Atkins,	Gillette,	Mellott,	Smith, James A.,
Aukerman,	Gorski,	Merrell,	Smith, John A.,
Baine,	Habbyshaw,	Mihm,	Snyder,
Baker, F. T.,	Haberlen,	Moomaw,	Sollenberger,
Baker, J. J.,	Hagerty,	Mooney,	Spengler,
Balthaser,	Hall,	Moran,	Sproul,
Bierly,	Hamilton, R. S.,	Moul,	Stank,
Blank,	Hamilton, F. P.,	Muir,	Stewart,
Bohn,	Harkins,	Munley,	Stockham,
Boies,	Harmuth,	Murrin,	Strode,
Boltz,	Hays,	Nagel,	Terry,
Boose,	Hering,	O'Brien,	Thomas,
Boyer,	Hess,	O'Connor,	Thompson,
Bradley,	Hetrick,	O'Keefe,	Toole,
Brancato,	Hindman,	Ominsky,	Tronzo,
Brigerman,	Hirsch,	O'Neill,	Trout,
Broad,	Holmes,	Ostroff,	Tumelty,
Brown,	Holmes,	Patterson, C. S.,	Turner,
Brownfield,	Holstrom,	Peale,	Valibus,
Burrows,	Hontz,	Pearson,	VanAllsburg,
Cadwalader,	Horting,	Perry,	VanSickle,
Caesar,	Huntley,	Pershing,	Vogt,
Caputo,	Imbrie,	Piole,	Wagner,
Chervenak,	Jirolanio,	Powers,	Wall,
Coakley,	Kane,	Preston,	Walsh,
Cohen, H. B.,	Keenan,	Readinger,	Wampole,
Cohen, R. E.,	Kelso,	Reese,	Watkins,
Coleman,	Kilroy,	Reising,	Webster,
Coolahan,	Kline,	Richter,	Weidemann,
Corrigan,	Kroll,	Robinson,	Weiss, D. H.,
Costanzo,	LaRue,	Rothenberger,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Long,	Rush,	Westrick,
Dickinson,	Longaker,	Sarraf,	Whalen,
Donohoe,	Lopresti,	Scanlon,	Wilson,
Dougherty,	Lovett,	Schor,	Winner,
Downey,	Mallen,	Schrope,	Wood,
Dubbs,	Marino,	Schrope,	Woodside,
Dyson,	Matthews, H. T.,	Schumacher,	Wright,
Eckels,	Matthews, J. F.,	Serrill,	Yanoshat,
Elpern,	McArdle,	Shaw,	Yeakel,
Falkenstein,	McCullough,	Shea,	Yourishin,
Finnerty,	McDermott,	Shepard,	Zappala,
Fiss,	McDevitt,	Shoemaker,	Furman,
Fitch,	McElroy,	Shugarts,	

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1433, entitled:

An Act to amend section five hundred and fourteen of the act approved the ninth day of April one thousand nine hundred and twenty-nine (Pamphlet Laws 177) entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments boards commissions and officers thereof including the boards of trustees of State Normal Schools or Teachers Colleges abolishing creating reorganizing or authorizing the reorganization of certain administrative departments boards and commissions defining the powers and duties of the Governor and other executive and administrative officers and of the several administrative departments boards commissions and officers fixing the salaries of the Governor Lieutenant Governor and certain other executive and administrative officers providing for the appointment of certain administrative officers and of all deputies and other assistants and employes in certain departments boards and commissions and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments boards and commissions shall be determined" as amended permitting State institutions and sanatoria to supply water to individuals.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine	Habbyshaw,	Merrell	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,

Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1524, entitled:

An Act to further amend the act approved the nineteenth day of June one thousand nine hundred and thirty-one (Pamphlet Laws 589) entitled "An act to promote the public health and safety by providing for the examination and licensure of those who desire to engage in the occupation of barbering regulating barber shops barber schools and barber colleges and apprentices and students therein conferring certain powers and duties on the Department of Public Instruction and providing penalties" by modifying the provisions relating to barber schools the licensing of persons as barbers and the issuing of renewal student or apprentice permits providing additional grounds for suspension and revocation of permits and registrations discontinuing the use of the term "barber college" and prescribing penalties.

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—203

Achterman,	Flanagan,	McElroy,	Siegel,
Alexander,	Flannery,	McFall,	Simon,
Allen,	Flinchbaugh,	McGee,	Simpson,
Allmond,	Ganser,	McKinney,	Skale,
Arnold,	Gerard,	McShane,	Sloan,
Atkins,	Gillette,	Melchiorre,	Smith, James A.,
Aukerman,	Gorski,	Mellott,	Smith, John A.,
Baine,	Habbyshaw,	Merrell	Snyder,
Baker, F. T.,	Haberlen,	Milhm,	Sollenberger,
Baker, J. J.,	Hagerty,	Moomaw,	Spengler,
Balthaser	Hall,	Mooney,	Sproul,
Bierly,	Hamilton, F. P.,	Moran,	Stank,
Blank,	Hamilton, R. S.,	Moul,	Stewart,
Bohn,	Harkins,	Muir,	Stockham,
Boles,	Harmuth,	Munley,	Strode,
Boltz,	Hays,	Murrin,	Terry,
Boose,	Hering,	Nagel,	Thomas,
Boyer,	Hess,	O'Brien,	Thompson,
Bradley,	Hetrick,	O'Connor,	Toole,
Brancato,	Hindman,	O'Keefe,	Tronzo,
Brigerman,	Hirsch,	Ominsky,	Trout,
Broad,	Holland,	O'Neill,	Tumelty,
Brown,	Holmes,	Ostroff,	Turner,
Brownfield,	Holstrom,	Patterson, C. S.,	Valibus,
Burrows,	Hontz,	Peale,	VanAllsburg,
Cadwalader,	Horting,	Pearson,	VanSickle,
Caesar,	Huntley,	Perry,	Vogt,
Caputo,	Imbrie,	Pershing,	Wagner,
Chervenak,	Jirolanio,	Piole,	Wall,
Coakley,	Kane,	Powers,	Walsh,
Cohen, H. B.,	Keenan,	Preston,	Wampole,
Cohen, R. E.,	Kelso,	Readinger,	Watkins,
Coleman,	Kilroy,	Reese,	Webster,
Coolahan,	Kline,	Reising,	Weidemann,
Corrigan,	Kroll,	Richter,	Weiss, D. H.,
Costanzo,	LaRue,	Robinson,	Weiss, S. A.,
Davies,	Leisey,	Royer,	Welliver,
Decker,	Levy,	Ruffennach,	Welsh,
DeNote,	Lewis,	Rush,	Westrick,
Dickinson,	Long,	Sarraf,	Whalen,
Donohoe,	Longaker,	Scanlon,	Wilson,
Dougherty,	Lopresti,	Schor,	Winner,
Downey,	Lovett,	Schrock,	Wood,
Dubbs,	Mallen,	Schrope,	Woodside,
Dyson,	Marino,	Schumacher,	Wright,
Eckels,	Matthews, H. T.,	Serrill,	Yanoshat,
Elpern,	Matthews, J. F.,	Shaw,	Yeakel,
Falkenstein,	McArdle,	Shea,	Yourishin,
Finnerty,	McCullough,	Shepard,	Zappala,
Fiss,	McDermott,	Shoemaker,	Furman,
Fitch,	McDevitt,	Shugarts,	

NAYS—1

Rothenberger,

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. SARRAF asked and obtained permission for the Committee on Public Health and Sanitation to meet during the session of the House.

Mr. ALLEN asked and obtained permission for the Committee on Military Affairs to meet during the session of the House.

BILLS ON THIRD READING

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 470, entitled:

An Act to amend Route 18033 of the act approved the twenty-second day of June one thousand nine hundred and thirty-one (Pamphlet Laws 594) entitled "An act establishing certain township roads as State highways authorizing their construction maintenance and improvement under certain conditions and restrictions limiting the obligation of the Commonwealth in the construction of certain structures located on such highways conferring certain powers upon the Department of Highways and local authorities persons associations and corporations for sharing the cost of the maintenance and construction of

such highway and making an appropriation to carry out the provisions of said act" as added

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Vallbus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

Agreeably to order,

The House proceeded to the third reading and consideration of House Bill No. 1151, entitled:

An Act providing for the return to the State Insurance Fund of moneys transferred therefrom to the General Fund

And said bill having been read at length the third time, considered and agreed to.

On the question,

Shall the bill pass finally?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Vallbus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the Clerk present the same to the Senate for concurrence.

TIME EXTENDED ON BILL

Mr. MORAN. Mr. Speaker, I move that the time on House Bill No. 250, Printer's No. 489, entitled:

An Act authorizing cities boroughs and towns to construct acquire own operate and control waterworks and electric plants and appurtenances thereto and to sell and purchase water and electrical energy both within and without their corporate limits conferring the power of eminent domain conferring certain powers and imposing certain duties on such municipalities and the controller or auditors thereof providing for the incorporation and election of a board of directors to operate and manage such works and defining its powers and duties and prescribing penalties.

on page 27 of today's calendar, bills on third reading postponed, be extended five days.

The motion was agreed to.

BILL ON SECOND READING

Mr. TURNER asked and obtained unanimous consent to call up out of order, House Bill No. 2172, Senate Bill No. 639, Printer's No. 409, on page 7 of today's calendar, bill on second reading, which was passed over.

Agreeably to order,

The rule requiring bills to be considered in Committee of the Whole being in this case dispensed with,

The House proceeded to the second reading and consideration of House Bill No. 2172, (Senate Bill No. 639), entitled:

An Act to protect the right of employes to organize and bargain collectively creating the Pennsylvania Labor Relations Board conferring powers and imposing duties upon the Pennsylvania Labor Relations Board officers of the State Government and courts providing for the right of employes to organize and bargain collectively declaring certain labor practices by employers to be unfair further providing that representatives of a majority of the employes be the exclusive representatives of all the employes authorizing the Board to conduct hearings and elections and certify as to representatives of employes for purposes of collective bargaining empowering the Board to prevent any person from engaging in any unfair labor practice and providing a procedure for such cases including the issuance of a complaint the conducting of a hearing and the making of an order empowering the Board to petition a court of common pleas for the enforcement of its order and providing a procedure for such cases providing for the review of an order of the Board by a court of common pleas on petition of any person aggrieved by such order and establishing a procedure for such cases providing for an appeal from the common pleas court to the Supreme Court providing the Board with investigatory powers including the power to issue subpoenas and the compelling of obedience to them through application to the proper court providing for service of papers and process of the Board prescribing certain penalties

The first second and third sections were separately read and agreed to as follows:

Section 1 Short Title Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by authority of the same That This act shall be known and may be cited as the "Pennsylvania Labor Relations Act"

Section 2 Findings And Policy (a) Under prevailing economic conditions individual employes do not possess full freedom of association or actual liberty of contract Employers in many instances organized in corporate or other forms of ownership associations with the aid of government authority have superior economic power in bargaining with employes This growing inequality of bargaining power substantially and adversely affects the general welfare of the State by creating variations and instability in competitive wage rates and working conditions within and between industries and by depressing the purchasing power of wage earners thus (1) creating sweatshops with their attendant dangers to the health peace and morals of the people (2) increasing the disparity between production and consumption and (3) tending to produce and aggravate recurrent business depressions The denial by some employers of the right of employes to organize and the refusal by employers to accept the procedure of collective bargaining tend to lead to strikes lock-outs and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health (b) Experience has proved that protection by law of the right of employes to organize and bargain collectively removes certain recognized sources of industrial strife and unrest encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages hours or other working conditions and tends to restore equality of bargaining power between employers and employes

(c) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of the State to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection free from the interference restraint or coercion of their employers

(d) All the provisions of this act shall be liberally construed for the accomplishment of this purpose

(e) This act shall be deemed an exercise of the police power of the Commonwealth of Pennsylvania for the protection of the public welfare prosperity health and peace of the people of the Commonwealth

Section 3 Definitions When used in this act

(a) The term "department" shall mean the Department of Labor and Industry

(b) The term "person" includes an individual partnership association corporation legal representative trustee trustee in bankruptcy or receiver

(c) The term "employer" includes any person acting directly or indirectly in the interest of an employer but shall not include the United States or the Commonwealth or any political subdivision thereof or any person subject to the jurisdiction of the Federal Railway Labor Act or the National Labor Relations Act as amended from time to time or any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization

(d) The term "employe" shall include any employe of an employer and shall not be limited to the employes of a particular employer unless the act explicitly states otherwise and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice term however shall not include any individual taking the place of any employe whose work has ceased as aforesaid and who has not obtained any other regular and substantially equivalent employment but shall not include any individual employed as an agricultural laborer or in the domestic service of any person in the home of such person or any individual employed by his parent or spouse

(e) The term "representative" includes any individual or labor organization

(f) The term "labor organization" means any organization of any kind or any agency or employe representative committee or plan in which employes participate and which exists for the purpose in whole or in part of dealing with employers concerning grievances labor disputes wages rates of pay hours of employment or conditions of work but shall not include any labor organization which by ritualistic practice constitutional or by-law proscription by tacit agreement among its members or otherwise denies a person or persons membership in its organization on account of race creed or color

(g) The term "unfair labor practice" means only these unfair labor practices listed in section six of this act

(h) The term "labor dispute" includes any controversy concerning (1) terms tenure or conditions of employment or concerning (2) the association or representation of persons in negotiating fixing maintaining changing or seeking to arrange terms or conditions of employment regardless of whether the disputants stand in the proximate relation of employer and employe

(i) The term "Board" means the Pennsylvania Labor Relations Board created by section four of this act

(j) The singular shall include the plural and the masculine shall include the feminine and neuter

The fourth section was read as follows:

Section 4 Pennsylvania Labor Relations Board Created

(a) There is hereby created a departmental administrative board in the department to be known as the "Pennsylvania Labor Relations Board" (hereinafter referred to

as the "Board") which shall be composed of three members who shall be appointed by the Governor but with the advice and consent of two-thirds of all the members of the Senate Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector in the Commonwealth for a period of at least one year next preceding his appointment No member of the Board during his period of service as such shall hold any other office under the law of this Commonwealth or of the United States One of the original members shall be appointed for a term of two years one for a term of four years and one for a term of six years but their successors shall be appointed for terms of six years each except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he is to succeed The Governor shall designate one member to serve as Chairman of the Board

(b) A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board and two members of the Board shall at all times constitute a quorum The Board shall have an official seal of which courts shall take judicial notice

(c) The Board shall at the end of every year make a report in writing to the Governor stating in detail the work it has done in hearing and deciding cases and otherwise and it shall sign and report in full an opinion in every case decided by it

(d) Each member of the Board shall receive a salary of nine thousand dollars ($9,000) a year and shall be eligible for re-appointment The employes of the Board shall be appointed by the Secretary of Labor and Industry with the approval of the Governor The Board may establish or use such voluntary and uncompensated services as may from time to time be needed

(e) The principal office of the Board shall be in the City of Harrisburg but it may meet and exercise any or all of its powers at any place The Board may by one or more of its members or by such agents as it may designate prosecute in any part of this Commonwealth any inquiry necessary to the performance of its functions A member who participates in such an inquiry shall not be disqualified from subsequently participating in a decision of the Board in the same case Nothing in this act shall be construed to authorize the Board to appoint individuals for the purpose of conciliation mediation or arbitration (or for statistical work) where such service may be obtained from the Department of Labor and Industry

(f) The Board shall have authority from time to time to make amend and rescind such rules and regulations as may be necessary to carry out the provisions of this act Such rules and regulations shall be effective upon publication in the manner which the Board shall prescribe

On the question,

Will the House agree to the section?

Mr. TURNER. Mr. Speaker, I desire to offer the following amendments.

The SPEAKER. The amendments will be read by the Clerk.

The amendments were read by the Clerk as follows:

Amend section 4, page 7, line 18, by striking out the words "one year" and inserting in lieu thereof "five years"

Amend section 4, page 7, line 21, by inserting after the word "States" the following: "nor engage in any other business, vocation or employment"

Amend section 4, page 7, line 29, by inserting after the word "Board" the following: "The Board shall have all the powers and perform all the duties generally vested in and imposed upon independent administrative boards and commissions by the Administrative Code of 1929"

Amend section 4, page 8, line 7, by inserting after the word "Governor" the following: "and biennially to the Legislature"

Amend sec. 4, page 8, line 12, by striking out the words "nine thousand dollars ($9,000)" and inserting in lieu thereof: "seven thousand five hundred dollars ($7,500)"

On the question,

Will the House agree to the amendments?

Mr. YOURISHIN. Mr. Speaker and members of the House, I rise to oppose the insertion of the amendments to section 4. Senate Bill No. 639 has caused much controversy and has been taken up with labor, with employers and with the Administration, and the bill as it is now has been agreed to by labor, employers and the Administration. I ask the House to vote down the amendments to section 4.

Mr. TURNER. Mr. Speaker and members of the House, I agree with the gentleman from Luzerne that this bill now is in very much better condition than it was when it first came into the House. It has been made to conform to the National Labor Relations Act except in two particulars as to which I am seeking amendmnts. The first particular in which the bill as it stands does not conform and which I am seeking to amend is the provision which says that the Board shall make a report not only to the Governor but biennially to the Legislature. The National Act in paragraph c of section 3 provides that the National Board shall make a report in writing to Congress and the President. If there is a sound reason why there should be a report to Congress as well as the President it seems to me that there is equally a sound reason why the Board should report to the Legislature as well as to the Governor.

It has always amazed me that the Legislature seems so willing to surrender its prerogatives, that the Legislature has always been so willing to be subservient to the administrative branch of the government. The scheme of our Constitution, as we all know, is that we have component parts of government, legislative, executive and judicial, and this branch of the government is charged not only with making the laws but also as to the appropriations which we will make of the revenues of the Commonwealth. It is true, and I know the answer immediately will come from some one on the other side who is opposed to my amendments that we can get this information from the Governor or we find out from the Department any information we want. I think in the majority of cases that is true but I cannot see that that is an argument why the Legislature in itself in creating a board with as wide powers as this board has, a board that is going to have as far reaching an effect as this board's powers will have, a board that will have as great an influence upon the future of labor in Pennsylvania, that labor itself should be the party to be here today saying to the Legislature, "We want the report to come here, to representatives of the people every two years, and tell us what this Board is doing."

Just now it is a matter of common knowledge and, therefore, I do not think it improper to say so, we know that labor is extremely confident that they have the support and the friendly cooperation of the Administration, that they can secure most anything they want. But that may not exist two years from now, that may not exist six years from now. It may be very vital to labor itself and to the members of this Legislature at those times who are interested in the cause of labor to have reports here on the board in order that the Legislature may determine what its course may be. So it seems to me it is splitting hairs very fine to say now that the bill has been agreed upon and therefore there should be nothing written into it. There is also a psychology that is rather hard for

me to understand among some of my colleagues that when the matter is settled in their minds then there must be no change, there is no open mindedness about it, it must be expeditiously shot forward. Then we found in several instances recently on the other side of this Legislature where the Senate asked to hold them up and perhaps they made an entire change. Perhaps if we were not quite so speedy in the House and were a little more open-minded we would not have had to have the change made in the Senate.

The second provision which I have suggested, and in which the bill as it stands does not conform to the National act, is the provision that the members of the Board shall not engage in any other business, vocation or employment. That is exactly the provision in section 4 of the National act, which says that each member of the Board shall receive a salary of ten thousand dollars a year, they shall be eligible for re-appointment and shall not engage in any other business, vocation or employment. I think that every one of us if we will just be fair about it and stop to think, will believe that that was a very wise provision in the National act. We do not permit the judges of our courts to engage in the practice of law; there we believe their time should not only be devoted to their judicial duties but they should have no other entangling interests. Undoubtedly the Federal authority in writing this act felt the same way. As I read the Senate bill, the McGinnis bill, and as I consider the provision of the National act, I felt that this provision should likewise be in our own act.

The other amendments which I have suggested do not appear in the National act. The first one is this: in the National act there is no provision in the appointment of the Board as to their qualifications. In the State act however it says that the man must be a citizen of the United States, he must be a resident of Pennsylvania and he must have been a qualified elector for a period of one year. That means that a man would only have to be a citizen of the United States for one year. If he were to receive his citizenship papers,—taking the present date, suppose he received them in the spring of 1936 and resided in Pennsylvania from that time until now and had been a qualified elector of Pennsylvania during that period of time, then he could be appointed as a member of this Board.

Some of my colleagues who are opposed to this amendment raised the question that a man had to be here five years before he could receive his citizenship papers, and that therefore this man would have resided in this country six years and he could become a member of the Board. I certainly have no feeling of intolerance toward any man who comes to this country. I am sure that I believe in the great American principle that our doors should be open to qualify people to come here. We want to encourage them to come here to became citizens of the United States. We have had many instances of many fine citizens who are well qualified to exercise their citizenship, who have only been here for a very short space of time. But that is not the question as I see it. Here you are dealing with labor relations; here you are dealing with something that has now come into the laws of the United States, and is coming into the laws of Pennsylvania, by which the government is saying that there are certain rights of labor which the government is going to protect; it is going to give them an opportunity for collective bargaining; it is going to determine what are unfair practices, and no doubt, as we go on under this Legislation there will be extensions of it in the years to come. I think that a man who sits on a Labor Relations' Board of this kind should have been a citizen of Pennsylvania for more than one year. I think he should have an understanding of the psychology, I will put it that way, of Pennsylvania; he should have something of the background of its people and of its traditions; he should have something of the background and what are the needs of the people of Pennsylvania. I know that men will say, "The Governor won't appoint anybody who is not qualified." I have seen men appointed to places or positions in the government of Pennsylvania who had no understanding whatever of the needs and qualifications and requirements of the people of Pennsylvania. In dealing with government that is a very vital and important factor. Every member of this Legislature knows that from time to time legislation has failed, which on its face seems to be perfectly proper, but it fails because you men know the temper of the people in your locality, you know their desires, you know what they want, and the members of the Legislature have refused to pass legislation, even though on its face it may appear to be meritorious. I have offered amendments that the members of the Board should be, instead of a resident for one year, should be a resident and a qualified elector of the State of Pennsylvania for a period of five years. I do not think that is unreasonable; I think that is a fair length of time to expect a man to live within our Commonwealth and understand our people, if he is going to exercise the great powers of this Board in dealing with labor in Pennsylvania.

I have two more amendments. One is a rather simple one. Its purpose is merely to make this act conform with the scheme of government in Pennsylvania. It provides that the Board shall have the powers and perform all the duties generally vested in and imposed upon independent administrative boards and commissions by the Administrative Code of 1929. We have an Administrative Code, which perhaps might be interesting reading to some of the members of the Legislature. You have heard me talking about the Sterling Committee; you have heard the gentleman from Monroe, Mr. Achterman, talking about the Sterling Committee. Most of the things which are dealt with in those problems are things which come under the Administrative Code. The Code sets forth the duties, powers and functions of the different boards, commissions and departments of the State government. It seems to me if we are going to set up a board of this kind it ought to have the powers and perform all the duties generally vested in and imposed upon boards by the code. I do not know that that it vital, but you have a scheme of government,—that the board should conform to it. If there are provisions of that act which lay down the duties and powers of the board, then it seems to me that it would be proper to put into a piece of legislation of this kind a provision whereby it should conform. I say again it is not vital but it is certainly better legislation.

The last amendment is the one by which I seek to reduce the salaries to be paid to the members of the Board from nine thousand dollars to seven thousand five hundred dollars. You will notice from the National Act that the members of the National Board are paid

ten thousand dollars a year. That was thought enough by the Congress of the United States to pay the National Board. I think our workmen's compensation board, if my memory is right, are paid seven thousand five hundred dollars in Pennsylvania. I know of no Board that we have except the Public Utilities Commission now, the old Public Service Commission and now the Public Utilities Commission, where the salary is ten thousand dollars,—the Securities Commission, I think the salary of the members of that commission is somewhere around seven thousand dollars or seven thousand five hundred dollars, but this board is to receive a salary of nine thousand dollars, and under the provisions of the act as you have it they were not to devote their entire time to their duties, but they could have other occupations and employment. I say that not only in the interest of economy but also on a common sense basis that a salary of seven thousand five hundred dollars a year is a fair and ample salary for any commissioner on a board of this character.

I therefore ask the members of the House to support these amendments.

QUESTION OF PARLIAMENTARY INQUIRY

Mr. TURNER. Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER. The gentleman will state his question of parliamentary inquiry.

Mr. TURNER. Mr. Speaker, can we vote separately upon the different amendments?

The SPEAKER. That is correct, the question can be divided.

Mr. TURNER. Mr. Speaker, I ask that in voting upon these amendments the question be divided.

The SPEAKER. The Chair lays before the House the first amendment to section 4.

The amendment was read by the Clerk as follows:

Amend section 4, page 7, line 18, by striking out the words "one year" and inserting in lieu thereof "five years."

On the question,

Will the House agree to the amendment?

Mr. YOURISHIN. Mr. Speaker and members of the House, the gentleman from Delaware, Mr. Turner, in his talk on these amendments made the statement that he wanted to conform with the Fedreal Relations Act, and at the same time he offered several amendments which are not in the Wagner Act.

As to the first amendment, Mr. Speaker and members of the House, striking out the word "one year" and inserting "five years," may I say that in practically all of the Administrative Boards you will find that the member of the board must be a citizen of the United States and a qualified elector of the State of Pennsylvania for one year. However, this bill reads: "Each member of the Board at the time of his appointment shall be a citizen of the United States and a resident of the Commonwealth of Pennsylvania and shall have been a qualified elector of the Commonwealth for a period of at least one year." I say to you, Mr. Speaker and members of the House, that the Governor or no one else is going to appoint any one to an Administrative Board who has not been a citizen of the United States for more than one year. We may have a man who comes from some other state and he might be well qualified to fill the position as a member of this Board, and by inserting "five years," we cannot appoint him. I say to you, Mr. Speaker and members of the House, that one year in the Commonwealth is sufficient, and I say to you that I do not think the present Governor or any future Governor is going to appoint any one to an Administrative Board of the State of Pennsylvania who has not been a citizen of the United States for more than one year, or for more than ten years for that matter.

I ask the members of the House to vote down the amendment.

On the question recurring,

Will the House agree to the amendment?

The yeas and nays were required by Mr. TURNER and Mr. HABBYSHAW and were as follows:

YEAS—34

Baker, F. T.,	Huntley,	Schumacher,	Turner,
Boose,	Kane,	Siegel,	VanAllsburg,
Boyer,	Kline,	Sloan,	Wall,
Cadwalader,	Leisey,	Sollenberger,	Watkins,
Fiss,	Matthews, J. F.,	Sproul,	Weidemann,
Habbyshaw,	McKinney,	Stewart,	Wilson,
Hall,	Perry,	Stockham,	Wood,
Hamilton, R. S.,	Royer,	Strode,	Woodside,
Hetrick,	Schrock,	Trout,	Yeakel,

NAYS—111

Allmond,	Downey,	McCullough,	Schrope,
Arnold,	Dubbs,	McDermott,	Shea,
Baine,	Elpern,	McFall,	Shepard,
Baker, J. J.,	Falkenstein,	McShane,	Shoemaker,
Bierly,	Finnerty,	Melchiorre,	Shugarts,
Blank,	Fitch,	Moomaw,	Skale,
Bohn,	Flanagan,	Mooney,	Smith, James A.,
Boltz,	Flannery,	Moran,	Spengler,
Bradley,	Ganser,	Murrin,	Stank,
Brancato,	Gerard,	O'Brien,	Thompson,
Brigerman,	Haberlen,	O'Connor,	Tronzo,
Broad,	Harkins,	O'Keefe,	Tumelty,
Brown,	Hays,	Ominsky,	Vallbus,
Brownfield,	Hering,	Petroff,	Vogt,
Burrows,	Hess,	Pearson,	Wagner,
Caputo,	Hindman,	Pershing,	Walsh,
Chervenak,	Holland,	Piole,	Weiss, D. H.,
Coakley,	Holmes,	Powers,	Weiss, S. A.,
Cohen, H. B.,	Holstrom,	Preston,	Welliver,
Cohen, R. E.,	Horting,	Readinger,	Welsh,
Coleman,	Keenan,	Reese,	Westrick,
Coolahan,	Kelso,	Reising,	Whalen,
Corrigan,	Kilroy,	Robinson,	Wright,
Costanzo,	Lewis,	Rothenberger,	Yanoshak,
Decker,	Long,	Rush,	Yourishin,
DeNote,	Loprestl,	Sarraf,	Zappala,
Dickinson,	Lovett,	Scanlon,	Furman,
Donohoe,	Marino,	Schor,	

So the question was determined in the negative and the amendment was not agreed to.

On the question,

Will the House agree to the section?

The SPEAKER. The Chair lays before the House the second amendment to section 4.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 7, line 21, by inserting after the word "States" the following: "nor engage in any other business, vocation or employment"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

The SPEAKER. The Chair lays before the House the third amendment to section 4.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 7, line 29, by inserting after the word "Board" the following: "The Board shall have all

the powers and perform all the duties generally vested in and imposed upon independent administrative boards and commissions by the Administrative Code of 1929."

On the question,

Will the House agree to the amendment

It was not agreed to.

On the question recurring,

Will the House agree to the section?

The SPEAKER. The Chair lays before the House the fourth amendment to section 4.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 8, line 7, by inserting after the word "Governor" the following: "and biennially to the Legislature"

On the question,

Will the House agree to the amendment?

It was not agreed to.

On the question recurring,

Will the House agree to the section?

The SPEAKER. The Chair lays before the House the fifth amendment to section 4.

The amendment was read by the Clerk as follows:

Amend sec. 4, page 8, line 12, by striking out the words "nine thousand dollars ($9,000)" and inserting in lieu thereof: "seven thousand five hundred dollars ($7,500)."

On the question,

Will the House agree to the amendment?

The yeas and nays were required by Mr. TURNER and Mr. STEWART and were as follows:

YEAS—28

Baker, F. T.,	Kline,	Smith, John A.,	VanAllsburg,
Boyer,	Perry,	Sproul,	Wall,
Cadwalader,	Royer,	Stewart,	Wampole,
Habbyshaw,	Schrock,	Stockham,	Wilson,
Hall,	Schumacher,	Strode,	Wood,
Hamilton, R. S.,	Siegel,	Trout,	Woodside,
Hetrick,	Sloan,	Turner,	Yeakel,
Kane,			

NAYS—107

Achterman,	Dougherty,	Marino,	Scanlon,
Allen,	Dubbs,	McArdle,	Schor,
Allmond,	Dyson,	McCullough,	Schrope,
Arnold,	Elpern,	McDermott,	Shepard,
Baine	Falkenstein,	McFall,	Shoemaker,
Baker, J. J.,	Finnerty,	McGee,	Shugarts,
Bierly,	Fitch,	McShane,	Skale,
Blank,	Flanagan,	Melchiorre,	Smith, James A.,
Bohn,	Flannery,	Moomaw,	Spengler,
Boltz,	Flinchbaugh,	Mooney,	Stank,
Bradley,	Ganser,	Moran,	Tronzo,
Brancato,	Gerard,	Murrin,	Tumelty,
Brigerman,	Harkins,	O'Brien,	VanSickle,
Broad,	Hays,	O'Connor,	Vogt,
Brownfield,	Hering,	Ominsky,	Wagner,
Burrows,	Hess,	Ostroff,	Walsh,
Coakley,	Hindman,	Pearson,	Weiss, D. H.,
Cohen, H. B.,	Holland,	Powers,	Weiss, S. A.,
Cohen, R. E.,	Holmes,	Preston,	Welliver,
Coleman,	Holstrom,	Readinger,	Welsh,
Coolahan,	Horting,	Reese,	Westrick,
Corrigan,	Keenan,	Reising,	Whalen,
Costanzo,	Kelso,	Robinson,	Wright,
Decker,	Kilroy,	Rothenberger,	Yourishin,
DeNote,	Long,	Rush,	Zappala,
Dickinson,	Lopresti,	Sarraf,	Furman,
Donohoe,			

So the question was determined in the negative and the amendment was not agreed to.

On the question recurring,

Will the House agree to the section?

It was agreed to.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections and title were separately read and agreed to as follows:

Section 5 Rights of Employes Employes shall have the right to self-organization to form join or assist labor organizations to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection

Section 6 Unfair Labor Practices It shall be an unfair labor practice for an employer

(a) To interfere with restrain or coerce employes in the exercise of the rights guaranteed in this act

(b) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it Provided That subject to rules and regulations made and published by the board pursuant to this act an employer shall not be prohibited from permitting employes to confer with him during working hours without loss of time or pay

(c) By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization Provided That nothing in this act or in any agreement approved or prescribed thereunder or in any other statute of this Commonwealth shall preclude an employer from making an agreement with a labor organization (not established maintained or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein if such labor organization is the representative of the employes as provided in section seven of this act in the appropriate collective bargaining unit covered by such agreement when made

(d) To discharge or otherwise discriminate against an employe because he has filed charges or given testimony under this act

(e) To refuse to bargain collectively with the representatives of his employes subject to the provisions of section seven of this act

Section 7 Representatives and Elections (a) Representatives designated or selected for the purpose of collective bargaining by the majority of the employes in a unit appropriate for such purposes shall be the exclusive representatives of all the employes in such unit for the purposes of collective bargaining in respect to rates of pay wages hours of employment or other conditions of employment Provided That any individual employe or a group of employes shall have the right at any time to present grievances to their employer

(b) The Board shall decide in each case whether in order to insure to employe the full benefit of their right to self-organization and to collective bargaining and otherwise to effectuate the policies of this act the unit appropriate for the purposes of collective bargaining shall be the employer unit craft unit plant unit or subdivision thereof

(c) Whenever a question arises concerning the representation of employes the Board may investigate such controversy and certify to the parties in writing the name or names of the representatives who have been designated or selected In any such investigation the Board shall provide for an appropriate hearing upon due notice either in conjunction with a proceeding under section eight or otherwise and may take a secret ballot of employes or utilize any other suitable method to ascertain such representatives

(d) Whenever an order of the Board made pursuant to section eight subsection (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under subsections (a) or (b) of section nine and thereupon the decree of the court enforcing modifying or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings testimony and proceedings set forth in such transcript

Section 8 Prevention of Unfair Labor Practices (a) The

Board is empowered as hereinafter provided to prevent any person from engaging in any unfair labor practice listed in section six of this act This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement law or otherwise

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice the Board or any member or designated agent thereof shall have authority to issue and cause to be served upon such person a complaint stating the charges in that respect and containing a notice of hearing before the Board or any member or designated agent thereof at a place therein fixed not less than five days after the serving of said complaint Any such complaint may be amended by the Board member or agent conducting the hearing at any time prior to the issuance of an order based thereon The person so complained of shall have the right to file an answer to the original or amended complaint not less than five days after the service of such original and amended complaint and to appear in person or otherwise to give testimony at the place and time set in the complaint In the discretion of a member or agent conducting the hearing or of the Board any other person may be allowed to intervene in the said proceeding and to present testimony In any such proceeding the rules of evidence prevailing in courts of law or equity shall not be controlling

(c) The testimony taken at the hearing shall be reduced to writing and filed with the Board The Board upon notice may take further testimony or hear argument If upon all the testimony taken the Board shall determine that any person named in the complaint has engaged in or is engaging in any such unfair labor practice the Board shall state its findings of fact and issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice and to take such affirmative action including reinstatement of employes with or without back pay as will effectuate the policies of this act Such order may further require such person to make reports from time to time showing the extent to which the order has been complied with If upon all the testimony the Board shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such unfair labor practice then the Board shall make its findings of fact and shall issue an order dismissing the complaint

(d) Until a transcript of the record in a case shall have been filed in a court as hereinafter provided the Board may at any time upon reasonable notice and in such manner as it shall deem proper modify or set aside in whole or in part any finding or order made or issued by it

Section 9 Judicial Review (a) The Board shall have power to petition the Court of Common Pleas of any county wherein the unfair labor practice in question occurred or wherein any person charged with the commission of any unfair labor practice resides or transacts business for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in the court a transcript of the entire record in the proceeding including the pleadings and testimony upon which such order was entered and the findings and order of the Board Upon such filing the court shall cause notice thereof to be served upon such person and thereupon shall have jurisdiction of the proceeding and of the question determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper and to make and enter upon the pleadings testimony and proceedings set forth in such transcript a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board No objection that has not been urged before the Board its members or agents shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances The findings of the Board as to the facts if supported by evidence shall be conclusive If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence at the hearing before the Board its members or agent the court may order such additional evidence to be taken before the Board its members or agent and to be made a part of the transcript The Board may modify its findings as to the facts or make new findings by reason of additional evidence so taken and filed and it shall file such modified or new findings which if supported by evidence shall be conclusive and shall file its recommendations if any for the modification or setting aside of its original order The jurisdiction of the Court of Common Pleas shall be exclusive and its judgment and decree shall be final except that the same shall be subject to review by the Supreme Court on appeal by either party irrespective of the nature of the decree or judgment or the amount involved Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the Supreme Court and the record so certified shall contain all that was before the Court of Common Pleas

(b) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in the Court of Common Pleas of any county where the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business by filing in such court a written petition praying that the order of the Board be modified or set aside A copy of such petition shall be forthwith served upon the Board and the Board shall file in the court a transcript of the entire record in the proceeding certified by the Board including the pleadings and testimony and order of the Board Upon such filing the court shall proceed in the same manner as in the case of an application by the Board under subsection (a) and shall have the same exclusive jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper and in like manner to make and enter a decree enforcing modifying and enforcing as so modified or setting aside in whole or in part the order of the Board and the findings of the Board as to the facts if supported by evidence shall in like manner be conclusive

(c) The commencement of proceedings under subsection (a) or (b) of this section shall not unless specifically ordered by the court operate as a stay of the Board's order

(d) When granting appropriate temporary relief or a restraining order or making and entering a decree enforcing modifying as so modified or setting aside in whole or in part an order of the Board as provided in this section the jurisdiction of courts sitting in equity shall not be limited by acts pertaining to equity jurisdiction of courts The Act of June twenty-third one thousand nine hundred and thirty-one (Pamphlet Laws nine hundred twenty-five) entitled "An act defining the rights of persons accused of contempt of court arising out of violation of injunctions limiting eligibility of judges in such cases and prescribing procedure and penalties" shall not be applicable to orders of the Board or to court orders enforcing orders of the Board or any provision of this act or to violations of any order of the Board or of court orders enforcing orders of the Board or any provision of this act

(e) Petitions filed under this act shall be heard expeditiously and if possible within ten days after they have been docketed

Section 10 Investigatory Powers For the purpose of all hearings and investigations which in the opinion of the Board are necessary and proper for the exercise of the powers vested in it by sections seven and eight

(a) The Board or its duly authorized agents shall at all reasonable times have access to for the purpose of examination and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question Any member of the Board shall have the power to issue subpoenas requiring the attendance and testimony or witnesses and the production of any evidence that relates to any matter under investigation or in question before the

Board its members or agent conducting the hearing or investigation Any member of the Board or any agent designated by the Board for such purposes may administer oaths and affirmations examine witnesses and receive evidence

(b) If any witness resides outside of the Commonwealth or through illness or other cause is unable to testify before the Board or its members or agent conducting the hearing or investigation his or her testimony or deposition may be taken within or without this Commonwealth in such manner and in such form as the Board or its members or agent conducting the hearing may by special order or general rule prescribe

(c) In case of contumacy or refusal to obey a subpoena issued to any person the Court of Common Pleas of any county within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board its members or agent there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question and any failure to obey such order of the court may be punished by said court as a contempt thereof

(d) No person shall be excused from attending and testifying or from producing books records correspondence documents or other evidence in obedience to the subpoena of the Board on the ground that the testimony or evidence required to him may tend to incriminate him or subject him to a penalty or forfeiture but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction matter or thing concerning which he is compelled after having claimed his privilege against self-incrimination to testify or produce evidence except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying

(e) Complaints orders and other process and papers of the Board its members or agent may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same Witnesses summoned before the Board its members or agent shall be paid the same fees and mileage that are paid witnesses in the courts of this Commonwealth and witnesses whose depositions are taken and the person taking the same shall severally be entitled to the same fees as are paid for like services in the courts of this Commonwealth

(f) All process of any court to which application may be made under this act may be served in the county wherein the defendant or other person required to be served resides or may be found

(g) The several departments commissions divisions authorities boards bureaus agencies and offices of the Commonwealth or any political subdivision or agency thereof shall furnish the Board upon its request all records papers and information in their possession relating to any matter before the Board

Section 11 Panalties Any person who shall wilfully resist prevent impede or interfere with any member of the Board or any of its agents in the performance of duties pursuant to this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five thousand dollars ($5000) or by imprisonment for not more than one year or both

Section 12 Repealer All acts or parts of acts whether special or local inconsistent herewith are hereby repealed

Section 13 Limitations Nothing in this act shall be construed so as to interfere with impede or diminish in any way the right of employes to strike

Section 14 Separability If any cause sentence paragraph or part of this act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid such judgment shall not affect impair or invalidate the remainder of this act and the application of such provision to other persons or circumstances but shall be confined in its operation to the clause sentence paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved It is hereby declared to be the legislative intent that this act would have been adopted had such invalid provisions not been included

Section 15 Effective Date This act shall take effect immediately upon its final enactment

And said bill having been read at length the second time and agreed to,

Ordered, To be transcribed for a third reading.

BILL AND MESSAGE TAKEN FROM TABLE

Mr. HARKINS. Mr. Speaker, I move that House Bill No. 1043, Printer's No. 730, together with the communication from the Governor which was laid upon the table, be taken from the table.

The motion was agreed to.

COMMUNICATION FROM THE GOVERNOR

The Secretary to the Governor being introduced, presented a communication in writing from His Excellency the Governor, which was read as follows:

APPROVAL OF RESOLUTION RECALLING HOUSE BILL No. 1043.

Commonwealth of Pennsylvania,
Governor's Office, Harrisburg, May 4, 1937.

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I have the honor to inform you that I have this day approved and signed a resolution of the House of Representatives and Senate recalling from the Governor House Bill No. 1043, Printer's No. 730, for the purpose of amendment.

Accordingly, the original bill is herewith returned.

GEORGE H. EARLE.

RECONSIDERATION OF VOTE

Mr. HARKINS. Mr. Speaker, I move that the vote by which this bill passed finally be reconsidered.

Mr. HERBERT B. COHEN. Mr. Speaker, I second the motion.

The SPEAKER. How did the gentleman from Allegheny, Mr. Harkins, vote on the final passage of this bill?

Mr. HARKINS. Mr. Speaker, I voted in the majority.

The SPEAKER. How did the gentleman from York, Mr. Cohen, vote on the final passage of this bill?

Mr. HERBERT B. COHEN. Mr. Speaker, I voted in the majority.

On the question,

Will the House agree to the motion?

It was agreed to.

Mr. HARKINS. Mr. Speaker, I move that the vote by which this bill passed third reading be reconsidered.

The motion was agreed to.

On the question recurring.

Will the House agree to the bill on third reading?

Mr. HARKINS. Mr. Speaker, I ask unanimous consent to offer amendments at this time.

The SPEAKER. The amendments will be read by the Clerk for information.

The Clerk read the amendments as follows:

Amend page 1, line 5 of the title, by striking out at the end of the line the word: "[and]"

Amend page 1, line 6 of the title, by striking out at the beginning of the line the following: "[on the value of certain equitable interests]"

Amend section 1 (section 9), page 18, line 8, by striking out after the word "in" and before the word "office" the word: "[this]" and inserting in lieu thereof the word: "his"

Amend section 1 (section 16), page 24, line 29, by striking out the light-faced brackets before the word "and" and after the word "information".

Amend section 1 (section 16), page 25, line 1, by striking out the light-faced bracket before the word "ained"

Amend section 1 (section 16), page 25, line 4, by striking out the light-faced bracket after "partment".

The SPEAKER. Will the House give unanimous consent to the insertion of the amendments at this time? Is there objection? The Chair hears none and the amendments will be inserted in accordance with the instructions of the House?

On the question,

Will the House agree to the bill on third reading as amended?

It was agreed to.

Ordered, That the bill as amended lie over for printing.

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL No. 1692.

Mr. HARKINS. Mr. Speaker, I desire to offer the report of the Committee of Conference on House Bill No. 1692.

The report was laid over for printing under the rules.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 5, 1937.

Resolved, (if the House of Representatives concur), That Senate Bill No. 372, Printer's No. 216, entitled:

An Act to amend section two hundred fourteen, section two hundred sixteen as amended, and section two hundred seventeen, of the act approved the eighteenth day of May, one thousand nine hundred and eleven (Pamphlet Laws three hundred nine) entitled, "An act to establish a public school system in the Commonwealth of Pennsylvania, together with the provisions by which it shall be administered, and prescribing penalties for the violation thereof; providing revenue to establish and maintain the same, and the method of collecting such revenue; and repealing all laws, general, special or local, or any parts thereof, that are or may be inconsistent therewith;" authorizing the Governor in certain cases to fill vacancies in boards of school directors in districts of the fourth class in counties of the fourth class.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

PERMISSION GRANTED COMMITTEE TO MEET DURING SESSION

Mr. LONG asked and obtained permission for the Committee on State Boards to meet during the session of the House.

SENATE MESSAGES

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced, presented an extract from the Journal of the Senate, which was read as follows:

In the Senate, May 5, 1937.

Resolved, (if the House of Representatives concur), That Senate Bill No. 22, Printer's No. 271, entitled:

An Act to amend section one of, and to add sections two and three to, the act, approved the nineteenth day of July, one thousand nine hundred thirty-five (P. L. 1348), entitled "An act creating a commission to compile, edit, publish and distribute pamphlets descriptive of scenic and historic interest; and making an appropriation;" amplifying the powers of said commission to include the industrial educational and agricultural interest and other facilities, advantages and attractions of the Commonwealth, to provide for programs of information, advertising and publicity, to coordinate advertising activities, and to provide for exhibits at fairs, expositions and celebrations.

be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

On the question,

Will the House concur in the resolution of the Senate?

It was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED SENATE BILL RECALLED FROM THE GOVERNOR RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 801.

An Act to amend the title and sections one and two of the act, approved the twenty-sixth day of April, one thousand nine hundred and seventeen (P. L. 108), entitled "An act to give exclusive jurisdiction to the Municipal Court of Philadelphia, over all houses of detention established within the limits of the City of Philadelphia for the care of delinquent, dependent and neglected children; providing that the board of managers of the said houses of detention shall be appointed and removed by the judges of the Municipal Court of Philadelphia; and repealing all acts or parts of acts inconsistent herewith," transferring the jurisdiction therein vested in the Municipal Court of Philadelphia to the Family Court of the County of Philadelphia.

Said bill having been recalled from the Governor for amendment, the vote had on final passage and third reading reconsidered in the Senate and the bill amended, in which amendment the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendment.

The Clerk read the amendment as follows:

Amend bill 3, by inserting after the word "Philadelphia" in line 11, the following new paragraph: "Section 2 This act shall become effective immediately upon its final enactment."

On the question,

Will the House concur in the amendment made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Mellott,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendment was concurred in.

Ordered, That the Clerk inform the Senate accordingly.

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Clerk of the Senate being introduced, returned bill from the House of Representatives numbered and entitled as follows:

HOUSE BILL No. 923.

An Act to amend section three of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (P. L. 920), entitled "An act providing for the relocation and change of width, grades and lines of State highways in boroughs by the Secretary of Highways with the approval of the Governor and commissioners of the proper county; and for the payment of damages occasioned thereby by the county, and repealing certain acts," as amended by providing for payment by the Commonwealth out of the Motor License Fund of damages for land or property taken, injured or destroyed by the change of width, lines and locations of State highways in boroughs and incorporated towns, and the cost of removal of structures where the county does not agree to such changes or removals, requiring approval of the court of quarter sessions to certain agreements made by the county commissioners with property owners, and fixing the time when the Secretary of Highways may begin work.

With the information that the Senate has passed the same with amendments, in which the concurrence of the House of Representatives is requested.

The SPEAKER. The Clerk will read the amendments.

The Clerk read the amendments as follows:

Amend section 1, page 8, by striking out in lines 1 and 2 the following: "by the county in the manner provided by this act as if the county had agreed thereto as herein provided" and inserting in lieu thereof the following: "as heretofore provided by law prior to the date this act takes effect"; also same page by inserting after line 2 the following new section:

"Section 2 This act shall become effective immediately upon its final enactment."

On the question,

Will the House concur in the amendments made by the Senate?

Agreeably to the provisions of the Constitution the yeas and nays were taken and were as follows, viz:

YEAS—204

Achterman,	Flanagan,	McElroy,	Shugarts,
Alexander,	Flannery,	McFall,	Siegel,
Allen,	Flinchbaugh,	McGee,	Simon,
Allmond,	Ganser,	McKinney,	Simpson,
Arnold,	Gerard,	McShane,	Skale,
Atkins,	Gillette,	Melchiorre,	Sloan,
Aukerman,	Gorski,	Mellott,	Smith, James A.,
Baine,	Habbyshaw,	Merrell,	Smith, John A.,
Baker, F. T.,	Haberlen,	Mihm,	Snyder,
Baker, J. J.,	Hagerty,	Moomaw,	Sollenberger,
Balthaser,	Hall,	Mooney,	Spengler,
Bierly,	Hamilton, F. P.,	Moran,	Sproul,
Blank,	Hamilton, R. S.,	Moul,	Stank,
Bohn,	Harkins,	Muir,	Stewart,
Boles,	Harmuth,	Munley,	Stockham,
Boltz,	Hays,	Murrin,	Strode,
Boose,	Hering,	Nagel,	Terry,
Boyer,	Hess,	O'Brien,	Thomas,
Bradley,	Hetrick,	O'Connor,	Thompson,
Brancato,	Hindman,	O'Keefe,	Toole,
Brigerman,	Hirsch,	Ominsky,	Tronzo,
Broad,	Holland,	O'Neill,	Trout,
Brown,	Holmes,	Ostroff,	Tumelty,
Brownfield,	Holstrom,	Patterson, C. S.,	Turner,
Burrows,	Hontz,	Peale,	Valibus,
Cadwalader,	Horting,	Pearson,	VanAllsburg,
Caesar,	Huntley,	Perry,	VanSickle,
Caputo,	Imbrie,	Pershing,	Vogt,
Chervenak,	Jirolanio,	Piole,	Wagner,
Coakley,	Kane,	Powers,	Wall,
Cohen, H. B.,	Keenan,	Preston,	Walsh,
Cohen, R. E.,	Kelso,	Readinger,	Wampole,
Coleman,	Kilroy,	Reese,	Watkins,
Coolahan,	Kline,	Reising,	Webster,
Corrigan,	Kroll,	Richter,	Weidemann,
Costanzo,	LaRue,	Robinson,	Weiss, D. H.,
Davies,	Leisey,	Rothenberger,	Weiss, S. A.,
Decker,	Levy,	Royer,	Welliver,
DeNote,	Lewis,	Ruffennach,	Welsh,
Dickinson,	Long,	Rush,	Westrick,
Donohoe,	Longaker,	Sarraf,	Whalen,
Dougherty,	Lopresti,	Scanlon,	Wilson,
Downey,	Lovett,	Schor,	Winner,
Dubbs,	Mallen,	Schrock,	Wood,
Dyson,	Marino,	Schrope,	Woodside,
Eckels,	Matthews, H. T.,	Schumacher,	Wright,
Elpern,	Matthews, J. F.,	Serrill,	Yanoshat,
Falkenstein,	McArdle,	Shaw,	Yeakel,
Finnerty,	McCullough,	Shea,	Yourishin,
Fiss,	McDermott,	Shepard,	Zappala,
Fitch,	McDevitt,	Shoemaker,	Furman,

NAYS—0

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the Clerk inform the Senate accordingly.

RESOLUTIONS

RECALLING SENATE BILL No. 377 FROM THE GOVERNOR

Mr. O'KEEFE offered the following resolution which was twice read, considered and adopted:

In the House of Representatives, May 5, 1937.

Resolved (if the Senate concur), That Senate Bill No. 377, Printer's No. 243, entitled "An act to re-enact and further amend the act approved the first day of June one thousand nine hundred and thirty-three (Pamphlet Laws 1409) entitled 'An act authorizing the Secretary of Highways to enter into agreements relating to support for State highway right of ways underlaid by coal and for the ascertainment and assessment of damages sustained by reason of the obligation to furnish such support whether the damages are payable by the Commonwealth or a county' extending said act to all counties of this Commonwealth," be recalled from the Governor for the purpose of amendment.

Ordered, That the Clerk present the same to the Senate for concurrence.

MOTHER'S DAY

Mr. BURROWS offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 5, 1937.

The second Sunday in May has become known universally as Mother's Day. On this day we recall the memories of the mothers who have departed, seek to brighten the lives of those who remain by some act of kindness and encourage all to honor their mothers. On this day is worn the carnation emblem of purity, beauty and fidelity, therefore be it

Resolved, That the members of the House of Representatives of the Commonwealth of Pennsylvania celebrate Mother's Day next Sunday, May 9, by doing honor to their mothers and to the memory of those mothers who have departed this life.

BASEBALL

Messrs. PRESTON and BOHN offered a resolution which was twice read, considered and adopted as follows:

Whereas, This Session of the Legislature is gradually coming to a close, and many of the Members are anxious for a little recreation, and

Whereas, There are many Members with previous professional baseball experience who have been anxious to participate in a baseball game with the Senate, and

Whereas, The ages of the Senators are such that they would be unable to stand the grind of a nine inning ball game, and

Whereas, The single members of this House have been issuing constant jibes at the married members with regards to sports, poker games and whatnot,

Now Be It Resolved, That the single members of this House of Representatives issue a challenge to the married members to a baseball game to be played at a place and time set by a committee to be appointed by the Speaker of this House; the loser of said ball game to treat the winner to a dinner at a place chosen by the committee on the part of the single and married members, it being definitely understood that said dinner is not to be at "Peanut Joe's."

SYMPATHY EXTENDED

Messrs. WESTRICK, O'CONNOR, CHERVENAK and LOPRESTI offered a resolution which was twice read, considered and adopted as follows:

In the House of Representatives, May 5, 1937.

Whereas, The Divine Master has called to his reward an honorable and long-time resident and citizen of Cambria County, Edward W. Walsh; and

Whereas, He served faithfully, efficiently and honorably as Workmen's Compensation Referee, which position he held at the time of his death; and

Whereas, The family will find solace that where he was known he was loved and admired; and

Whereas, While he was living, Edward W. Walsh had a kind word and a cheerful greeting for everyone, and his disposition was of such nature as to radiate good fellowship; therefore be it

Resolved, That the House of Representatives extend to the widow, Mrs. Edward W. Walsh, and family, our deepest sympathy; and be it further

Resolved, That a copy of this resolution be transmitted by the Chief Clerk to the widow of the deceased.

REPORTS FROM COMMITTEES

Mr. STEWART, from the Committee on Highways, reported as committed, House Bill No. 1257, entitled:

An Act to further amend section five of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (P. L. 551), entitled "An act relating to roads, highways and bridges;" increasing the maximum width of public roads.

Mr. HOLLAND, from the Committee on Military Affairs, reported as amended, House Bill No. 1780, entitled:

An Act to amend section five and sections sixteen, seventeen and twenty-one, as amended, of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (P. L. 710), entitled "An act allowing and regulating boxing, sparring and wrestling matches and exhibitions; establishing a State Athletic Commission; making an appropriation therefor; and appropriating moneys received for monument and memorial purposes; and prescribing penalties," by providing for; promoters, partnerships and co-promoters; a bond to protect contestants, managers and officials; changing license fees for promoters, boxers, seconds, managers and wrestlers; and requiring payments to the Commonwealth for complimentary tickets.

Mr. FINNERTY, from the Committee on Motor Vehicles, reported as committed, House Bill No. 1777, entitled:

An Act to further amend the act, approved the first day of May, one thousand nine hundred and twenty-nine (P. L. 905), entitled "An act for the protection of the public safety; regulating the use of highways, and the operation of vehicles, tractors, street cars, trackless trolley omnibuses, bicycles, pedestrians, and the riding of animals upon the highways of this Commonwealth; providing for the titling, including liens, encumbrances, and legal claims; registration of certain vehicles and licensing the operators thereof. upon payment of prescribed fees; prescribing and limiting the powers of local authorities to deal with the subject matter of this act; conferring powers and imposing duties upon the Department of Revenue, the Department of Highways, peace officers, mayors, burgesses, magistrates, aldermen, justices of the peace, the courts and the clerks thereof, owners of vehicles, and garage keepers; providing that records are admissible as evidence; imposing upon owners, counties, cities, boroughs, incorporated towns, townships, within the Commonwealth, liability for damages caused by the negligent operation of their motor vehicles; imposing penalties; imposing certain costs upon counties providing for the disposition of

fines, forfeitures, fees, and miscellaneous receipts; making an appropriation; and providing for refunds," by further limiting the number and weight of trailers and semi-trailers that may be drawn by or attached to motor vehicles operated on highways.

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 81, entitled:

An Act authorizing courts of common pleas to stay writs of eviction, against certain classes of tenants in certain cases; providing for continuance of return days for writs of eviction and authorizing the execution thereof without issuance of further writs.

Mr. BROWNFIELD, from the Committee on State Government, reported as committed, House Bill No. 1615, entitled:

An Act authorizing the Department of Property and Supplies to acquire by purchase, or gift or lease or condemnation on behalf of the Commonwealth of Pennsylvania, the property of the Seventh Day Baptists of Ephrata, in whole or in part; to provide for the control, management and the supervision of the property when acquired by the Pennsylvania Historical Commission; authorizing the commission to maintain the same and make and enforce rules and regulations for its preservation and visitation thereof and making an appropriation for such acquisition and maintenance.

Mr. FALKENSTEIN, from the Committee on Municipal Corporations, reported as committed, House Bill No. 1342, entitled:

An Act to amend the title of and section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws, four hundred sixty-three) entitled "An act providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes;" by extending the purposes and powers therein granted to the Authorities and extending the time therein provided for the creation of the Authority and the time within which projects shall be begun.

Mr. COAKLEY, from the Committee on Insurance, reported as amended, House Bill No. 2226, (Senate Bill No. 814), entitled:

An Act to amend the act approved the seventeenth day of July one thousand nine hundred and thirty-five (Pamphlet Laws one thousand ninety-two) entitled "An act defining fraternal benefit societies and their status authorizing such societies to create subordinate lodges and to pay benefits to members and their beneficiaries from funds collected and regulating such benefits and collections providing for the organization and incorporation of such societies and for their supervision regulation and examination by the Insurance Commissioner and for the admission of foreign societies designating tables of mortality as a basis for rates of contribution requiring all societies to make annual and other reports and appointing the Insurance Commissioner as attorney for service of process providing penalties for any violations of the act exempting such societies from taxation and certain other societies from its provisions and requiring beneficial associations other than fraternal benefit societies to report to and be supervised by the Insurance Commissioner and repealing existing laws" empowering the Insurance Commissioner to make periodical examination of such societies and requiring such societies to furnish the Insurance Commissioner any information he may desire providing penalties.

Mr. HARKINS, from the Committee on Elections, reported as committed, House Bill No. 2174, (Senate Bill No. 652), entitled:

An Act to provide for the permanent personal registration of electors in cities of the third class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, political bodies, registration commissions, commissioners, registrars, inspectors of registration and other appointees of registration commissions, county election boards, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners,, peace officers, county treasurers, county controllers, registrars of vital statistics, certain public utility corporations, real estate brokers, rental agents, and boards of school directors; imposing penalties, and repealing existing legislation.

Mr. HARKINS, from the Committee on Judiciary General, reported as committed, House Bill No. 1122, (Senate Bill No. 193), entitled:

An Act making unlawful the owning using or possessing by the sale to or for and the giving furnishing or lending to any person under the age of sixteen of any air rifle or air gun and prescribing penalties.

Mr. KEENAN, from the Committee on Counties, re-reported as committed, House Bill No. 2143, (Senate Bill No. 607), entitled:

An Act providing for the fixing of the salaries and compensation of officers clerks stenographers and employes appointed by judges of the courts of this Commonwealth in counties of the second class where salary boards exist by law.

Mr. FLANNERY, from the Committee on Public Health and Sanitation, re-reported as amended, House Bill No. 393, entitled:

An Act making an appropriation to the Department of Health for the purpose of draining flooded mines and quarries in this Commonwealth to recover human bodies lost therein.

Mr. FRANCIS T. BAKER, from the Committee on Insurance, re-reported as amended, House Bill No. 1755, entitled:

An Act providing for the regulation by the Insurance Department of non-profit corporations organized to provide hospital care and service for subscribers; prescribing legal investments for the funds of such corporations and the hospitals with which such corporations may enter into contracts for hospital care and service; conferring powers on the Insurance Department and the Department of Welfare; exempting such corporations from taxation; and providing penalties.

BILL RE-REFERRED

Mr. KILROY returned from the Committee on Highways with the recommendation that it be re-referred to the Committee on Forestry, House Bill No. 1327, entitled:

An Act providing for the construction of slack water dams in conjunction with State highway bridge and cul-

vert improvements; defining the powers and duties of the Department of Highways, and the Water and Power Resources Board; authorizing political subdivisions, persons, copartnerships, associations, corporations and the Board of Fish Commissioners to contribute to the cost of the construction, maintenance and repair of any such dam; providing for acceptance by agencies of the Commonwealth of gifts and lease of lands; and making appropriations from the Motor License Fund and the Fish Fund.

The SPEAKER. The bill is now re-referred to the Committee on Forestry.

BILL ON FIRST READING

Mr. FALKENSTEIN. Mr. Speaker, I ask unanimous consent to have House Bill No. 1342 read the first time.

The SPEAKER. Will the House give its unanimous consent to read the bill the first time? Are there objections?

Mr. WOODSIDE. Mr. Speaker, I would like to interrogate the gentleman from Philadelphia, Mr. Shepard.

The SPEAKER. Will the gentleman from Philadelphia permit himself to be interrogated?

Mr. SHEPARD. I will, Mr. Speaker.

Mr. WOODSIDE. Mr. Speaker, I would like to inquire of the gentleman from Philadelphia whether there is any necessity for hurrying this bill in this manner, rather what the necessity is for hurrying this bill.

Mr. SHEPARD. Mr. Speaker, in reply to the question of the gentleman from Dauphin, I will state that this is a very important bill creating an authority for the city of Philadelphia. We are anxious to get it through because there may have to be a court test to decide the constitutionality of the bill, and for that reason it is very important that we speed the bill on its way. The companion bill has already been passed by this House.

The SPEAKER. The Chair hears no objections and consent is granted.

Agreeably to order,

The House proceeded to the first reading and consideration of House Bill No. 1342, entitled:

An Act to amend the title of and section four of the act, approved the twenty-eighth day of June, one thousand nine hundred and thirty-five (Pamphlet Laws four hundred sixty-three), entitled "An act providing, for a limited period of time, for the incorporation, as bodies corporate and politic, of "Authorities" for municipalities; defining the same; prescribing the rights, powers, and duties of such Authorities; authorizing such Authorities to acquire, construct, improve, maintain, and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and for other purposes;" by extending the purposes and powers therein granted to the Authorities and extending the time therein provided for the creation of the Authority and the time within which projects shall be begun.

And said bill having been read at length the first time,

Ordered, To be laid aside for second reading.

BILLS INTRODUCED

Mr. HERBERT B. COHEN asked and obtained unanimous consent to have a bill introduced, the title of which was read as follows:

An Act empowering cities of the third class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus.

Mr. JOHN A. SMITH asked and obtained unanimous consent of the House to introduce a bill, the title of which was read as follows:

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the re-organization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," prohibiting employes of certain agencies after leaving employment from practicing before such agencies for a certain period.

SENATE MESSAGE

RESOLUTION FOR CONCURRENCE

The Clerk of the Senate being introduced presented an extract from the Journal of the Senate, which was read as follows:

In the Senate of Pennsylvania, May 5, 1937.

Whereas, The present Anthracite Mine Code was enacted more than forty years ago since which time mining conditions have changed materially; and

Whereas, It appears that the development of the mining laws has not kept step with the development of this industry and are in need of study and revision; therefore be it

Resolved (if the House of Representatives concur), That a joint legislative committee is hereby created which shall be composed of three persons appointed by the President Pro Tempore of the Senate, and four persons appointed by the Speaker of the House of Representatives, whose duty it shall be to make a thorough study and prepare a complete revision and restatement of the laws regulating anthracite mines in this Commonwealth, and report the same to the General Assembly at its session in the year 1939, not later than February first;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Ordered, That the Clerk present the same to the House of Representatives for its concurrence.

The SPEAKER. The resolution is referred to the Committee on Mines and Mining.

RESOLUTIONS INTRODUCED AND REFERRED

By Mr. YOURISHIN

(Concurrent) RESOLUTION No. 78.

In the House of Representatives, May 5, 1937.

Whereas, The present Anthracite Mine Code was enacted more than forty years ago since which time mining conditions have changed materially; and

Whereas, It appears that the development of the mining laws has not kept step with the development of this industry and are in need of study and revision; therefore be it

Resolved (if the Senate concur), That a joint legislative committee is hereby created which shall be composed of three persons appointed by the President Pro Tempore of the Senate, and four persons appointed by the Speaker of the House of Representatives, whose duty it shall be to make a thorough study and prepare a complete revision and restatement of the laws regulating anthracite mines in this Commonwealth, and report the same to the General Assembly at its session in the year 1939, not later than February first;

Resolved, That the said committee shall have power to issue subpoenas under the hand and seal of its chairman requesting and commanding any person or persons to appear before them and to answer such questions touching matters properly being inquired into by the committee, and to produce such books, papers, records and documents as the committee may deem necessary. Such subpoenas may be served upon any person and shall have the force and effect of subpoenas issued out of the courts of this Commonwealth. Each member of said committee shall have power to administer oaths and affirmations to witnesses appearing before the committee. Any person who shall wilfully neglect or refuse to testify before said committee or to produce any books, papers, records or documents shall be subject to the penalties provided by the laws of the Commonwealth in such cases.

Referred to the Committee on Mines and Mining.

By Mr. HOLLAND (Concurent) RESOLUTION No. 79.

In the House of Representatives, May 5, 1937.

Whereas, The Joint Veterans' Committee of Allegheny County has memoralized the President of the United States to effectuate a change in the WPA program involving the establishment of a permanent Federal Bureau to find employment, the employment of employables, irrespective of need, through the Federal Employment Service and the complete centralization, in the Federal Government, of the work relief program, and

Whereas, This memorial of said council urges the Legislature of this State to support the above program by its memorial to Congress, therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania hereby memoralizes the Congress of the United States to enact legislation deemed suitable to carry into effect the program outlined in the preamble hereof.

Resolved, That a copy of this resolution be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States by the Chief Clerk of this House.

Referred to the Committee on Rules.

BILL INTRODUCED AND REFERRED

By Mr. BOIES. HOUSE BILL No. 2259.

An Act making an appropriation to the Department of Labor and Industry for the rehabilitation of the deaf and hard of hearing and for the purpose of matching additional Federal funds.

Referred to the Committee on Appropriations.

SENATE MESSAGE

SENATE BILL FOR CONCURRENCE

The Clerk of the Senate being introduced, presented for concurrence bill numbered and entitled as follows:

SENATE BILL No. 953. (HOUSE BILL No. 2260).

An Act providing for the commencement of civil actions for damages arising from any accident or injury occurring upon real estate the footways and curbs adjacent thereto and providing for the service of process in such cases.

Referred to the Committee on Judiciary General.

BILLS REFERRED

By Mr. HERBERT B. COHEN. HOUSE BILL No. 2261.

An Act empowering cities of the third class to liquidate certain indebtedness of volunteer fire companies incurred for the purchase of fire engines or fire apparatus.

Referred to the Committee on Cities.

By Messrs. JOHN A. SMITH, DYSON and HETRICK. HOUSE BILL No. 2262.

An Act to amend the act, approved the ninth day of April, one thousand nine hundred and twenty-nine (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and to the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and emloyes of certain departments, boards and commissions shall be determined," prohibiting employes of certain agencies after leaving employment from practicing before such agencies for a certain period.

Referred to the Committee on State Government.

ANNOUNCEMENTS

COMMITTEE MEETINGS

The Committee on Mines and Mining will meet Monday evening at 8:30 p. m. in Room 521.

The meeting of the Committee on Ways and Means scheduled for Monday night has been cancelled. There will be a meeting of this committee later on in the week.

Public hearings:

Tuesday, May 11, at 11.00 a. m., on House Bill No. 883, in the House Caucus Room before the Committee on Insurance.

Tuesday, May 11, at 3.00 p. m., on House Bill No. 650, in Room 323, before the Committee on Railroads and Railways.

Wednesday, May 12, at 11.00 a. m., on House Bill No. 1690, in the House Caucus Room before the Committee on Mines and Mining.

ADJOURNMENT

Mr. DECKER. Mr. Speaker, I move that this House do now adjourn until Monday, May 10, 1937, at 9.00 p. m.

The motion was agreed to, and (at 6.04 p. m.) the House adjourned until Monday, May 10, 1937, at 9.00 p. m. E. S. T.

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